

74
.P 84/10

1022

90-19
61-06
90-19
90-19
90-19

FRANKED MAIL—RATIO OF SUBSTITUTE TO REGULAR
POSTAL EMPLOYEES

GOVERNMENT
Storage

HEARINGS

BEFORE THE



COMMITTEE ON POSTAL OPERATIONS
OF THE

COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

FIRST SESSION

ON

H.R. 11060

A BILL TO REDUCE FROM FIVE TO FOUR, THE RATIO OF
CAREER SUBSTITUTES TO REGULAR EMPLOYEES IN THE
POSTAL FIELD SERVICE

H.R. 438 and H.R. 8924

BILLS TO AMEND TITLE 39, UNITED STATES CODE, WITH
RESPECT TO FRANKED MAIL COVERS OF MEMBERS OF
CONGRESS, AND FOR OTHER PURPOSES

JUNE 27 AND 28, 1967

SERIAL NO. 90-19

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



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1967

81-109

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

THADDEUS J. DULSKI, New York, *Chairman*

DAVID N. HENDERSON, North Carolina
ARNOLD OLSEN, Montana
MORRIS K. UDALL, Arizona
DOMINICK V. DANIELS, New Jersey
ROBERT N. C. NIX, Pennsylvania
JOE R. POOL, Texas
WILLIAM J. GREEN, Pennsylvania
JAMES M. HANLEY, New York
CHARLES H. WILSON, California
JEROME R. WALDIE, California
RICHARD C. WHITE, Texas
WILLIAM D. FORD, Michigan
LEE H. HAMILTON, Indiana
FRANK J. BRASCO, New York

ROBERT J. CORBETT, Pennsylvania
H. R. GROSS, Iowa
GLENN CUNNINGHAM, Nebraska
EDWARD J. DERWINSKI, Illinois
ALBERT W. JOHNSON, Pennsylvania
JAMES T. BROYHILL, North Carolina
DANIEL E. BUTTON, New York
WILLIAM L. SCOTT, Virginia
PHILIP E. RUPPE, Michigan
JAMES A. McCLURE, Idaho
FLETCHER THOMPSON, Georgia

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

WILLIAM A. IRVINE, *Assistant Staff Director*
THEODORE J. KAZY, *Senior Staff Assistant*

SUBCOMMITTEE ON POSTAL OPERATIONS

ROBERT N. C. NIX, Pennsylvania, *Chairman*

ARNOLD OLSEN, Montana
WILLIAM J. GREEN, Pennsylvania
JEROME R. WALDIE, California
RICHARD C. WHITE, Texas

GLENN CUNNINGHAM, Nebraska
H. R. GROSS, Iowa
EDWARD J. DERWINSKI, Illinois

Ex Officio Voting Members

THADDEUS J. DULSKI, New York

ROBERT J. CORBETT, Pennsylvania

CONTENTS

Hearings held on—	Page
Tuesday, June 27.....	1
Wednesday, June 28.....	37
Statement of—	
Gibson, Everett G., president, National Federation of Post Office Motor Vehicle Employees, AFL-CIO, accompanied by Chester W. Parrish, national secretary and treasurer.....	52
Goodman, Sidney A., president, National Postal Union; accompanied by David Silvergleid, secretary-treasurer.....	47
Keating, Jerome J., president, National Association of Letter Carriers.....	21
McAvoy, Harold, national president, National Association of Post Office Mail Handlers, Watchmen, Messengers, & Group Leaders, AFL-CIO.....	34
May, Hon. Timothy, General Counsel, Post Office Department.....	14
Murphy, Hon. Richard, Assistant Postmaster General, Post Office Department.....	3
Nilan, Patrick J., legislative director, United Federation of Postal Clerks, accompanied by Don E. Dunn, executive vice president; Joseph Thomas, director of organization; and Emmett Andrews, executive aide.....	37
Smith, Ashby G., president, National Alliance of Postal and Federal Employees.....	56
Womack, Henry H., president, National League of Postmasters of the United States.....	54
Communications received from—	
Burleson, Hon. Omar, chairman, Committee on House Administration, to Hon. Robert N. C. Nix, chairman, Subcommittee on Postal Operations, letter dated June 26, 1967.....	13
O'Brien, Hon. Lawrence F., Postmaster General, to Hon. Thaddeus J. Dulski, chairman, Committee on Post Office and Civil Service, letter dated June 27, 1967.....	20
Goodman, Sidney A., president, National Postal Union, to Hon. Lawrence F. O'Brien, Postmaster General, letter dated March 2, 1966.....	49
Goodman, Sidney A., president, National Postal Union to Hon. Lawrence F. O'Brien, Postmaster General, letter dated January 20, 1967.....	51
Additional material—	
Text of H.R. 11060, H.R. 438, and H.R. 8924.....	1
Post Office Department's proposed guidelines to guide Members of Congress in the mailings they send out.....	17

FRANKED MAIL—RATIO OF SUBSTITUTE TO REGULAR POSTAL EMPLOYEES

TUESDAY, JUNE 27, 1967

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

The subcommittee met, pursuant to call, at 10 a.m., in room 2257 Rayburn House Office Building, Hon. Robert N. C. Nix (chairman of the subcommittee) presiding.

Mr. Nix. The subcommittee will be in order.

The first topic for consideration will be two bills by Mr. Cunningham which would transfer jurisdiction for congressional franked mail problems from the Post Office Department to the Administration Committees of the House and the Senate. There should never be any suspicion, whether well founded or otherwise, that administration officials interfere with the mailing of material by minority party Congressmen.

The Post Office Department supports this bill. It believes that this is really a matter of congressional ethics or standards. This may very well be a case where a Congressman's actions should be judged by his peers rather than an agency of the executive branch. We expected to have Mr. Bursleson, chairman of the House Administration Committee, speak on this subject but, unfortunately, he is otherwise detained and finds it impossible to appear here today.

The second topic that we have for consideration—and the order may be changed—is a bill introduced by myself as chairman of the subcommittee in response to a request to do so by the administration. The bill, H.R. 11060, would change the ratio of substitute carriers from 1 to 5 regular employees to a new ratio of 1 to 4 regular employees.

The present ratio of 1 to 5 does not cover leave and absences resulting from sickness among regular employees. A new ratio of 1 to 4 would be able to provide, for example, substitute carriers for necessary leave time and absences by letter carriers. This bill is supported by the Letter Carriers Union. There is some opposition by other unions, I understand.

Whatever it is, this committee proposes to hear it.

At this point in the record, without objection, will be placed the bills, H.R. 11060, H.R. 438, and H.R. 8924.

(The bills referred to are as follows:)

[H.R. 11060, 90th Cong., first sess.]

A BILL To reduce from five to four, the ratio of career substitutes to regular employees in the postal field service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3302 of title 39, United States Code, is amended by striking out the word "five" in subsections (b) and (c) and inserting in lieu thereof the word "four".

[H.R. 438, 90th Cong., first sess.]

A BILL To amend title 39, United States Code, with respect to franked mail covers of Members of Congress, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4151 of title 39, United States Code, is amended by adding at the end thereof the following:

“‘Franked mail covers’ means envelopes, wrappers, labels, or cards used to transmit franked mail.”.

(b) Section 4153 of title 39, United States Code, is amended by adding at the end thereof the following subsection:

“(c) Franked mail covers mailed by Members and Members-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives shall bear under the frank the endorsement ‘Postage rates and fees paid by the Congress of the United States.’.”.

(c)(1) The heading of section 4153 of title 39, United States Code, is amended to read as follows—

“§ 4153. Endorsements on penalty and franked mail covers.”.

(2) The table of contents of chapter 57 of title 39, United States Code, is amended by striking out—

“4153. Endorsements on penalty covers.”

and inserting in lieu thereof—

“4153. Endorsements on penalty and franked mail covers.”.

[H.R. 8924, 90th Cong., first sess.]

A BILL To relieve the Postmaster General of responsibility for determining mailability under the congressional frank, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4167(a) of title 39, United States Code, is amended by adding at the end thereof the following sentence: “The envelopes or labels of matter sent through the mails by the Vice President, Members and Members-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, as franked mail, shall bear, in the upper right-hand corner, the sender’s signature or a facsimile thereof, and the printed words ‘Postage Paid by Congress.’.”

(b) Section 4167 of title 39, United States Code, is further amended by adding at the end thereof the following subsections:

“(c) Postage paid pursuant to subsection (a) of this section shall be deemed payment for all matter mailed under their frank by the Vice President, Members and Members-elect of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives.

“(d) Money collected by either House of Congress for matter improperly mailed under the congressional franking privilege shall be deposited as miscellaneous receipts in the General Fund of the Treasury.”.

SEC. 2. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives and, as such, shall be considered a part of the rules of the Senate or House of Representatives, as the case may be, to the extent to which specifically applicable thereto; and the rules of the Senate or House of Representatives, as the case may be, as amended by this section, shall supersede other rules thereof only to the extent inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate or House of Representatives, as the case may be, to change the rule applicable thereto, as amended by this section, at any time, in the same manner, and to the same extent as any other rule thereof.

(b) Paragraph 1(p)(1) of the Standing Rules of the Senate, relating to the Committee on Rules and Administration, is amended by adding at the end thereof the following new item:

“(G) Matters relating to the use of the franking privilege by the Vice President, Senators and Senators-elect of the United States, the Secretary of the Senate, and the Sergeant at Arms of the Senate for the transmission of matter in the mails.”.

(c) Clause 9 of rule XI of the Rules of the House of Representatives, relating to the Committee on House Administration, is amended—

(1) by redesignating paragraph (n) as paragraph (o); and

(2) by adding, immediately following paragraph (m), the following new paragraph (n):

“(n) Matters relating to the use of the franking privilege by Members and Members-elect of the House of Representatives and the Clerk of the House of Representatives for the transmission of matter in the mails.”

SEC. 3. (a) The second paragraph of section 37 of the Act of January 12, 1895, as amended (28 Stat. 606, 33 Stat. 9; 44 U.S.C. 162, 185), is amended by striking out “Free” and inserting in lieu thereof “Postage Paid by Congress”.

(b) Public Resolution No. 23 entitled “Joint resolution providing for the printing annually of franks required for sending out seed”, approved May 19, 1902 (32 Stat. 741; 44 U.S.C. 226), is amended by inserting immediately after “Congressional Seed Distribution” and before the last quotation marks, a period and the following: “Postage Paid by Congress.”

Mr. Nix. Now, the first witness that we have on the agenda is Mr. Richard Murphy, Assistant Postmaster General.

Mr. Murphy, it is a pleasure to have you appear here today, and you may proceed as you wish.

STATEMENT OF RICHARD MURPHY, ASSISTANT POSTMASTER GENERAL

Mr. MURPHY. Thank you so much, Mr. Chairman. First of all, on behalf of General O'Brien, I want to thank you for holding this hearing today and for introducing this bill at our request.

Mr. Chairman and members of the committee, it is a pleasure for me to appear before this committee to explain the Department's position on H.R. 11060. This bill, introduced by Congressman Nix, chairman of this subcommittee, would increase the number of career substitutes we are permitted to employ in relation to the number of regular employees in the postal field service. This proposed change is designed for the benefit of the merit system in that it increases the number of career opportunities available in the Post Office Department and correspondingly reduces the number of noncareer temporary positions.

What employees should be used, when they should be used, and how they should be used is a function of the employing supervisor—more specifically in the Postal Establishment, the Bureau of Operations. Mr. McMillan, Assistant Postmaster General for Operations, for a number of years has been concerned with how to best plan, schedule, and assign employees to perform the multitudinous postal jobs. During the past years while mail volume has skyrocketed, the Department has been faced with the requirements of dealing with an entirely new set of rules; some specified by law as in Public Law 89-301 and some agreed on in our labor negotiations with our employee unions. Mr. McMillan and his staff have made remarkable progress in improving the postal service, but one item about which he has been disconcerted is the large number of “temps” on the rolls. It was his special desire to seek relief from the 1-to-5 ratio in order to permit the employment of more career substitutes in lieu of temporary substitutes. Regretfully, Mr. McMillan could not be here today, but I have along with me some of his key staff associates who are prepared to provide this committee with any specifics on operations and schedules desired.

Before we discuss the implications of H.R. 11060, it is well that we reaffirm at the outset certain principles of our personnel policy as it relates to postal employment. We unequivocally acknowledge that the best postal service is given by our career regulars. These employees are the backbone of the postal service—their efficiency is higher, their postal knowledge is broader, their interest in service is keener, their turnover is exceptionally low. Accordingly, Postmaster General O'Brien has directed that we staff our postal installations with the maximum number of regular employees that can be administratively and economically justified. It was with these thoughts in mind that the Department vigorously testified in favor of paying substitutes overtime after 40 hours in a week, for by such action the economic incentive to use substitutes instead of regulars was eliminated. And it was because we wanted more regulars that we testified in behalf of legislation to exempt the Post Office Department from legal limitations on the number of permanent or regular positions we could establish. The substitute overtime bill was enacted as part of Public Law 89-301, October 1965, and the legislative ceiling on postal employment was dropped when Public Law 89-114 was enacted August 1965.

This chart shows that since fiscal year 1965 and through this past month the Post Office Department has created 67,940 additional regular positions, in addition to 14,197 career substitute positions. So that I think this is an indication of our interest to try to do something about regularizing the postal force.

Fiscal years 1965, 1966, 1967 (to date)

Fiscal year	Regulars	Substitutes	Ratio
1965.....	6,574	1,799	1:3.65
1966.....	28,872	6,239	1:4.63
1967.....	32,494	6,159	1:5.28
Total.....	67,940	14,197	1:4.79

The regular postal employee is one aspect of our concern. Our total goal is to stabilize employment and reduce turnovers. To achieve this goal we are also pursuing two other avenues: To increase the number of career substitutes and to stabilize part-time employment through the use of hourly rate regulars. We do not like to employ temporaries. But they must be employed when conditions give us no alternative. The major reason for our "temps" is simply that we have reached the maximum career substitutes allowed under law, but additional persons are still needed to process and deliver mail.

This bill, if enacted will permit us to substantially add to the number of career positions and correspondingly reduce the number of temporary employees on the rolls in first-class post offices. In essence, under current law the 1-to-5 ratio says that about 16 percent of our career staff shall be career substitutes. The 1-to-4 ratio would raise this to about 20 percent. In actual practice, to give the taxpayers the best service within law, we have been required to employ temporary indefinite substitutes in addition to the legally prescribed number of career substitutes. As of May 19, 1967—our last reporting date—this is the relative status of personnel on the rolls:

Regulars.....	494, 690
Career substitutes.....	99, 738
Temporary substitutes (includes 11,200 postal assistants).....	96, 080

From the temporary substitutes, we would subtract these employees who would not be affected by the change in ratio since they are employed in our small offices:

Substitute rural carriers.....	15, 692
3d-class office clerks.....	13, 902
Temporary substitutes 2d-class post offices, estimated.....	11, 000

This then leaves a total of about 44,000 temporary substitutes in first-class post offices exclusive of 11,200 postal assistants.

Contrary to the typical meaning of the word "substitute," in the postal service the word does not mean "to take the place of someone else." Instead, the term has come to mean those persons employed as additional manpower to cover additional assignments, to undertake part-time jobs, to respond to intermittent calls as workload demanded, and to take the place of absent regulars. Actually, they are an auxiliary force designed to augment the work force as needed. The first ratio for substitutes was passed in 1935 in order to provide a semblance of order among all the many persons seeking postal employment during the trying days of the depression. In 1935, the ratio was set at 1 to 12, 1 to 10, or 1 to 8 regulars depending on the size of the office. The very smallest offices had a ratio of 1 to 12, the very largest a ratio of 1 to 8.

In 1936 the ratio was changed to 1 to 6 to provide for compensatory time coverage granted by Public Law 275, August 1935, which established the 5-day week. In 1955 because of increased sick and annual leave benefits to postal employees, granted some years previous, a ratio of 1 to 5 was enacted. Specifically, the current law provides the following:

SECTION 3303. SUBSTITUTE POSITIONS

(a) Except as otherwise provided in this section the Postmaster General shall prescribe the conditions under which substitutes may be appointed.

(b) The Postmaster General may appoint not more than one career substitute to five regular employees, or fraction thereof, in any of the following categories:

- (1) postal transportation clerks;
- (2) post office clerks;
- (3) city letter carriers;
- (4) village letter carriers;
- (5) mail handlers;
- (6) watchmen;
- (7) messengers;
- (8) employees of the Motor Service.

(c) In post offices having fewer than five regular employees, the Postmaster General may appoint one career substitute clerk, carrier, and employee in the Motor Vehicle Service.

(d) The Postmaster General may not appoint additional career substitutes until the ratios prescribed by this section are established.

(e) The Postmaster General may not furlough or dismiss a career substitute in the categories covered by this section to meet requirements of this section.

To appreciate why the postal service needs auxiliary personnel and to especially appreciate why we need a change in the legal ratio at this time, it is appropriate to view our needs in the context of operational and legal requirements.

Operational

The postal service has a very special, ever pressing, ever active Federal function. It is depended upon and used by every person in

the country regardless of economic status or geographical location. Because of the demands, dependence, and service expectation of the Nation with respect to this activity, its very operation is unique as compared to typical governmental or private enterprises.

In its hour-to-hour operation, the postal service is constantly engaged in a battle against time. The movement of mail is a must, and the clock is an ever-present reminder of deliveries to be made, trains to be met, trucks to be dispatched. Mail cannot be backlogged to be worked tomorrow or next Monday. Absences unless covered by someone else can only result in delayed mail.

The battle against time is further complicated by an uncontrollable and unpredictable mail volume. Considerable success has been achieved with the scheduling of mail deposits on a cooperative basis. For example, our NIMS efforts have caused considerably more first-class mail to be deposited before 5 o'clock in the afternoon. Before NIMS about 75 percent of first-class mail was deposited after 5 p.m.—now it averages about 50 percent.

The fact remains that we must be prepared to cope with mail volumes generated by the public at their convenience. This demands a unique manpower capability. We cannot gear our total manpower needs to fixed and predetermined patterns of volumes; nor to volumes which can be worked at times suitable to us. Nightwork, dawn shift work, Saturday and Sunday work is not something we can do away with unless the American public is willing to accept curtailed service.

In addition to the ever present and unavoidable "peaks" and "valleys" of volume, we must depend on transportation networks which we cannot control but only exercise a moderate degree of influence upon. Thus, the two basic criteria for scheduling manpower, (1) controlling input and (2) timing output are matters over which individual post offices have little if any control. To meet this situation with any degree of economy and efficiency, there must be present a system which permits at all times a fluid use of manpower. Any limitation which restricts this flexibility only results in waste and unsatisfactory operations.

Legal

Since the enactment of the 1-to-5 ratio in 1955 there have been a number of additional pieces of legislation affecting postal employment but none as dramatic in its impact on manpower utilization as Public Law 89-301, October 1965. That law required major changes in the structuring of the work force in almost every post office. Public Law 89-301 was rightfully supported by the Department because it at long last brought many of our employment practices into alinement with those generally prevailing among the more progressive firms in the private sector of the economy. The provisions of Public Law 89-301 having the greatest impact on manpower use are:

1. Provision of a basic workweek for each regular—consisting of 5 days of work, each day being at least 8 hours.
2. Prohibition of working an employee more than 12 hours in a day or extending employment, regardless of hours of work, a longer period than 12 consecutive hours. Actually this means 11½ hours of work in order to permit a 30-minute lunch.
3. Payment of overtime to substitutes for work in excess of 40 hours in a week.

As a matter of fact, most of the provisions of Public Law 89-301 were suggested by the Department; however, there were one or two provisions added in the course of the legislative process, which the Department did not support and which have proven difficult to administer—such as the 12-hour maximum work rule, the special rules regarding the Monday through Friday rule workweek and the full Sunday premium for partial Sunday duty.

Each one of these legal requirements has caused us to significantly increase our staff, particularly substitutes.

First, the establishment of the basic workweek of 5 full 8- within 10-hour days for regular employees has had the greatest impact on our manpower utilization. Prior to the enactment of this law, postmasters were able to work a regular employee for 4 hours on Saturday and Sunday and grant the employee an equal amount of compensatory time during a light work period on a designated day during the following week. By this method, postmasters had great flexibility in manpower utilization. Now, however, a regular employee cannot be scheduled to work less than 8 hours, and the thousands of assignments of 4 hours' duty on Saturdays and Sundays must be covered by substitute employees, or overtime pay must be authorized to the regular employee for such services. To reduce to a minimum the number of hours worked at a premium pay, the employee complement at a large number of post offices had to be increased. The Department is already at the allowable maximum of career substitutes to regulars based on the ratio of 1 to 5. To add more regular employees, and thereby allow more career substitutes, would not be economical nor feasible, because conversion to regular status, to be economical, must be provided in a regular assignment of 40 hours per week. Thus, the Department requires a change in ratio to 1 to 4, which not only would allow the number of substitutes needed to carry out the fractional assignments, but also maintain flexibility in manpower utilization.

Second, the 12 consecutive hour restriction affects the employment of substitute employees. Prior to Public Law 89-301, these employees were permitted to work a split shift consisting of a few hours during the morning peak and a few hours during the evening peak in order to meet distribution, delivery, and dispatch deadlines. This is no longer possible, because it would conflict with the 12 consecutive hour provision. For example, before this law was passed, a substitute employee could work from 5:30 a.m. to 8:30 a.m. and then return to duty at 5:30 p.m. and work until 8:30 p.m. Now an employee who reports for duty at 5:30 a.m. cannot be used after 5:30 p.m. on that day, regardless of the number of hours that he works during that day. This limitation on our utilization of employees had to be resolved by increasing the complement of substitute employees to meet mailing requirements.

Third, substitutes now receive overtime at the rate of time and one-half for all work performed in excess of 40 hours in a week. While we feel that the judicious use of overtime is in many cases the best way of meeting certain workload problems, overtime on a regularly scheduled basis is clearly out of the question and cannot be approved. To preclude or minimize such costs, we have added a large number of employees. But, because of the 1-to-5 ratio restriction, many of these extra employees could not be appointed as "career" but as "temps."

At this point it is well that we reestablish why we need a substitute or auxiliary force. Just what is so special about the postal service that dictates a need for irregular employment. I think there are a number of reasons. First of all:

1. *Absences.*—I have already noted that public service requires that absences be covered. An absent letter carrier does not deliver the mail; and absent mail handlers do not load trucks. Absences average from 23 percent to 32 percent per day. The present ratio of 1 to 5 is only a 20 percent coverage factor for these absences. What adds to the complication are the other items I cited earlier which restrict our use of any individual substitute; namely, the 12-hour rule and overtime.

2. *7-day mail processing, 6-day delivery and window service.*—In large operations, we can generally schedule enough regulars to cover operations. For example, one "floating" regular for every five regular letter carriers will give us 6-day delivery coverage provided everyone is present. But in small or limited operations the difficulty of coverage by regulars is quite obvious.

3. *Part-time activities.*—In the delivery service alone we have: 11,000 multiple trip delivery routes. These are business routes many of which do not call for full service on Saturday and therefore are not susceptible to coverage by regulars. A substitute has to be appointed to cover them; 10,835 short-hour collection routes; 17,795 auxiliary routes. These are delivery routes of less than 8 hours' duration.

We do not pretend that the change in ratio from 1 to 5 to 1 to 4 will solve all of our problems, nor do we suggest that this change alone will completely eliminate the use of temporary employees in the postal service. We do see this adjustment as one step in many that needs to be taken to make the postal service as fully a career service as possible. We are unhappy—very unhappy, I might say—with the number of temporaries we are currently forced to have on the rolls. Temporary employees are not as efficient nor as free from accidents, nor as "ready, willing, and able" as are our career employees in postal activities. Accordingly Postmaster General O'Brien has directed that we eliminate temps from all first-class offices, except for seasonal and emergency work, by the end of calendar 1967. We intend to meet that commitment, and to do so, very frankly, we will need help—including help from the Congress.

Presently, the Department has approximately 55,000 temporary substitutes which includes postal assistants on the rolls at first-class post offices. Some work "short-hour tours" on a regular basis and others work only "on as-needed basis." We estimate that over 20,000 temporary employees can be immediately replaced by career substitutes.

Earlier I noted that our total goal for postal employment was to stabilize employment. One aspect is to maximize the number of assignments which require fairly steady employment of 5 days a week over 8 hours a day within a span of 10 hours. This is the area of our major effort. Our second effort is to identify those less than 8 in 10-hour periods which nonetheless have a continuing regularity. This is part-time regular employment which we believe will be sufficiently attractive to people looking only for part-time work to warrant establishment as an ongoing type of postal appointment. Persons appointed to such positions would be appointed as "hourly rate regulars." Because this type of appointment is so new to the mail

operations area of the postal service and because we do not wish to embark on a new employment technique which will in any way detract from either the career or earnings prospects for present employees, we have underway this new program experimentally in one post office and we will pilot study this in another office in the near future. The pilot studies will try various mixtures of guaranteed 40 hours for career substitutes, hourly rate regulars, and controlled overtime to determine the best technique in terms of morale, motivation, costs, and service to the public.

In conclusion, H.R. 11060 is one of many steps that would help us improve postal service to the public by improved personnel management. These are the steps we have in mind, and I emphasize this first point as being our priority step.

First, maximize the number of regular positions.

Second, reduce turnover—as indicated in the attached chart; turnover is directly related to the type of appointment. As temporary appointments are reduced, turnover is reduced.

I refer to the chart that is attached at the end of my statement. I think it is an important chart because there is a great deal of misunderstanding in the postal service about what our rate of turnover is. I have seen a great deal of misinformation in the newspapers about it. I call this chart to the attention of all concerned because I think it tells a lot about the postal service. It shows that for a career regular employee, in that category the turnover in the postal service this past year—calendar 1966—was only 8.2 percent, a phenomenally low rate among Federal agencies and among private businesses; that our career substitute turnover rate was about four times that—32.6—but that our career regular and substitute rates combined are only 12.4, which is a phenomenally low turnover rate. However, where we get a higher turnover rate is in temporary substitutes, especially since they have turnover built into their appointment—most of them are appointed for a 90-day period. The turnover there is 89.9 percent. This very high turnover rate among temporary employees is what gives the Department an overall separation rate of 23.2 percent, which is higher than it has been in many years in the postal service but still under the Federal Government average as a whole, and well under the private industry turnover rate for calendar year 1966, which exceeded 55 percent.

Third, reduce the number of temporary positions:

- (a) By obtaining a 1-to-4 ratio in lieu of 1 to 5 thereby permitting employment of more career substitutes.
- (b) By establishing hourly rate regulars.

Fourth, improve management capability in scheduling and manpower utilization.

Fifth, judicious use of overtime.

Mr. Chairman, we have two alternatives available to us. One is to continue the present archaic practice with regard to our use of temporary employees in lieu of career employees. The second, and far better alternative, in my judgment, is to improve the Department's employment practices and service to the public through a well-balanced career force capable of achieving the mission which has been assigned to the Post Office Department. Mr. Chairman, thank you for allowing me to appear before this committee today to express the Department's view on the legislation which is before you. Our Department specialists

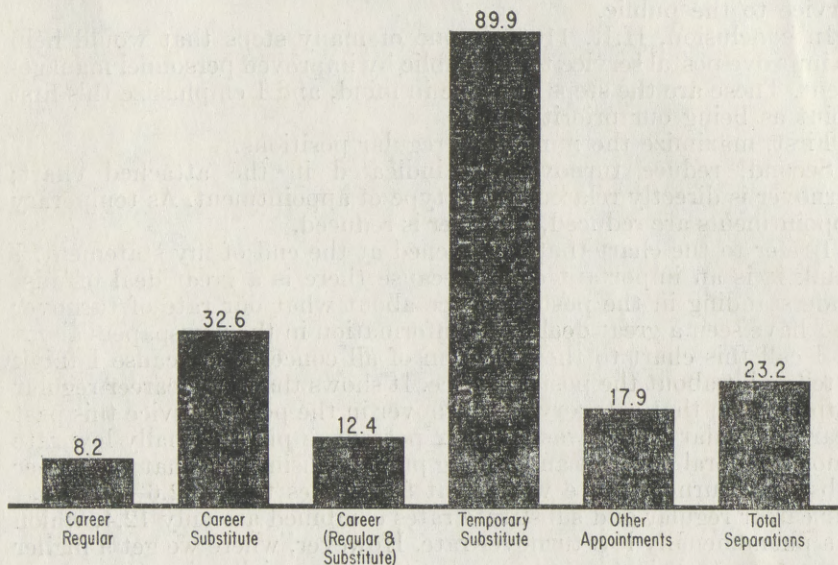
and I are available to answer any question that you and the committee may ask.

(The chart accompanying Mr. Murphy's statement follows:)

TURNOVER-CALENDAR YEAR 1966

RATE OF SEPARATION PER 100 EMPLOYEES

(By Type of Appointment)



Mr. NIX. Thank you very much, Mr. Murphy. We are indeed pleased to have you appear here today. I would like to ask you to give us the benefit of some of those objections you have heard to these proposals.

Mr. MURPHY. Yes, sir. I think there will be, sir, a number of employee organizations appearing in support of the proposals. I think the principal objection would come from the folks that feel that we ought to be appointing a lot more career regulars than we in the Department feel that we are able to appoint within the existing requirements of the law. That is, sir, that you must have 8 hours of duty within a 10-hour span recurring on a 5-day-a-week basis in order to justify the creation of a 40-hour week assignment, or regular assignment.

We in the Department, as I have indicated earlier in my testimony, have appointed over 65,000 regular employees since 1965, but there still are a large number of assignments in the Department, such as the short collection routes, such as the multiple-trip business routes on Saturday, and certain clerical functions which do not lend themselves to being scheduled on a 5-day-a-week basis. Therefore, the Department feels we cannot create as many of the regular positions as perhaps one or two of the employee organizations feel we could create. Their feeling would be that we ought to solve this problem by creating more regulars and in the existing ratio to create more career substitutes.

Mr. NIX. But it is a fact that, if enacted into the law, this will enable you to maximize the regular force.

Mr. MURPHY. Yes, sir; that is correct. It would enable us to appoint about 23,000, I think, sir, career substitutes in first-class offices that we now cannot appoint and have to appoint temporaries to. So therefore it would mean a reduction of temporary employment by about 23,000 in first-class offices and filling of those jobs by career people, people with career status who would be career substitutes.

Mr. NIX. And that would represent an approximate increase over the present number of what?

Mr. MURPHY. The current number of career substitutes, sir, that we have is 99,738, and this would enable us to appoint approximately 23,000 more career positions in the postal service, thereby to reduce our temporary substitute force by that number. As I say, we have a manageable number of temporaries in first-class offices of about 55,000 currently that we are targeting to reduce to as near to zero as possible by the end of calendar 1967. Of that 55,000, approximately 11,200 are postal assistants who would be continued on. So you are talking about roughly 43,800 jobs that we are trying to convert wherever possible to career jobs and trying to eliminate from our temporary rolls. That is our target. Combined with a judicious use of overtime, combined with a vigorous program of trying to reschedule in offices wherever possible to create the maximum number of career regulars, wherever we can get 8 hours within 10 hours' work a 5-day period, combined with the passage of this bill, this would enable the Postmaster General to meet the commitment he has made to the committees of the Congress to reduce temporaries in first-class offices to as close to zero as possible by the end of this year.

Mr. NIX. What about the cost factor? Would this tend to limit or reduce the cost instead of increasing it?

Mr. MURPHY. We think so, sir, in the sense that there is no question about it that career employees are much more efficient than temporary employees. The people that are going to be on our rolls for a considerable period of time obviously are going to become better trained in the work that they are doing and be able to perform it with greater dispatch. Also, the personnel-handling costs of putting people on and off the rolls would be reduced materially. Without taking these factors into consideration—and they are real factors—the immediate, identifiable cost that would come immediately were this bill to pass would be about \$2,500,000. It would simply identify the additional cost in providing for civil service retirement. Temporaries are under social security, not under the civil service retirement system. I think you are quite correct in saying that overall the cost to the Department would very quickly be a saving because of the increased efficiency of our career work force.

Mr. NIX. Thank you, Mr. Murphy. Mr. Cunningham?

Mr. CUNNINGHAM. I have no questions.

Mr. NIX. Mr. Waldie?

Mr. WALDIE. On page 9 where you are talking about the basic workweek of 5 full 8- within 10-hour days for regular employees, you recite thereafter the problems that that requirement causes you in utilization of manpower. I do not quite understand why you have to use temporaries on Saturday and Sunday, why you cannot schedule your regulars for 8 hours on Saturday and Sunday and pay them

premium time. Won't they produce more in 8 hours than your temporaries will produce in shifts of 4 hours, and more efficiently, even though you pay premium pay?

Mr. MURPHY. There are a number of reasons, I think. One is first of all, for example, multiple-trip business routes. It may not be necessary or desirable to provide a full 8 hours of service to multiple-trip business routes on Saturday, maybe only 4 hours of service is required; half day service. Therefore, in order to do that you have got to schedule a substitute employee, either career or temporary. You cannot schedule a regular employee because the law says that a regular employee shall have a regular work schedule of 8-hour days, 5 days in a week. Therefore, if you have a carrier who is serving a multiple-trip business route who has already served 5 full 8-hour days, Monday through Friday, when you come to Saturday and you only have 4 hours of service, you cannot schedule a regular employee for service for Saturday, you have to use a substitute.

Mr. WALDIE. Why can't you schedule them for 8 hours' work on Saturday?

Mr. MURPHY. Because the 8 hours' work is not there, just 4 hours, such as in the case of multiple-trip business routes.

Mr. WALDIE. If you have two carriers delivering two shifts of 4 hours, couldn't you put one in and let him deliver 8 hours?

Mr. MURPHY. In some cases it could be done, but in most cases it would be impractical because the delivery is done during the morning. You have two business routes going out in the morning, and he cannot, obviously, serve the two routes at the same time. Therefore, you have the problem.

Mr. WALDIE. Can't you bring him into the office for 4 hours in the afternoon and let him do work in the office?

Mr. MURPHY. If the work is there, this could be done, but the work generally is not there on Saturdays. That is the principal reason why we cannot use regular employees. Secondly, sir, to use regular employees on many of these shifts would be more expensive than using a career substitute, obviously, because you would have to pay premium time, as you pointed out. Under certain circumstances the payment of premium time to regular employees can be more efficient to the Department in the long run than the payment of regular time to a substitute. But it would all depend on whether or not the substitute was a career substitute or whether he were a temporary substitute. Career substitutes are pretty efficient in many, many cases. They certainly have a higher degree of efficiency than temporary substitutes. Therefore, the question of whether or not the payment of overtime to a career regular would in the long run be more economical to the Department depends on the employees we are talking about and depends on whether the man is a career substitute or a temporary substitute.

Mr. WALDIE. I am not in a position to argue with you, I do not know that much about it. I hope when the employee representatives appear they will testify on that point. It does seem to me that you use far more temporaries than you should in order to avoid paying premiums to regulars.

Mr. MURPHY. We do the best we can with the funds allowed to us by the committees and the Congress.

Mr. WALDIE. Is this a basic part of the position of the organizations representing the regulars, particularly, who would like to have the ratio between regulars and temporaries even further reduced than you are requesting?

Mr. MURPHY. Some of them would. I think you will find when Mr. Keating appears he will support this bill, as will Mr. McAvoy.

Mr. WALDIE. Does Mr. Keating's organization also include temporaries?

Mr. MURPHY. Oh, yes.

Mr. WALDIE. Does anyone represent just regulars?

Mr. MURPHY. No.

Mr. WALDIE. I have no further questions.

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

Mr. MURPHY. Thank you very much, Mr. Chairman, for your courtesy.

Mr. NIX. It is our pleasure always to have you with us.

I have a letter addressed to me from Congressman Omar Burleson having to do with the proposed legislation under consideration. If there is no objection, I would like to have this letter made a part of the record. Is there objection?

Mr. WALDIE. No objection.

Mr. NIX. It is so ordered.

(Mr. Burleson's letter follows:)

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C., June 26, 1967.

HON. ROBERT N. C. NIX,
Chairman, Subcommittee on Postal Operations of the Committee on Post Office and Civil Service, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to thank you for the opportunity to comment on Mr. Cunningham's bills, H.R. 438 and H.R. 8924, regarding mailability of matter under the Congressional franking privilege.

First, let me say that I am in accord with the Post Office Department's recommendation that the franking endorsement be changed to read as follows: "Postage paid by the Congress of the United States". Inasmuch as the Department is reimbursed by an appropriation for handling Congressional franked mail, the endorsement would be correct and most appropriate. Revising the printing on envelopes, labels, cards, etc. in accordance with the new endorsement does not, in my opinion, present any major obstacle in effecting such a change.

With respect to the special services offered by the Post Office Department I would favor legislation, if your Committee is so disposed, specifying the special services to be furnished so that the Department could be reimbursed for its services. This would be a fair and equitable arrangement to which no one could object.

On the other hand, I would oppose legislation aimed at relieving the Department of the duty of determining mailability under the Congressional frank and placing such responsibility in the Committee on House Administration. The Department has carried out this function for years, it has the skills and knowledge and the legal talent to perform this duty, and it possesses the necessary "know how" to continue with this operation. To place this responsibility in the House Administration Committee where no such expertise is available would be contrary to good management. I feel that this is solely a postal matter than can best be handled by postal experts who are conversant with the law and with the precedents which were established over the years.

Let me stress the point that the Department's letter and that of the Bureau of the Budget do not suggest that the Department be relieved of determining mailability of Congressional matter. Their comments on the bills cited above relate to proper reimbursement for services rendered. As indicated above, I agree with those statements.

With best wishes, I am,
Sincerely yours,

OMAR BURLESON, *Chairman.*

Mr. NIX. On this subject, our next witness is Mr. Timothy May, General Counsel of the Post Office Department.

Glad to see you again, Mr. May.

Mr. CUNNINGHAM. I join in that, Mr. Chairman.

STATEMENT OF TIMOTHY MAY, GENERAL COUNSEL, POST OFFICE DEPARTMENT

Mr. MAY. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to be here today to testify on H.R. 438 and H.R. 8924, two bills relating to the franking privilege.

The franking privilege for Members of Congress has existed under various conditions at least as far back as 1782. Presently the congressional franking privilege is covered by chapter 57 of title 39, United States Code.

Four sections in that chapter define the purposes for which a Member may use the franking privilege. Two sections of title 44, United States Code—162 and 185—instruct the Public Printer with regard to the printing of franked labels and envelopes.

In 1958, Congress determined that the cost of congressional mail should no longer be a charge on the Post Office Department and by Public Law 85-745 provided for reimbursement to the Department for this mail. This law, now codified in title 39 as section 4167, is the basis for the two legislative proposals which you have under consideration today.

H.R. 438 is primarily an internal matter within the legislative branch. However, it does affect the Post Office Department. The purpose of H.R. 438 is to conform the endorsement on franked mail to fact. Presently the law, 44 United States Code 162 and 185, requires the Public Printer to put the endorsement "Free" on those franked envelopes and labels he prints. This endorsement misleads the public since this mail is not free of payment to the Post Office Department. Section 4167 of title 39, United States Code, provides for an appropriation to be made each year to the postal revenues covering the postage on congressional franked mail. Each year the Legislative Branch Appropriation Act contains the requisite funds. Nevertheless, the word "free" causes members of the public to believe that franked mail contributes to the postal deficit. For this reason, the Department favors the purpose of H.R. 438.

However, H.R. 438 does introduce a measure of uncertainty as to which, if any, special service; that is, special delivery, registry and certified mail, are intended to be available to Members of Congress. So long as the law is clear and the Department receives reimbursement for all the services used, the Department has no concern with the extent of the franking privilege. If only ordinary mail service is intended to be covered, the new endorsement prescribed by the legislation should omit reference to "fees." On the other hand if any of the special services are intended to be covered, this should be reflected in the basic laws as for example a new section of title 39 as follows:

The Post Office Department shall provide registry, certified mail or special delivery service for matter mailed in accordance with Sections 4161-4164 of this Title when such service is requested by the mailer.

We are not proposing that; it is just an illustration of how the basic statute should be amended if these additional services are to be covered by the franking privilege.

H.R. 8924 is a matter of greater importance, in my judgment, than is H.R. 438. Current legislation as interpreted by the General Accounting Office places upon the Post Office Department, and specifically me as the General Counsel, the obligation of determining whether mail sent by a Member of Congress under his frank was properly sent as franked mail. In a decision dated August 16, 1956, B-128938, the Comptroller General has advised us that the appropriation for franked mail only covers mail which properly was entitled to that service, with the result that postage on mail which may have been mistakenly sent by a Member as franked mail is still due and should be collected from the sender. In a subsequent decision, he also refused the Department's request to review its determination adverse to a particular Member. Presumably, he found the function of reviewing a Congressman's mailings to be distasteful. Certainly we do, too. We had made a determination that, in our opinion, in a particular case the use of the frank was improper but we asked the Comptroller General to review our decision, and the Comptroller General said "No, thanks. We think you have to do it, but we do not want to do it." Now we do not want to do it, either. We do not think we have any competence that is any greater than anybody else's to make judgments in this area. We think it is particularly unfitting for the executive branch to be looking at the functions of the legislative branch and defining what is proper conduct on the part of the legislative branch. It is a particularly bad practice, I think, both for the executive branch and for the legislative branch.

This is particularly true since most of the problems arise from questions of what matter is correspondence upon a Congressman's official business. We sincerely believe that the Post Office Department as a portion of the executive branch should not be in the business of routinely telling Members of Congress what their business is. For this reason we support the purpose of this legislation which is to remove this obligation from our Department. The first section of H.R. 8924 covers the provisions of H.R. 438. Accordingly, if the former is approved, the enactment of the latter, H.R. 438, will be unnecessary.

Section 3 of H.R. 8924 provides committee jurisdiction over franking matters.

Mr. NIX. Mr. May, I really must compliment you on your extreme frankness.

The basic reason why it is approved is to get your Department out of a most unpleasant situation. I can't blame you at all.

Let's turn to page 2. The quote there, "The Post Office shall provide registry, certified mail or special delivery service for matter mailed in accordance with," and then it continues. I wish you would explain that. It is not a proposal.

Mr. MAY. No.

Mr. NIX. It is just something that might, if accepted, be included.

Mr. MAY. Well, under our construction of the present franking privileges it limits the frank to ordinary first-class mail. There could, I suppose, be some argument as to whether or not registry is a service

we should also perform. The law is ambiguous on that point. But H.R. 438 provides for changing the imprint on the franked envelope to provide that it will show that the postage has been paid and that this is not free mail. As you know, perhaps you have all individually had the experience of having members of the public cavil against the congressional frank on the ground they think this is free and it is contributing to the postal deficit and therefore creates an unfortunate image for Members of Congress. We constantly get letters from members of the public saying, "Why don't you do something about this? The deficit is probably totally accounted for by all that free mail that the Congressmen send." This just is untrue because Congress pays for that frank. We get a specific appropriation to cover the use of the frank by Members of Congress. So it does not contribute to the deficit.

Mr. NIX. May I interrupt?

Mr. MAY. Yes.

Mr. NIX. When you say Congressmen paid for it, I rather think you mean the public pays for it.

Mr. MAY. Yes; they do, but it is a legitimate business activity of the Congress, just as the public, of course, has to pay for all expenses of running the Congress—

Mr. NIX. Yes.

Mr. MAY (continuing). But it does not contribute to our deficit because we have a specific appropriation to cover that.

So H.R. 438 and the first section of Congressman Cunningham's bill both provide for changing that designation of "free" which appears on the frank now to specifically provide that it states that this postage has been paid for.

Our problem with H.R. 438 is that it says "postage and fees" paid for. Now, "fees" would carry the implication that there is some kind of special services intended to be included for the congressional frank which would be a change from the present practice and we simply offer as an illustration that if that is Congress intent, that the frank should also cover these additional services, then the basic statute should be amended to provide that. We think, however, that if Congressman Cunningham's bill is passed as it is, his bill simply provides that the language shall read "postage paid," then we would have no problem; this would imply no change in the current practice as to what services are covered under the congressional frank.

Mr. NIX. We would still be left with the question of the content of the messages sent. It was my hope that at some time someone would introduce legislation to clarify completely the extent to which a Member is allowed to go in the wording of his communication to his constituents.

I am reminded of the case a few weeks ago when a Member of the other body addressed communications to members of his State and someone was critical of the content, and he immediately paid for it, did not allow the Government to defray the expense. That is something of importance to me because I can think of one Member of the Congress who might not have the money to pay for it.

Mr. Waldie?

Mr. WALDIE. I thought the statement was excellent, Mr. Chairman, except on page 3, the sentence in the last paragraph "We sincerely believe the Post Office Department as a portion of the executive branch should not be in the business of routinely telling Members

of Congress what their business is." It would have been a much better statement if they had left out the word "routinely."

Mr. MAY. Well, I would certainly agree that we shouldn't ever. I simply meant to carry the intelligence—

Mr. WALDIE. I know; I am just making a—

Mr. MAY. But this has become a routine practice, almost daily. I have inquiries from Members of Congress frequently.

Mr. WALDIE. I think it has become a routine practice of the executive branch telling Congress what to do.

It was not a substantive comment, Mr. Chairman.

Mr. NIX. I think it was.

Mr. Cunningham?

Mr. CUNNINGHAM. Naturally, I am very pleased with Mr. May's statement. I do believe there is a basic matter involved here and that is—I don't know if I should use this strong a word—but the present practice really amounts to censorship by the executive branch so far as congressional mail is concerned. I am pleased that the Post Office Department would like to get rid of it. I have had long consultations with Mr. May on this matter.

I would ask, Mr. Chairman, unanimous consent to insert at this point in the record some guidelines that Mr. May developed in order to guide the Members of Congress in the mailings that they put out.

Mr. NIX. Without objection, it is so ordered.

(The material follows:)

"NEWSLETTERS UNDER THE CONGRESSIONAL FRANKING PRIVILEGE

"INTRODUCTION

"The Post Office Department is required to determine whether mail has been sent improperly under the frank. When it finds this has occurred, the Department is charged with responsibility for collecting the postage which should have been paid (C.G. Dec. No. 128938, dated August 16, 1956). Within the Department this function is lodged with the General Counsel.

"The Department does not undertake to determine whether a franked mailing contains matter which may not properly pass through the mails under the frank except when a complaint is received by the Department or when a member of Congress requests a ruling on matter he is considering mailing. The General Counsel will advise members on request when they are doubtful about a particular proposed mailing.

"Newsletters may be sent as franked mail by a Congressman when they conform to the requirements of either of two laws—these are Sections 4161 or 4163 of Title 39, U.S. Code (see appendix, attached). Under Section 4161 a newsletter is frankable when it is exclusively 'Correspondence on official business' and under Section 4163 when it is 'a part of the Congressional Record' or a speech or report contained in the Congressional Record.

"Part 1. Section 4161—Correspondence

"Correspondence on 'Official Business' is that in which the member deals with the addressee as a citizen of the United States or constituent as opposed to the relationship of personal friend or the relationship of candidate or prospective candidate and voter.

"Thus, a Congressman writes on official business when he reports to his constituents regarding his views on the merits of legislative proposals which have been and may be brought before the Congress or its Committees. However, the characterization of an individual proposing, supporting or opposing legislation are not considered to be correspondence on official business. This is also true when a proposal or the opposition to it is characterized as supported by one of the political parties or a fraction thereof, but characterizing a proposal or opposition thereto as that of the Administration would be written 'official business.'

"Also included in official business is the reporting of actions taken by the Federal Government, including matters related to joint Federal and State programs. In addition, comments on the desirability, wisdom or correctness of decisions of the Federal Government or other governments administering federal programs would be within the scope of official business. However, reference to the political allegiance of officials or to comments made by them in political subjects or campaigning would not be considered official business.

"Appeals for political support, references to what a member expects to do in the next Congress sent out before an election, discussion of a prior campaign, discussion of a coming political campaign, reference to campaign opponents as these are all matters beyond the official business concept.

"Presentation of a member's biography or biographical material concerning the member or his wife or other member of his family, greetings from members of the Congressman's family, as well as reports on how or where the member or his family spends time other than in performing his official function are all outside official business. The foregoing, however, does not preclude a member from expanding a complimentary close by reference to the season or the like when it is clear that it is a part of the closing.

"Questionnaires and the tabulation of results of questionnaires are within 'official business' when they cover subjects which are official business. However, a member may not use his Congressional frank for the return of completed questionnaires or of other matter to him.

"It is regarded as official business to advise members of the public to register and vote and to afford information as to how and where and when to register or vote so long as there is no intimation as to the manner in which the votes should be cast.

"Pictures may be used in newsletters when the purpose is to illustrate the text, and may include pictures of the type usual in the newsletter heads of members. However, pictures which are of such size as to lead to the conclusion that their purpose is to advertise the member rather than to illustrate the text are not 'official business.'

"Part 2. Section 4163—Congressional Record

"Any newsletter which is a verbatim reprint of an item which has appeared either in the body or appendix of the Congressional Record is frankable even though its content would not be regarded as official business in Part 1 above.

"However, prior appearance in the Congressional Record of a phrase, sentence or paragraph used in a newsletter is not sufficient to make that portion of the newsletter frankable under Section 4163 unless the quotation is identified by a citation to the Congressional Record.

"In the past the Department has permitted pictures illustrating the text of Congressional Record reprints despite the fact that pictures are not permitted in the Record. However, the Department has concluded that pictures cannot be considered to be a part of the Record or of the speech or report in the Record, and, therefore, may not be accepted under Section 4163. On the other hand, if they would fall within the description of 'official business' in Part 1, they may be included."

Mr. CUNNINGHAM. Mr. May, this policing of the frank by the Post Office Department; as I recall it from my conversations—and I may be in error—never was specifically assigned to the Post Office Department.

Mr. MAY. No, sir; it was not. It was a ruling of the Comptroller General saying that the appropriation to the postal revenues by the Congress covers only mailings that are properly sent under the congressional frank and that, therefore, the Postmaster General has an obligation under law to collect postage from Members of Congress if the mailing was not properly sent under the frank.

Now, this necessarily implies, then, and the Comptroller General made a specific directive that we must make judgments as to what is a proper mailing under the frank. It is this to which we object, that we are put in a position when, frankly, we have no better expertise than the Members of Congress themselves, or a duly appointed committee of Congress, to police the use of the frank.

I would imagine that the Congress does want it policed and they probably want it policed by themselves.

Mr. CUNNINGHAM. I made that statement many times, that the frank ought to be policed but it is my feeling that that ought to be done by the legislative branch rather than the executive branch.

Mr. MAY. Yes, sir. Your bill provides—it gets us off of this appropriation hook because it provides that we get reimbursed for the use of the frank irrespective of whether the use of the frank was proper or not proper, and that therefore we no longer would have the duty of collecting postage against improper mailings. This would be a matter for the congressional committees to take up with the individual Member. But it leaves the Post Office Department out completely. Whatever a Congressman sends out under his congressional frank, then that is covered under the appropriation, whether the frank was properly used or not, under the provisions of your bill.

Mr. CUNNINGHAM. I want to reemphasize to the members of the committee that we sometimes receive criticisms when we make mailings when the word “free” appears on them and they do think that we are responsible for the postal deficit.

Mr. MAY. Yes, sir.

Mr. CUNNINGHAM. I have spoken on that on several occasions, trying to get it across to the news media who will get it across to the public that we are not responsible for the postal deficit so far as our franking privilege is concerned. I am glad you stressed that point.

I would ask on executive agency mail, what is the wording? Don't they have the words “postage” and “fees paid,” or what do they actually say?

Mr. MAY. Yes, sir; they do. It is called penalty mail. They call it penalty mail because there is a penalty of a fine and possible imprisonment for a misuse of this free mailing privilege by members of the executive branch.

Therefore, it is called penalty mail.

Again, there is a reimbursement to the Post Office Department for the use of penalty mail.

Mr. CUNNINGHAM. The Post Office Department is reimbursed by every agency.

Mr. MAY. Yes, sir.

Mr. CUNNINGHAM. Every department or agency of the Government including the Congress has to reimburse the Post Office.

Mr. MAY. That is correct.

Mr. CUNNINGHAM. Do they have special legislative authority to put “postage and fees paid” on the envelope, or was that an administrative determination?

Mr. MAY. That was a legislative determination as to what services would be available for the Government use.

Generally all mail services are available to be used under the penalty. Whatever would be a normal mailing service for the kind of mail being sent, so long as it comes within the official business definition, will be carried by the Department free of charge to that department, except that again that department must compensate the Department for the carriage of that mail.

Mr. CUNNINGHAM. It seems to me that when I first came here I do not recall those words in the upper righthand corner, “postage and fees paid.” Has that been on the envelope for a long time?

Mr. MAY. The endorsement is specified by statute and regulation as to what the endorsement will read on the envelope.

Mr. CUNNINGHAM. Those particular words?

Mr. MAY. Yes, sir. They are specified in the statute. The statute provides that the endorsement will read "Official Business," and then by administrative determination we added the language "Postage and Fees Paid on Penalty Mail."

Mr. CUNNINGHAM. Again I appreciate your testimony very much. Thank you.

Mr. MAY. Thank you.

Mr. NIX. Mr. Green?

Mr. GREEN. I have no questions, sir.

Mr. NIX. Thank you very much, Mr. May. It is a pleasure to have you here.

Mr. MAY. Thank you, Mr. Chairman.

Mr. NIX. I have in my hand the statement that was to have been presented by the Postmaster General. Is there any objection to its being placed in the record at this point? Hearing no objection, it will be placed in the record at this point.

(The statement follows:)

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., June 27, 1967.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 8924, a bill to relieve the Postmaster General of responsibility for determining mailability under the congressional frank, and for other purposes.

The measure would vest the appropriate committees of the Senate and the House of Representatives with jurisdiction over all matters relating to the use of the franking privilege. The respective committees would, under the bill, rule on all questions involving the use of the franking privilege by Members of the respective House of Congress involved. Section 3 of the bill provides that the language "Postage Paid by Congress" be substituted for the word "Free" on the face of franked mailings.

The present law provides that Members of Congress are entitled to use their official franks until the thirtieth day of June following the expiration of their respective terms of office for the purpose of transmitting:

1. Matter, not exceeding four pounds in weight, upon official or departmental business, to a Government official (39 U.S. Code, §4161).

2. Correspondence, not exceeding four ounces in weight, upon official business to any person (39 U.S. Code, §4161).

3. All public documents printed by order of the Congress (39 U.S. Code, §4162).

4. The Congressional Record or any part thereof or speeches or reports contained therein (39 U.S. Code, §4163).

5. Seeds and agricultural reports emanating from the Department of Agriculture (39 U.S. Code, §4164).

The law (39 U.S. Code, §4167) also provides that Congress shall make a lump sum appropriation to the Legislative Branch to cover Congressional franked mail and that the amount so appropriated is credited to the Post Office Department as postal revenue.

Prior to the passage of the Act of August 15, 1953, (67 Stat. 614; 39 U.S. Code, §4167) any improper use of the franking privilege caused an unwarranted use of postal funds. As it was the Postmaster General who was charged with protecting postal funds from improper use, he necessarily was required to determine which items he could carry through the mails at the expense of the Department. Now, however, the Department is reimbursed for the cost of mail sent out by Members of Congress under their franks. In practice, the determination of the amount of reimbursement is based on all mailings under the frank whether they are, in fact, entitled to be franked or not. Letters being sealed may not be

opened for inspection so we do not know today if we are carrying or have carried frankable matter or not, unless the Member or some other person brings to us a particular item. For this reason, we have collected reimbursement on the total mailings under Congressional franks whatever has been the content. Under this arrangement it is funds contained in the appropriation for the Legislative Branch, rather than postal funds, which are improperly spent if Congressional franks are misused. Nevertheless, the Comptroller General ruled (B-128938) that the Postmaster General is still charged with the duty of determining what matter may be accepted under the Congressional franking privilege and with the duty of collecting postage due on improper mailings under the franking privilege.

In our view, the nominal interest which the Post Office Department now has in the matter is not sufficient to justify its injecting itself into what we believe is essentially a problem of another branch of Government. However, unless Congress relieves the Department of this obligation it will be necessary for us to continue to tell Members of Congress what they can and cannot mail as franked mail and to seek payment from the individual Members, in addition to the sums appropriated in the Legislative Appropriations Act, for mailings we determine to be not frankable.

Most of the problems arise from the question of what matter is correspondence upon a Congressman's official business. This is a vexing problem both to the Members of Congress and to the Department. The Department has received many requests for rulings concerning the use of the frank to transmit such matter as weekly newsletters, questionnaires, tape recordings and other similar items. Most of these requests have come from Members of Congress directly concerned and before they had mailed the items. We have tried to render fair decisions and have had the full cooperation of the inquiring Members. On a few occasions we have received the request for a decision after the item in question has been mailed under the frank. Again in a great majority of cases the Member of Congress concerned made the request.

In some instances the Member has been advised that in the opinion of the Department the item was not frankable and in a number of such cases the Member has paid the Department the postage which should have been placed on the mailing.

In view of the foregoing, this Department would have no objection to enactment of H.R. 8924.

Time does not permit advice from the Bureau of the Budget with respect to the relationship of this report from the standpoint of the Administration's program.

Sincerely yours,

LAWRENCE F. O'BRIEN.

Mr. NIX. Our next witness is Mr. Jerome Keating, president of the National Association of Letter Carriers. It is a pleasure to see you, Mr. Keating.

STATEMENT OF JEROME J. KEATING, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. KEATING. Mr. Chairman and members of the committee, my name is Jerome J. Keating; I am president of the National Association of Letter Carriers, an organization representing more than 193,000 letter carriers located in every State of the Union, the District of Columbia, Puerto Rico and the Virgin Islands. I am accompanied this morning by Vice President James H. Rademacher and J. Stanley Lewis, our secretary-treasurer. We appreciate the opportunity of presenting our views on the legislation that is being considered by this committee today.

A letter carrier or a clerk, on entering the postal service, starts his employment as a substitute. We have a rather peculiar situation with the extensive number of substitutes we have in the postal service. There is no other employer that I know that employs as many uncertain time people, you might call them. They are part-time, but they

have no schedule. They have a job but no stated hour of work. The substitute's pay is uncertain. He may go days without working at all. He will continue as a substitute from 1 to 2 to 3 years in the average post office. In small offices he may work for many, many years. During the depression we had some substitutes in the larger cities that went as long as 10 years as substitutes.

Employment of additional temporary workers has seriously affected the take-home pay of the career substitute employee. When he appeared before the House Subcommittee on Appropriations in February 1967, Assistant Postmaster General, Bureau of Finance and Administration, Ralph W. Nicholson had the following to say about this serious subject:

"The average substitute today is working about 28 hours or a little over 28 hours a week. His take-home pay is for about 28 hours a week or a little over. Prior to the passage of Public Law 89-301, the average substitute worked more than 40 hours. If he did work 40 hours then and 28 hours now, he has about 30 percent reduction in this take-home pay. The average substitute employee worked 2,076 hours a year in 1965 before Public Law 89-301 but worked only 1,492 hours a year in 1966 after Public Law 89-301."

At one time there were no limitations on the number of substitutes that could be employed. That was prior to 1935. As a result, every time there was a slight emergency and an office might be short one man, they would panic and call in a large number of substitutes. Obviously, their earnings were exceedingly low and, because of this, a ratio of the number of substitutes to the number of regulars was established. The ratio has been changed several times—presently it is one career substitute to five regular employees. H.R. 11060, sponsored by the distinguished chairman of this subcommittee, seeks to change the ratio to one substitute for each four regulars.

Since World War II, there has been excessive use of temporary substitutes in the postal service. With proper scheduling, a great deal of work presently performed by substitutes could be converted to regular assignments and handled by regular employees. The use of temporary substitutes has evaded the ratio requirements. On June 30, 1966, there were 299,362 regulars and 131,072 substitutes in level 4. This was not a ratio of one substitute for every five regulars—it was one substitute for every 2.28 regulars.

I notice in the testimony that Mr. Murphy presented on page 22, he refers to the 6 days mail processing, 6-day delivery, and the window service, as one of the problems in taking care of or requiring more substitutes. One floating regular for every five regular carriers gives 6-day delivery. Referring to the part-time activities in the delivery service alone, he states we have 11,000 multiple-trip routes. These are business routes, many of which do not call for full service on Saturday and therefore are not susceptible to coverage by regulars. There are 10,835 short hour collection routes, 17,795 auxiliary routes. These are delivery routes of less than 8 hours' duration.

We believe that many of those categories could be reduced substantially. For example, the short-hour collection routes at one time, a great many of them, were regular collection routes. But there has been a reduction of the collection service and the short-hour routes in the rush hour in the evening have been established.

The auxiliary routes, we believe, could be taken care of by better scheduling. We have protested the large number of auxiliary routes for many years and I must say the Department has agreed with us that they should be converted. They have issued instructions to the regions and to the various post offices. But there seems to be a great reluctance on the part of some of the people in the region and some of the people in the various post offices to convert these auxiliary routes to regular. With proper scheduling the majority of these auxiliary routes could be completely eliminated. That would help materially in the substitute situation.

The employment of temporary substitutes is unfair to everyone, including the patrons of the postal service. It is unfair to the temporary employee himself, because he has no job security and, if he does become a career employee, it will be only after an extended period of substitution. It is unfair to the career substitutes because it reduces their hours of work, and it is most unfair to the patrons of the postal service because the use of inexperienced employees means poorer service. The turnover rate among temporaries ranges from 50 to 900 percent. The average as given by the Department is 89 percent.

Consequently, while we can and will support a ratio of 1 career substitute to 4 regulars, we believe that restrictions on the hiring of temporary substitutes should be made a part of the program. We would suggest language that was incorporated in two bills introduced in the 89th Congress—H.R. 5941 by Representative Arnold Olsen and H.R. 6248 by the distinguished chairman of the House Committee on Post Office and Civil Service, Representative Thaddeus J. Dulski. That language would amend title 39 of the United States Code, chapter 43, section 3302, by adding a new paragraph (f) as follows:

(f) No temporary employee can be appointed to a position in the categories listed in paragraph (b) for a period exceeding 90 days. No one having served as a temporary employee for ninety days in one of the above categories shall be eligible for reappointment to a temporary position until a waiting period of 90 days has elapsed.

We will support the 1-to-4 ratio with the restriction on the use of temporary employees as we have outlined above, and respectfully request your favorable consideration of this proposal.

Mr. NIX. Mr. Keating, thank you very much.

First of all, I would like you to explain again your reservation as set forth in (f) on page 3, "No temporary employee can be appointed to a position in the categories listed in paragraph (b) for a period exceeding 90 days." Just how does that operate?

Mr. KEATING. The reason we have a provision of appointing some temporaries is due to the fact that we do have to have temporary employees at the Christmas season. We do have to use temporary employees in the summer if the people are going to get summer vacations. In other words, men with families are going to have a fairly good chance of taking a vacation when the children are out of school. However, we feel that if the limitation were made to 90 days it would more than cover even an emergency that might arise. At the end of 90 days the individual who is hired as a temporary could not be re-employed until he was out of work as far as the post office is concerned for 90 days. His name could not be reconsidered for appointment. We have learned that from experience because we had 1-year appointments. There was a limitation on appointments to 1 year. At the

end of the year they give a man a new appointment for the successive year and keep him as a temporary for a long period of time. The temporary problem, and we have also found out in many offices around the country, the reluctance of some postmasters to appoint career or even career substitutes due to the fact that they have some particular temporary that they want to keep working. They do not ask for a career man because they want to keep the temporary man on.

We believe that we have to have restrictions. We do not think it is necessary—this is my 44th year in the postal service, if I was carrying mail, I would be in my 44th year—when I first came in there were no restrictions on substitutes. In 1935 there was a restriction put on. There were no temporaries appointed during that period. In 1935 the ratio was first established and the ratio was 1 to 12, 10, and 8 according to the size of the individual post office.

The Post Office Department claimed they could not operate on that ratio. At that time we had a lot of temporaries come into the service. When the ratio was changed to 1 to 6 then those temporaries were let go in 1937. We had no temporaries, then—we had no temporaries then until World War II came along, at which time there were a lot of temporary employees hired and we have had them ever since. The Department converted a lot of these people to career positions, but despite that fact, it still has kept the temporaries. Some cities do not have any, which I think is clear evidence that they do not need temporaries to operate, particularly in the larger cities or a city of any size. In any first- or second-class post office, I would say there is absolutely no excuse for ever hiring a temporary except the peak periods or if there should be some sort of emergency. We do believe that the 1 to 4 would be helpful. There have been some changes made, but we could not accept it as a very good change unless there were restrictions placed on the hiring of temporaries.

Mr. NIX. I received a telegram, fortunately, only one, this morning—

Mr. CUNNINGHAM. You are fortunate. I received a hundred.

Mr. NIX. I am indeed fortunate. The telegram stated, in substance, that the passage of this proposed legislation would foreclose the category of employment to a great number of people.

Mr. KEATING. I do not think it would. They would need just as many men. The only thing is when they would hire them, they would give them a career position. The temporaries can be let go anytime at a moment's notice. They have no rights. Many of them are off the register. They sometimes become career men after they have been temporaries for 4 years. But they lose 4 years on their civil service retirement credit. They do not get any credit for that temporary time. Their seniority does not start until they become career men. Sometimes the man has been there 4 years longer than somebody else and he is junior to him. When they are laid off—and I have two letters on my desk today from people who have been laid off because of the fact that probably more people have been converted or more career people appointed. One of them is a group of some temporaries that were laid off; another is where the mother of one of the temporaries writes and complains because the temporary was laid off. It is much better to hire people and give them a career position and give them some protection than to give them a temporary position that may or may not last very long.

Mr. NIX. So, in fact, if this legislation were accepted with the amendment, you would in fact be in the position of doing a service to the temporary employee?

Mr. KEATING. That is right.

Mr. NIX. You would be in the position of opening a permanent category of employment?

Mr. KEATING. That is right.

Mr. NIX. You would also be in the position of assuring him a livable wage, would you not?

Mr. KEATING. Not necessarily; his chances would be much better. A man can be a career substitute and not earn much money. During the depression they were getting checks of \$2 and \$3 a pay period. We have a 2-hour guarantee but there are ways of evading that and it is being evaded in many cases because the men are told to stay home. When they stay home, they do not get the 2-hour work guarantee. They only get it if they report for work. That is 2 hours' pay if they report for work. They are guaranteed that.

Mr. NIX. In that regard, what advantage would the substitute employee have over the temporary?

Mr. KEATING. The substitute employee has a career position. If the Department did not employ so many temporaries the men would be working more than 28 hours a week. The problem from the Post Office Department and the testimony by Mr. Murphy indicated that is the fact—that the temporaries do not stay very long. The figures that I gave you, 50 to 900 percent, what does "900 percent" mean? It means that if you have a position you have a different man on it almost every month of the year. They change almost once a month. There are nine different men on that one position presumably within a year. There is a 900-percent turnover. The turnover is principally in the temporaries. The man who is given a career position looks forward to becoming a regular. In many offices it takes a year. In some it takes 3 years. But he is looking forward to it and he wants to work in the post office. He wants to make it a career. The temporary has nothing to look forward to.

Mr. NIX. He has both incentive and possible security.

Mr. KEATING. Yes.

Mr. NIX. Mr. Cunningham?

Mr. CUNNINGHAM. I have no questions on substitutes. It is always a pleasure to have Mr. Keating and his coworkers present. But something has bothered me for a long time and there is probably a good reason for it. I just want to know, when we use the words "career substitute," what is the word "substitute" in there for?

Mr. KEATING. A career substitute is a man who has taken the examination and he has been reached or been within one of the top three and he has been called in as a career employee. He has all of the rights of another employee. There is a probationary period during which he could be removed if it were determined he was not competent to hold the position. He immediately comes under the civil service retirement law. He immediately starts a period of seniority. He is given preference for employment over the temporary, or is supposed to. It is in the national agreement and is generally lived up to. So the career man has the first choice of work. If there is a temporary auxiliary route or auxiliary route that lasts for a period of time, he will probably carry it. He has a lot of advantages over the temporary. It takes considerably more to let him go. If they make charges—and

anyone can appeal now, even a temporary, but a temporary can be let go if there is an adjustment in personnel. The regulars are not let go in that manner. They get their permanent position.

Mr. CUNNINGHAM. I was not referring to the temporaries. I just wondered why the word "career" substitute is used. If a man goes to work in the post office he is a career man.

Mr. KEATING. He is a regular employee, but a substitute has no guaranteed hours of work. He is used to replace other men, and he has no regular assignment. A man could go a week without working at all. He could be a regular career substitute, but not have any work. There are many days they do not work.

Mr. CUNNINGHAM. Would it be fair to say that the word "substitute" is in there to give him this probationary period to see if he works out.

Mr. KEATING. On the probationary period they are supposed to check him out and see if he is qualified and has the necessary talent to do a good job. There are not too many employees that are let go at the end of a probationary period or during a probationary period unless they get involved in some difficulty.

Mr. CUNNINGHAM. I often wondered about the word "age" and you explained it.

Mr. KEATING. While we are on this subject, I might point this out: We have another subject involving the pay of postal employees. When you get to steps 1, 2, and 3 in that schedule, you cannot actually take the stated amount of \$5,331 as an annual salary because practically everyone in step 1 is a substitute. There is a large percentage of substitutes in step 2 and step 3. So their earnings might be only \$3,000 a year. Statistically, we look at it and say they get \$5,331 a year, but they do not. Some may get \$3,000.

At one time when there was a lot of shortage before the overtime went in, some of the substitutes were working and earning very substantial pay by working many, many hours. There is no limitation upon the hours.

With the overtime pay—and this is one place that the Department could get along with less temporaries, they could give these substitutes a little overtime once in a while and I think it would be more economical to give a trained man a little overtime occasionally than to overload the service with too many people when they are only working 28 hours a week.

Mr. CUNNINGHAM. Thank you, Mr. Chairman.

Mr. NIX. Mr. Green?

Mr. GREEN. I have no questions, sir. I just want to take this opportunity to thank you, Mr. Keating, and I found your testimony very helpful.

Mr. NIX. Mr. Waldie?

Mr. WALDIE. Mr. Keating, is a temporary indefinite the same as a temporary substitute?

Mr. KEATING. There are different sources of temporaries. Sometimes they are given an appointment for a year or for 90 days. A temporary indefinite has an indefinite appointment. That means it does not terminate at a given point. It can be terminated at any point. It is indefinite, only instead of saying you are a temporary for 90 days, they say, you are an indefinite temporary.

Mr. WALDIE. Is career appointment for a specific term?

Mr. KEATING. A career appointment is permanent.

Mr. WALDIE. What is the difference between "career substitute" and "career regular" in point of time?

Mr. KEATING. There is all the difference in the world. No. 1, of course, they have no guarantee of employment. The regular is guaranteed 40 hours of work a week, the substitute is not.

Mr. WALDIE. In terms of guarantees that the Post Office Department must make to these employees for minimum hours, is there any difference?

Mr. KEATING. No. A career substitute in the national agreement has work preference. He is supposed to be employed and he should have a choice over the temporary for hours. It does not always work out that way, but most of the time it does nowadays.

Mr. WALDIE. Why would the Post Office give a choice to hire a temporary indefinite substitute over a career substitute?

Mr. KEATING. I did not understand that question. They do not hire a "temp" over a career substitute. According to the figures presented here they have the quota pretty well filled on career substitutes. However, rather than convert a lot of these positions to regular they have been using a lot of temporaries.

Mr. WALDIE. What is the quota? Who establishes that?

Mr. KEATING. The quota by law is 1 to 5, but it has been totally disregarded because we are down to 1 to 2 by use of temporaries.

I might add this in all fairness: There have been many ceilings placed upon the appointment of career positions. There was the Whitten amendment which we got rid of in the Post Office Department. In addition, there have been budget ceilings. Even after Congress has appropriated money, the Budget Bureau has put ceilings upon the hiring of career positions.

Mr. WALDIE. Let me try to get something straight. I am still confused. We have a class of regulars, and then the Post Office Department is permitted to employ, based upon how many regulars, a certain number of career substitutes?

Mr. KEATING. The ratio only applies to the career substitutes.

Mr. WALDIE. And no ratio to temporaries.

Mr. KEATING. That is right.

Mr. WALDIE. So when they fill the ratio that is applied to career substitutes, they then go into temporaries?

Mr. KEATING. That is right.

Mr. WALDIE. Does this bill provide anything about temporaries?

Mr. KEATING. We are requesting a limitation upon their use.

The bill does not even mention temporaries.

Mr. WALDIE. The bill does not strike at the abuse, does it?

Mr. KEATING. The bill is very simple. It provides for a ratio of 1 to 4.

Mr. WALDIE. But that is not the abuse. The abuse is in the temporaries.

Mr. KEATING. The abuse is in the temporaries.

Mr. WALDIE. So the bill is not striking at the abuse.

Mr. KEATING. No; it does not touch on it.

Mr. WALDIE. There is no abuse in the use of careers.

Mr. KEATING. We suggest that you include a provision to take care of the temporaries. We suggested some language in there that would limit the use of temporaries to emergency situations.

Mr. WALDIE. Is there authority in the law somewhere to permit the Postal Department to hire as many temporaries as they desire at the present time?

Mr. KEATING. It is permissive. There is nothing much in the law on temporaries. As a matter of fact, these ceilings are a little bit ridiculous that are placed upon the number of career positions.

Mr. WALDIE. As I understand the ratio it only involves careers versus substitutes.

Mr. KEATING. That is right.

Mr. WALDIE. Is there anything in the law involving temporaries?

Mr. KEATING. No.

Mr. WALDIE. Where do they get the authority to even hire temporaries?

Mr. KEATING. I do not know where it is stated in the law.

Mr. WALDIE. May I ask that question?

Mr. KEATING. They have hired them for many, many years.

Mr. NIX. Wouldn't you think the authority to hire temporaries is implicit in the authority that the Post Office has to run the business?

Mr. KEATING. I think it is a general authority rather than specific.

Mr. WALDIE. I would think the authority to hire any employee might be in there. Apparently that thinking is in error because the Congress has said you have certain ratios you must comply with relative to careers and subs. If the Congress said that relative to subs, I am curious why they did not say it relative to temporaries.

Mr. KEATING. The fact that they can hire temporaries means that the ratio has not meant anything.

Mr. WALDIE. I know. That is what I am trying to get at. This bill does not, apparently, direct itself to that problem.

Mr. NIX. If the gentleman will yield, while the restriction must of course be applicable to the two categories mentioned, it did not mention another. So I cannot see quite how one could say that there is no authority to hire in that field.

Mr. WALDIE. I have not said that, sir. I am asking what the authority is.

Mr. NIX. Are you pursuing the position that the proposed legislation is deficient in that it did not include the third category?

Mr. WALDIE. Yes, Mr. Chairman; that is what I am trying to find out.

Mr. KEATING. There is a little authority in this one piece of legislation. It is a little round about. But this is the only thing I remember for many years that had anything to do with temporaries. And that was, that social security was extended to temporary employees. Prior to the time that was permitted there were no Government employees that had the right to social security. When the law was passed it extended the social security to these temporary Government employees.

Mr. WALDIE. The purpose of my questions was this: I gather from Mr. Keating's testimony that the abuse that occurs in this field involves the use of temporaries excessively. The bill directs itself to a ratio involving career plus career substitutes and has nothing relative to controlling the use of temporaries within the bill.

Mr. KEATING. There is nothing in the bill. We want to put an amendment in it that would include it. We suggested the language.

Mr. WALDIE. I have no further questions, Mr. Chairman.

Mr. KEATING. In other words, it is meaningless to change the ratio unless this other situation is controlled, because the purpose of the ratio, the substitutes were not earning enough money and the ratio was placed on the Post Office Department in hiring a certain number of substitutes so that they could earn enough money. If you have an open door where you can hire all the temporaries you want to, then the ratio does not mean anything.

That is exactly the way it has been operating the last few years. It has not meant a thing.

Mr. NIX. Mr. Green?

Mr. GREEN. If you had your choice, would you desire a 5-to-1 ratio, or a 4-to-1 ratio, or a 3-to-1 ratio, or a 6-to-1 ratio? What ratio do you think is best?

Mr. KEATING. The ratio after the first legislation was very restrictive, 1 to 12, 10, and 8. When they went to 1 to 6 in 1947, we were on a 44-hour week. When the hours of work are changed or when more vacation or sick leave is granted, then presumably, unless you cover them with appointments, you need more substitutes. That is the reason the ratio was changed to 5 to 1 and now the request is made to change it to 4 to 1. Many people feel it is very highly desirable to have a 5-to-1 ratio. Many administrators around the country told me they could operate 1 to 4.

Mr. GREEN. If the ratio is mandated by law to be 5 to 1, and in fact the Post Office is operating on a 2-to-1 or 3-to-1 basis, changing the law to 4 to 1 seems to me to be an exercise in futility.

Mr. KEATING. Unless there are some restrictions, it would not make much difference, except that they will have the authority to use more career substitutes.

Mr. GREEN. Apparently the law does mandate it be 5 to 1 now; is that correct?

Mr. KEATING. That is right.

Mr. GREEN. We are going to make the law 4 to 1. The law is 5 to 1 and they are operating at something less than 3 to 1.

Mr. KEATING. Less than 3 to 1, it is about 1 to 2.8.

Mr. GREEN. I am just giving them a little grace there. What can we do to put teeth into a law that makes it 4 to 1 to see that it will be 4 to 1?

Mr. KEATING. It will be if you limit the use of temporaries.

Mr. GREEN. Thank you. I have no further questions.

Mr. KEATING. Otherwise, it won't be.

Mr. NIX. Mr. Keating, I understood you to say a moment ago that many of the administrators around the country assured you that if the ratio of 1 to 4 was adopted then there would be no need for the use of the temporaries.

Mr. KEATING. That statement is made, but there is no method of compelling them to do it. We have been trying to get rid of the temporaries. I think the Department is sincere in trying to eliminate temporaries. But there are a lot of people around the country that are not sincere in eliminating temporaries.

Mr. NIX. Then you believe the statement made by these administrators that if the ratio is 1 to 4 they can eliminate the temporaries.

Mr. KEATING. They can, yes.

Mr. NIX. But you do not believe they will?

Mr. KEATING. No.

Mr. NIX. Your purpose is to incorporate something in the proposed legislation that will assure you that they must.

Mr. KEATING. That is right.

Mr. NIX. That clarifies that for me.

Mr. RADEMACHER. May I please add something here that I think might be helpful to the committee in this regard. At the outset the objectives of our organization as defined by our conventions for many years is to eliminate substitutes entirely and only have regular positions where people have a guaranteed workweek of 40 hours. But being realists and with the condition of mail volume as it is, we know that cannot be done today and that problem is not before the committee. In answer to the question that has been raised, section 3303 as defined on page 5 of Mr. Murphy's statement does give in part (a) on page 5 the authority to the Postmaster General to proscribe conditions under which substitutes may be appointed. Then in part (b) gives him authority to appoint career substitutes. So the evil exists in part (a), which is a blank check to hire as many people as you want. I would like to get back to the question asked of Mr. Murphy by Congressman Waldie.

I have to agree with the thought that was raised here by the Congressman from California in the fact that it would be more economical to allow these regular employees and these career employees to work the overtime in many instances, especially in the larger offices where you have transportation problems involved. You send a temporary employee out to the route and it costs all that extra money. You have the problem of fringe benefits of temporary employees and the problem of turnover. The Department admitted the turnover problem of temporaries is great. Certainly it would be economical to give the career people at least a guaranteed 40-hour week and give them overtime if the needs exist.

The Department has admitted and the records indicate on page 4 of Mr. Murphy's statement that it requires 690,000 employees to operate this postal service of ours and it is continuing to grow every day. Of that 690,000, according to most current figures, there are almost 500,000 regulars and there is the proportionate allowance of career subs, but there is another 100,000 people here that somehow have been placed on the payroll. They are working, but we are wondering if there is not some better solution than what the current law provides. That is why we are supporting this bill with tongue in cheek. We think that 1 in 4 would be the answer to getting 23,000 more career people who would have some guarantees in life.

Why is there a turnover of temporaries? First of all, Mr. Chairman, and members of the committee, you have the pay problem. That is the first problem of turnover. Secondly, what is in it for a temporary employee? He is appointed. There is no seniority if he is here 20 years. There is no covering under the Civil Service Retirement Act. He does not have any opportunity to become a regular employee. But under the provisions of the bill now before the committee, 23,000 more career workers would be made of these temporary people which would give us a partial resovement. It would be at least a fourth better than it is today, with 23,000 out of 690,000 converted from a temporary persona non grata to a career individual with certain guarantees.

Mr. GREEN. May I interrupt you at that point?

What is there in that which you propose which would guarantee the result you suggest? Guarantee, I say. In other words, I think you are saying, I think, that the temporary employees will become career substitutes.

Mr. RADEMACHER. In most instances.

Mr. GREEN. Is there any guarantee that would happen?

Mr. RADEMACHER. There is an absolute guarantee. All temporary employees in the postal service with the exception of the seasonal assistants have been appointed from a civil service register. That does not mean they are at the top of the register because unless you can guarantee a man a career position they do not want to come into the postal service. All temporary employees except seasonal assistants that have passed the examination would be eligible in most instances for conversion.

Let us take an office of 100 regular employees. Today we have 20 career subs and five temporaries to handle that work. Under the bill under consideration by the committee those five temporaries would become career subs and there would not be any more temporaries in that office.

Perhaps that is an exaggeration but that is making a point of what we are trying to seek here. This is only a partial solution. Certainly, as has been suggested, there ought to be some teeth in whatever the committee does in addition to changing the ratio.

Mr. NIX. Before you go further, let me come back to the same thing I stated a moment ago. The legislation as proposed would do the job you think it ought to do. The only question that you raise is that you are not certain of the provisions of the proposed legislation will be adhered to to the extent of eliminating temporaries?

Mr. RADEMACHER. That is correct.

Mr. NIX. That is why you proposed the change?

Mr. RADEMACHER. That is correct, because what could happen very well, we could have 23 more career substitutes and then 23,000 more temporaries brought in.

Mr. NIX. Let me ask you this: You enter into an agreement with management. Why can't that phase of your objection be taken care of in your agreement?

Mr. RADEMACHER. I think you would have to understand more thoroughly and there is not time before this subcommittee, to describe the policymaking in our labor-management agreements.

Mr. NIX. You have been disenchanted with your agreements?

Mr. RADEMACHER. To some extent we have. That is why we are encouraging enactment of our labor-management policy by law. That is why there should be a restriction on the number of temps. They are going to deliver the mail in an economical way, which is by paying overtime when necessary to do so. I want to conclude by taking exception to the Department's continuing attitude that a 10-percent turnover in the number of regular employees is not serious. We have to understand who are regular employees. These are people that have been with us a number of years.

As President Keating has stated so well, a regular is a man who has been with us for many years. My father substituted 7 years before he became a regular carrier. We ought to be concerned whether it is 5 or 10 percent. We were very sorry to hear this constant attitude of

the Department that a 10-percent turnover of regulars is not serious. We think it is serious. For the record, we wanted to get that in.

Mr. GREEN. I have another question. I was trying to determine before if under this legislation, including the amendment you suggest, the results you desire would necessarily follow or necessarily flow from there. Temporary employees as I understand it, and I could be wrong, need take no examination.

Mr. RADEMACHER. No, sir. There was a time when they did not have to. Under the present policy of the Department in almost every instance a temporary is from the civil service register. He is appointed because there is not an allowable career vacancy. He is asked to come in and wait until there is a career vacancy and then he is appointed to it.

Mr. GREEN. In the meantime, he is just a temporary?

Mr. RADEMACHER. That is right, and getting a pay check and that is all.

Mr. GREEN. What would prevent the Post Office from taking the temps and making them subs? They have no obligation to them, do they?

Mr. RADEMACHER. That is right.

Mr. GREEN. Is there a ratio necessary also for the temps?

Mr. RADEMACHER. It is not a ratio. What is needed is a strict law saying you cannot do this.

Mr. GREEN. You cannot do what?

Mr. RADEMACHER. You cannot hire in addition to the ratio except in the emergency conditions as we defined in our suggestion. If you allow them to continue to do this, eventually——

Mr. GREEN. In other words, your amendment says that a temporary cannot work more than 90 days. They cannot have a temporary appointment and give him one after another 90-day appointment.

Mr. RADEMACHER. That is right.

Mr. GREEN. I do not see what prevents them from hiring different people on a temporary basis and keep the same number of people.

Mr. KEATING. It would not work out the same way. One of the reasons postmasters resist appointing career men is the fact that they have some temporaries in their office who have been working 3 or 4 years and they are holding the job for him. This situation would not develop.

Mr. GREEN. You think by limiting it to 90 days rather than just continue this perpetual temporary situation the practical effect is they are going to make them career substitutes?

Mr. KEATING. I do not think we would have any temporary problems.

Mr. GREEN. Thank you.

Mr. KEATING. I think it would be sure to eliminate it.

Mr. NIX. Are there any further questions by any member?

Mr. WALDIE. I would surely like, if it were possible, to hear a rebuttal to this temporary proposal. Is that at all possible?

Mr. NIX. Mr. Murphy, would you resume the chair? Thank you very much, Mr. Keating.

Mr. MURPHY. You want a rebuttal against the bill?

Mr. GREEN. We would like to hear your comments on the suggested amendment.

Mr. MURPHY. Congressman, I think I indicated in my testimony that the Postmaster General had indicated to the Appropriations Committee that by the end of this year there are to be no temporary employees employed in first-class post offices. I think the suggested amendment by Mr. Keating would be impossible for us to enforce in second- and third-class offices, because in many of these offices the work simply is not there to justify the appointment of a regular employee. You only have part-time work. Once you have reached the limit of whatever the ratio is, whether it be 1 to 5 or 1 to 4, then you simply have no alternative but to appoint temporary employees if the work is going to be done, because you do not have enough work to create a 40-hour-week job in the smaller offices.

I think you would have to exempt second- and third-class offices from the effect of any such amendment.

As I indicated, the Postmaster General's intention is to get down to zero by the end of the year. This is one reason he is asking you to support this bill, so as to give us 23,000 additional positions that can be converted to career positions from temporary positions.

As to whether or not the Department could live with a provision which says that we cannot appoint a substitute employee a temporary to exceed 90 days in a first-class office without an interval of 90 days in between, I would want to confer with Mr. McMillan, the Assistant Postmaster General for the Bureau of Operations, before giving an answer on that, because this is in his area and it would not be appropriate for me to give an answer in this field.

I would be happy to give this committee an answer within a day or so after I have had a chance to confer.

Mr. WALDIE. May I ask a question, Mr. Chairman?

Mr. NIX. Yes.

Mr. WALDIE. The amendment apparently is not of any great concern in the first-class offices because you are going to get rid of them all by the end of the year.

Mr. MURPHY. Yes, sir.

Mr. WALDIE. An amendment in the bill, directing that no more temporaries in the first-class offices after the first of the year, would be acceptable.

Mr. MURPHY. I personally would go along. As to whether or not the Department would desire it to be written into the law, I cannot give a response at this time, but I will in a day or so.

Mr. WALDIE. I think it would be well for the committee to learn how seriously the Department believes that the projection of the first of the year can be met. If they are serious that amendment would have no particular adverse effects. What would be the position of the Department with this amendment having only application to second- and third-class post offices?

Mr. MURPHY. Having only application to them, it would be impossible for us to live with this amendment if it were to apply to second- and third-class post offices, because as I have indicated, the work is not there. If they were to be exempted, the amendment would be a lot more palatable.

Mr. WALDIE. This amendment permits you to hire temporaries for 90 days?

Mr. MURPHY. Yes.

Mr. WALDIE. Why couldn't you do that?

Mr. MURPHY. In many offices of the second and third class there is not sufficient work to justify the creation of a regular position, but there is sufficient work to justify a part-time position.

For example, on a continuing basis to exceed 90 days. Therefore any amendment which would restrict the appointment of temporary personnel in second- and third-class offices to 90 days would not be acceptable to the Department.

Mr. NIX. At this time, if there is no objection, the statement that Mr. Murphy said he would submit in the next couple of days will be entered in the record. (See p. 57.)

Mr. Green.

Mr. GREEN. I was just going to say, Mr. Keating, I would like to hear your comments concerning second- and third-class post offices and how you feel that your amendment would or would not work.

Mr. KEATING. Most of the problems are in the first-class offices that we are concerned with. However, there is somewhat of an argument in the rural routes—I do not want to speak for the clerks who can testify on behalf of the third-class offices—there are situations in the smaller offices where they probably have to use temps. Most of our problems are in the first-class offices.

Mr. GREEN. Would you have any objection to having your amendment amended to apply to first-class offices?

Mr. KEATING. No, we would go along with that, I am sure.

Mr. GREEN. Thank you.

Mr. NIX. Thank you, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. NIX. On behalf of the subcommittee, both individually and collectively, I want to thank all of the witnesses who appeared here today. It is now 11:55, and although we have two more witnesses I think it would be inappropriate to call them at this time. The fact that we have had them here and submitted them to the inconvenience of coming here, if they would accept our thanks for it, we would appreciate it very much.

Would you gentlemen wish to present statements?

Mr. McAvoy. I will just take about 3 minutes.

Mr. NIX. Suppose you take the chair, Mr. McAvoy.

This is Harold McAvoy, national president, National Association of Post Office Mail Handlers.

STATEMENT OF HAROLD McAVOY, NATIONAL PRESIDENT, NATIONAL ASSOCIATION OF POST OFFICE MAIL HANDLERS, WATCHMEN, MESSENGERS, AND GROUP LEADERS, AFL-CIO

Mr. McAvoy. Mr. Chairman, thanks for the privilege. I will only take a minute or two because Brother Keating cleared all the points that should follow through for every craft within the postal service. I doubt if we could fully approve the amendment that he submitted which would take care of first-class offices. That is where the bulk of our problems exist. To us, with our explosive population and the initiative of going outside to private industry, plus we are the lowest in the pay ladder pertaining to the people who move the mail. We are now resorting to hiring women to move the mail. A person comes in

and finding no security, he just takes off. Our career sub has an initiative and something to look forward to, to stay in the job. But a temp has absolutely nothing.

Mr. NIX. So you are in full accord with Mr. Keating's statement?

Mr. McAVOY. That is right, in full accord. I think it would be a giant step forward and correct problems that exist right now in first-class offices.

Mr. NIX. Are there any questions?

Mr. CUNNINGHAM. I appreciate his attendance. He is a hard-working leader among his people and does an excellent job for them.

Mr. NIX. Thank you, you echoed my sentiments exactly.

Mr. McAVOY. Thank you for the privilege.

Mr. NIX. The subcommittee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 11:59 a.m. the subcommittee was adjourned to reconvene at 10 a.m., Wednesday, June 28, 1967.)

and finding no security in the fact that our country has an initial
 step and something to look forward to in the job. That is a
 very important thing.

Mr. Nixon. So you are in full accord with Mr. Keating's statement?
 Mr. Keating. That is right. In full accord. I think it would be a
 giant step forward and correct problems that exist right now in first-
 class offices.

Mr. Nixon. And there any questions?
 Mr. Keating. I appreciate the audience. He is a hard-
 working leader among his people and does an excellent job for them.
 Mr. Nixon. Thank you, you echoed my sentiments exactly.

Mr. Keating. Thank you for the privilege.
 Mr. Nixon. The Subcommittee will stand adjourned until 10 o'clock
 tomorrow morning.

(Whereupon, at 11:50 a.m., the Subcommittee was adjourned to
 reconvene at 10 a.m., Wednesday, June 22, 1967.)

FRANKED MAIL—RATIO OF SUBSTITUTE TO REGULAR POSTAL EMPLOYEES

WEDNESDAY, JUNE 28, 1967

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

The subcommittee met, pursuant to adjournment, at 10 a.m., in room 2257, Rayburn House Office Building, Hon. Robert N. C. Nix (chairman of the subcommittee) presiding.

Mr. Nix. The subcommittee will come to order.

Today the subcommittee will hear from several representatives of employee organizations on H.R. 11060. This is a bill to increase the number of career substitute employees by increasing the ratio of substitute employees from 1 to 5 regular employees to a new 1-to-4 ratio. There is some opposition to this proposal. Mr. Patrick Nilan, I understand, appears in opposition on behalf of the United Federation of Postal Clerks. Mr. Nilan is our first witness. He is the legislative representative of the United Federation of Postal Clerks.

Mr. Nilan, we will be pleased to hear from you at this time.

**STATEMENT OF PATRICK J. NILAN, LEGISLATIVE DIRECTOR,
UNITED FEDERATION OF POSTAL CLERKS, ACCOMPANIED BY
DON E. DUNN, EXECUTIVE VICE PRESIDENT; JOSEPH THOMAS,
DIRECTOR OF ORGANIZATION; AND EMMETT ANDREWS, EXEC-
UTIVE AIDE**

Mr. NILAN. Thank you, Mr. Chairman. This question is very important to our organization. I wonder if the chairman would permit three of my colleagues to join me at the witness table?

Mr. NIX. We will be happy to have them. Will you introduce your associates, Mr. Nilan?

Mr. NILAN. Yes, sir. I am joined this morning by Mr. Don E. Dunn, our executive vice president; Mr. Joseph Thomas, our director of organization; and Mr. Emmett Andrews, who is our executive aide.

Mr. NIX. We are very happy to have Mr. Dunn, Mr. Thomas, and Mr. Andrews here along with you. You may proceed.

Mr. NILAN. Thank you, sir.

For the record, I am Patrick J. Nilan, national legislative director of the United Federation of Postal Clerks, AFL-CIO. I am very pleased to appear before this committee in regard to the pending legislation, H.R. 11060.

We speak this morning in behalf of the Nation's 319,000 postal clerks for whom we are the exclusive national representative for labor-

management relations with the Post Office Department. Our membership is exclusively in the postal clerk craft and is located in post offices in the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

H.R. 11060 proposes to change the present 1 substitute to 5 regular employee ratio to a new 1-to-4 ratio, resulting in an approximate increase of 23,000 career substitute in the postal service. Mr. Chairman, regretfully, the United Federation of Postal Clerks cannot support the proposed legislation. Our organization has historically been on record by national convention action not only to oppose further increases in career substitute employees in the postal service, but to urge the Congress to eventually eliminate all substitute positions in the postal service, particularly the position of temporary employee.

In our opinion, Mr. Chairman and members of this distinguished committee, the Post Office Department has either misinterpreted or evaded the language and intent of laws enacted since 1936 as related to substitute complements in the Nation's post offices. We make this statement, Mr. Chairman, in particular reference to the testimony of Assistant Postmaster General Richard J. Murphy before this committee on June 27, 1967, when he quotes section 3303, entitled "Substitute Positions," of title 39, U.S. Code.

Mr. Murphy refers to section 3303 to establish the basis on which career substitute positions are allocated on the present 1 substitute to 5 regular employees in the postal service. Mr. Murphy referred to eight categories of postal employees for which career substitute employees are authorized on the existing 1 to 5 ratio. There is no reference in section 3303, either in the language or the listing of the various groups of "rank and file" employees, to include supervisory employees as a basis for authorizing 1 career substitute to each 5 regular employees.

In further reference to Mr. Murphy's testimony, we would like to refer this committee to the Post Office Department's official complement listings of July 1, 1966, which is the latest tabulation available to us. As of that date, the Post Office Department's authorized employee complement in first-class post offices showed the following number of clerical employees: 172,152 regular clerks which under existing law would permit the appointment of 34,430 career substitute clerks on the basis of 1 substitute for each 5 regular clerks.

However, this same Post Office Department report shows that on this very same date of July 1, 1966, there were actually 42,484 career substitute clerks, indicating an excess of career substitute clerks of 8,054 employees over the number of substitute clerks authorized by the existing substitute ratio law of 1 to 5.

Existing law is very clear that the number of career substitute clerks shall be on the ratio of 1 to 5 to the total number of career regular clerks. However, the Post Office Department, for many years, has arbitrarily included supervisory employees in the clerical complement for purposes of securing additional career substitute clerical employees. In this instance, the Department used an additional 30,915 supervisory employees to the number of career regular clerks which resulted in a total of 203,068 for purposes of establishing substitute clerk complements.

This questionable personnel policy established 40,613 career substitute clerk employees. However, the Department still had approximately 2,000 career substitutes in excess of this questionable 40,613 number, which would appear to be in violation of the substitute ratio law.

Actually, Mr. Chairman, if the provisions of the substitute law were observed on the basis of the Post Office Department's official figures, dated July 1, 1966, it becomes abundantly clear that with 172,152 career regular clerks and 42,484 career substitute clerks, the Department at that time actually was working on a ratio of 1 substitute clerk for approximately each 4 regular clerks as of almost 1 year ago today, which we believe is a violation of existing substitute law. We do not agree that supervisors should be included in clerical complements for establishing substitute clerk quotas.

For a specific example, Mr. Chairman, we would like to refer to a recent communication which I received from an officer of our local union 197 in San Diego, Calif., concerning the substitute clerk ratio in that post office. We have been advised that the postmaster recently announced that his authorized clerical complement at the San Diego Post Office included 735 regular clerks and 174 career substitute clerks. This relationship indicates a little more than 1 career substitute clerk for each 4 regular clerks.

When our union in San Diego questioned these figures they were advised that 134 supervisory positions had been added to the 735 regular clerk positions making a total complement of 869 employees for establishing career substitute clerk positions in the number of 174. This is the apparent violation of existing law to which we refer. It is also interesting to note that the San Diego Post Office at the same time had 39 temporary substitute clerks on its rolls.

We suggest, Mr. Chairman, if the committee should report legislation similar to the existing bill, H.R. 11060, that certainly language should be written into the reported legislation which would restrict supervisory employee complements from being included with regular clerk complements in establishing career substitute clerical complements in the Nation's post offices.

If I recall correctly, Mr. Chairman, supervisory positions in the postal service were originally filled almost entirely from the clerical craft. This may be one reason why supervisory positions originally and still continue to be included within the clerical craft for establishing substitute clerk positions. However, under present post office promotional procedures this is no longer true. Of course, if the Post Office Department was to agree to make supervisory positions available to clerks only, as a means of justifying such positions within the clerical complement, and subsequently for establishing career substitute clerk positions, then it is possible our organization would not object to this controversial policy.

Another reason, Mr. Chairman, that we are very much concerned with any increase in the career substitute complements of post offices at the present time is that the Department has recently found itself in a number of most serious personnel situations within certain post offices, particularly within the past several weeks. The continuing implementation of the presort of mail and ZIP code has created considerable standby or nonwork time in many of our larger post offices. This situation plus the discontinuance of en route mail distribu-

tion and the increasing use of mechanization to work mail could cause the Post Office Department to find itself in a position of having a most difficult time to employ present career regular and substitute employees in post offices throughout the country.

For example, we have just received a letter from a member of our organization in a second-class post office in Missouri. This office formerly had one career-regular clerk and one career-substitute clerk. However, as a direct result of mechanization and centralization of mail-handling operations, the regular clerk who had been employed in this position for 23 years has been relegated to a substitute clerk position. Now the two career substitutes must divide whatever hours of work are available. Our former career-regular clerk with 23 years of service, can now only be assured of 2 hours of employment each day.

Another reason for our vital concern with the introduction of any additional substitute employees in the postal service today results from the considerable number of mobile clerks; that is, post office clerks who work on trains and highway post offices, and are in the process of being surplusd into post offices of all sizes throughout the country because of the continuing elimination of railway mail service on trains and highway post offices. As a matter of fact, we have every reason to believe that up to 2,000 of these dedicated career railway mail clerks—both regulars and substitutes—will be surplusd from their mobile units and reassigned into post offices within the next 30 days.

In the Cincinnati postal region alone, more than 1,100 career regular and substitute employees presently assigned to railway post offices will start being reassigned into post offices within the Cincinnati region starting July 15. Eventually, and it has been estimated by authoritative sources that within the next 18 to 24 months some 9,000 to 10,000 mobile employees will lose their jobs on railway post offices and will be reassigned into post offices. Today there are approximately only 12,000 such mobile employees still left distributing en route mail in railway mail post offices.

As a result, Mr. Chairman, we have deep concern that the enactment of any legislation which would substantially increase the number of career-substitute employees could and would adversely affect the reassignment rights of present career-regular and substitute clerks from the mobile service, and in many instances eliminate opportunities for them to be assigned to post offices within the general area of their residences.

In other words, Mr. Chairman and members of the committee, what I am trying to point out is that at this particular period in the postal service we are experiencing an era of ever-changing programs, policies, and mail operations, which make it extremely difficult to predict the many and varied necessities for reassignment of career-regular and substitute employees, both from mobile units and post offices to other post offices throughout the country, in order to permit such employees to maintain a job and earn a living for their families. We cannot help but believe that the authorization to establish 23,000 new career-substitute positions in the postal service would be detrimental to the best interests of these dedicated employees.

Mr. Chairman, the Post Office Department in recent years has increasingly attempted to operate the postal service with part-time workers of all types. This is particularly true in the clerical craft

where increasing thousands of temporaries in ever-increasing classifications of temporary employees contributes, in our opinion, to a less efficient postal service, and certainly has been a most disturbing factor on the morale of career employees in all categories.

I would like to list for the information of the committee the following types of part-time and temporary employee positions in the postal service today:

Career Substitute employees.

Limited Temporary employees (89-day temporary employees).

TAPER or Indefinite appointments—without time limitations.

Seasonal Assistants.

Postal Assistants.

Neighborhood Youth Corps Appointments.

Youth Opportunity Program.

Hourly Rate regulars.

Actually, Mr. Chairman, and members of the committee, we find it difficult to understand why the Post Office Department, at this time, is requesting the enactment of legislation to increase by approximately 23,000, the number of career postal substitute employees. Within only the past few months, it has been demonstrated conclusively to us that the answer to a good mail service is not additional part-time employees, but rather full-time career-regular employees. The Department has introduced new personnel programs in Greensboro, N.C.; Atlanta, Ga.; San Antonio, Tex., and Louisville, Ky., which have substantially reduced or eliminated temporary and/or career substitute employees in great numbers in these particular post offices.

As a result of recent surveys, it is our understanding that with the new concept of career, trained, and skilled regular employees all temporaries have been eliminated in these post offices and the career-substitute complement has been drastically reduced. For example, in the Atlanta, Ga., post office there are no temporary substitute employees, and only approximately one career substitute for each 25 regular clerks. Certainly these facts would indicate the answer to a better mail service is increased regular clerk positions, reduction in career-substitute positions, and complete elimination of temporary substitute positions.

It is our understanding that, at the same time, the clerical production and quality in these offices increased tremendously as a result of these programs. And, in addition, the Post Office Department is not faced with paying fringe benefits to employees performing only a part of the 40-hour-week tour of duty. This program would appear to fully substantiate the position of the United Federation of Postal Clerks down through the years that the post offices can be operated efficiently and economically with the use of additional career-regular clerks and very few, if any, career-substitute clerks.

Again we question the Post Office Department's proposal to reduce the substitute-regular complement of postal employees, particularly in the clerical craft, with a sharp increase in the number of career-substitute employees since we were advised on June 6 that the Post Office Department has introduced an entirely new program within the entire Wichita, Kans., region with eight of the largest post offices in this region included in the new program.

We understand this program is concerned with proper scheduling of employees in post offices. We have been told that the post offices of Omaha and Lincoln, Nebr.; Oklahoma City, Tulsa, Okla.; Topeka, Shawnee-Mission, Wichita, and Kansas City, Kans., are the pilot post offices where the new scheduling program will be activated.

Our national officers have been told that it is the Post Office Department's intention, in these post offices, to (1) eliminate all temporary employees; (2) reduce the career quota of substitutes to the lowest possible number; (3) establish the maximum number of Monday-through-Friday basic workweeks for employees in these post offices, and (4) use career-substitute employees and a judicious amount of overtime to cover weekend assignments and peak mailing periods.

Mr. Chairman, we heartily endorse this Post Office Department program, as it would appear most consistent with a vastly improved postal service, and a much more efficient utilization of career-regular employees, with a minimum number of career-substitute employees.

Mr. Chairman, we would also like to refer, as a previous witness before this committee did on June 27, to the statement by Assistant Postmaster General Ralph W. Nicholson—Bureau of Finance and Administration—when he appeared before the House Subcommittee on Appropriations in February of this year. Mr. Nicholson had the following to say, and I quote:

The average substitute today is working about 28 hours, or little over 28 hours a week. His take-home pay is for about 28 hours a week or a little over. Prior to the passage of Public Law 89-301, the average substitute worked more than 40 hours. If he did work 40 hours then and 28 hours now, he has about a 30-percent reduction in his take-home pay. The average substitute employee worked 2,076 hours a year in 1965, before Public Law 89-301, but worked only 1,492 hours a year in 1966, after Public Law 89-301.

Mr. Chairman and members of the committee, based on this authoritative statement by Assistant Postmaster General Nicholson on the present inadequate number of hours and pay the substitute employee is receiving throughout the Nation's post offices, we would certainly suggest that any increase in the number of substitute employees would substantially and further reduce the number of hours of employment for such substitutes, and neither the substitute employees presently on the post office rolls, nor the new 23,000 substitute employees which would result from changing the substitute ratio law, would be able to work a sufficient number of hours or have a sufficient amount of take-home pay to provide a living for their families, or even for them to remain in the postal service as dedicated career employees.

Again, assuming Mr. Nicholson's statement is correct, we are at a loss to understand why the Post Office Department has recommended the 23,000 additional career substitute positions which would result from changing existing ratio relationship between substitute employees and career regular employees.

In addition, Mr. Chairman, to proposing that the career ratio of substitute employees to regular employees be changed, with a resulting substantial increase in career substitute employees, the Post Office Department is also urging the Congress to enact legislation which would convert TAPER and other temporary employees to career status basically outside of existing substitute-regular ratio law. It has been estimated if pending legislation permitted the automatic conversion of TAPER and temporary employees in the postal service,

particularly if this is done outside of the ratio quota, then the Post Office Department would be authorized to convert between 4,000 and 5,000 such employees to career substitute status. Again, substantially increasing the career substitute work force.

Mr. Chairman, we are confident that the average dedicated postal supervisor, in practically all of the Nation's post offices would prefer to be alert, imaginative, and efficient management representatives, both in scheduling the maximum number of regular employees and the minimum number of career substitute employees without temporary employees, and as a result move today's mail in a most business-like and efficient manner. However, it would appear to us that with the tremendous number of temporary substitute employees presently on the rolls, and the proposed increase in the number of career substitute employees that postal supervisors as a result would be encouraged to provide a sort of lazy, inefficient, and costly supervisor and management technique in moving the U.S. mail.

Postal management constantly insists that it must have "flexibility" in an effort to substantiate the tremendous number of temporary and other part-time employees presently utilized in the Nation's post offices. We suggest, Mr. Chairman, that the word "flexibility" with all it stands for, is outdated, unwarranted, and has been badly overrated in defense of part-time substitute employees.

If I may, Mr. Chairman, I would like to refer to the testimony by Assistant Postmaster General Richard J. Murphy before this committee on June 27. We concur wholeheartedly with Mr. Murphy's strong support for the employment of career regulars in the U.S. postal service. Certainly, we agree these employees are, as Mr. Murphy suggests "the backbone of the postal service—their efficiency is higher—their postal knowledge is broader—their interest in service is keener."

However, Mr. Murphy also points out that the substitute ratio to regular employees originally in 1935 was 1 substitute to 12 regulars, 1 to 10, and 1 to 8 regulars, depending on the size of the office concerned. A year later the ratio of substitutes to regulars was changed to 1 to 6, and in 1955, the substitute ratio was again changed to 1 substitute to each 5 regulars. Now the Post Office Department wants a further increase in the number of career substitute employees by reducing this quota to 1 to 4.

We suggest, Mr. Chairman, in all sincerity that, if this is done, in the not-too-distant future the Post Office Department will again suggest the ratio be further changed to even 1 substitute to each 3 regular employees, and this we are opposed to.

Mr. Chairman and members of the committee, we appreciate very much the opportunity to present this statement concerning the pending legislation. Before we conclude we would like to make a number of suggestions for amending the legislation which we sincerely believe would directly result in improved personnel practices within the postal service; more efficient and responsible scheduling of employees; and would provide a vastly improved mail service which the citizens of this great country of ours so richly deserve.

(1) Specifically restrict the Post Office Department from including supervisor positions within the clerical complements for establishing the number of career substitutes authorized in each post office under existing law.

(2) The appropriate sections of title 39 United States Code be amended to eliminate the position of "hourly rate regular employee" as referred to in section 3573 of title 39.

(3) Amend the appropriate sections of title 39 to provide that career substitute employees be paid at the overtime rate for all hours of work performed after 8 hours a day, as well as the present statutory provision for payment of overtime after 40 hours in 1 week.

(4) Write into law the requirement that the present substitute ratio of 1 substitute to each 5 regular employees also include all categories of temporary substitute employees and not just the career substitutes.

Mr. Chairman and members of the committee, in conclusion the United Federation of Postal Clerks urges this committee to give consideration to restoring the U.S. postal service as an employer of the maximum number of career regular employees and the minimum number of career substitute employees, as well as completely eliminating, or placing effective restrictions on the number of temporary employees that may be utilized in the postal service.

We regret that we cannot support the pending legislation as presently written and being considered by this committee.

Thank you for your time and patience in hearing the views of our organization. Mr. Dunn and I shall be happy to respond to any questions the committee may desire to ask, and cooperate in every other way possible.

Mr. Chairman, we brought along an attachment we would like to have included in the record for the benefit of the committee giving a listing of offices where temporaries exceed career substitutes as of July 1, 1966. That lists some 150 to 200 major post offices throughout the country of all classes and it shows the tremendous number of temporary substitute employees as against career substitute employees in these offices.

Mr. NIX. Without objection that may be made a part of the record immediately following the statement just made by Mr. NILAN.

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

(The list referred to follows:)

Offices where temporaries exceed career substitutes

Post office	Career subclerks	Temporary subclerks	Post office	Career subclerks	Temporary subclerks
New York, N.Y. ¹	3,352	1,875	Raleigh, N.C.	44	88
Chicago, Ill. ¹	2,123	1,719	Dearborn, Mich.	29	56
Boston, Mass.	869	1,442	Silver Spring, Md. ¹	33	28
Los Angeles, Calif.	937	995	Kalamazoo, Mich.	38	60
San Francisco, Calif. ¹	800	760	Colorado Springs, Colo.	36	37
Pittsburgh, Pa. ¹	504	465	Reading, Pa.		34
Miami, Fla.	248	497	Stamford, Conn.	33	33
Seattle, Wash.	257	266	New Brunswick, N.J.	35	36
San Antonio, Tex.	129	136	Charleston, S.C.	29	39
Hartford, Conn. ¹	139	131	Beaumont, Tex.	27	31
Providence, R.I.	123	172	Evanston, Ill.	25	49
Long Beach, Calif. ¹	88	80	Beverly Hills, Calif.	32	31
San Juan, P.R. ¹	70	65	Alhambra, Calif.	29	49
Albuquerque, N. Mex. ¹	57	55	New Rochelle, N.Y.	19	49
Youngstown, Ohio.	47	53	Pomona, Calif.	22	25
Van Nuys, Calif.	60	78	Augusta, Ga.	22	28
Hicksville, N.Y.	158	143	San Mateo, Calif.	20	28
Yonkers, N.Y.	47	64	Ann Arbor, Mich.	19	23
Fort Lauderdale, Fla.	45	50	Hollywood, Fla.	17	29
Santa Ana, Calif.	53	69	Mount Vernon, N.Y.	23	30
Inglewood, Calif.	56	80	Norristown, Pa.	21	29
Hickensack, N.J.	45	125	Rock Island, Ill.	26	54
White Plains, N.Y.	54	74	Sioux Falls, S. Dak.	31	39

See footnote at end of table, p. 45.

Offices where temporaries exceed career substitutes—Continued

Post office	Career subclerks	Temporary subclerks	Post office	Career subclerks	Temporary subclerks
Oak Park, Ill.	16	32	Suffern, N.Y.	14	22
Anchorage, Alaska	23	35	West Covina, Calif.	8	9
Sarasota, Fla.	16	26	Steubenville, Ohio	9	12
Muskegon, Mich.	16	18	Annapolis, Md.	10	17
Pawtucket, R.I.	21	28	Willoughby, Ohio	7	13
Red Bank, N.J.	25	40	Portsmouth, N.H.	11	17
Rockville, Md.	17	18	Farmingdale, N.Y.	11	13
Green Bay, Wis.	18	21	Fairbanks, Alaska	9	28
Cheyenne, Wyo.	13	23	Wausau, Wis.	9	15
Muncie, Ind. ¹	18	16	Wayne, N.J.	9	18
Passaic, N.J.	17	23	South San Francisco, Calif.	9	13
La Puente, Calif.	13	18	Oceanside, Calif.	11	20
Clearwater, Fla.	13	13	Bradenton, Fla.	8	11
Orange, N.J.	13	14	Somerville, N.J.	9	13
Davenport, Iowa ¹	15	16	Tuscaloosa, Ala.	10	10
Metairie, La.	15	13	St. Cloud, Minn.	10	17
Gardena, Calif.	14	15	Melbourne, Fla.	9	22
Concord, Calif.	18	21	La Grange, Ill.	7	14
Skokie, Ill.	13	39	Glens Falls, N.Y.	9	18
Englewood, N.J.	17	35	Milford, Conn.	7	11
Far Rockaway, N.Y.	11	19	Berwyn, Ill.	5	8
Champaign, Ill.	16	28	Elmhurst, Ill.	6	10
Yakima, Wash.	14	20	Irving, Tex.	5	10
Burlingame, Calif.	15	39	Ashland, Ky.	6	14
Kokomo, Ind.	17	20	Grand Forks, N. Dak.	9	10
New Castle, Pa.	14	20	Santa Maria, Calif.	8	15
Rutherford, N.J.	15	23	Hickory, N.C.	10	16
Pompano Beach, Fla.	11	23	Norwood, Mass.	8	15
Des Plaines, Ill.	13	17	Park Ridge, Ill.	8	10
Waukegan, Ill.	14	26	Minot, N. Dak.	9	10
Kearney, N.J.	12	27	Pasco, Wash.	8	16
Livonia, Mich.	10	13	Provo, Utah	8	15
Orange, Calif.	11	11	Wheaton, Ill.	8	9
Rochester, Minn.	15	15	Pittston, Pa.	10	10
Lakeland, Fla.	13	15	Carbondale, Ill.	11	11
Framingham, Mass.	13	21	Santa Fe, N. Mex.	7	13
Oshkosh, Wis.	15	22	Bellevue, Wash.	6	8
Pleasantville, N.Y.	9	104	Largo, Fla.	6	8
Bloomington, Ind.	13	23	Richardson, Tex.	8	13
Ridgewood, N.J.	12	13	Lakewood, N.J.	8	11
Woburn, Mass.	12	19	Laredo, Tex.	8	12
Florence, S.C.	10	26	Lincoln Park, Mich.	5	8
Lakewood, Calif.	8	10	Livingston, N.J.	6	11
Oak Lawn, Ill.	7	20	Plattsburgh, N.Y.	9	11
Fitchburg, Mass.	10	25	Salisbury, Md.	8	16
Costa Mesa, Calif.	10	10	Michigan City, Ind.	7	7
Fort Myers, Fla.	11	27	Wilmette, Ill.	5	13
San Angelo, Tex.	11	13	Beloit, Wis.	6	9
Greenwich, Conn.	12	18	Hopkins, Minn.	7	9
Melrose Park, Ill.	9	38	Rochelle Park, N.Y.	5	12
Jackson, Tenn.	9	10	Caldwell, N.J.	7	13
Mesa, Ariz.	9	23	Mount Prospect, Ill.	5	10
Longview, Tex.	12	20	Highland Park, Ill.	7	8
Paducah, Ky.	11	13	Janesville, Wis.	6	6
Rahway, N.J.	9	13	Marysville, Calif.	6	33
Gainesville, Fla.	11	25	Tempe, Ariz.	5	13
Eureka, Calif.	9	37	Bremerton, Wash.	7	7
State College, Pa.	9	25	Bryan, Tex.	6	13
Kingston, N.Y.	12	18	Hinsdale, Ill.	6	25
Maywood, Ill.	8	17	Palos Verdes Peninsula, Calif.	5	16
Zanesville, Ohio	9	15			

¹ Career subclerks exceed the temporary subclerks, but the number is completely out of line.

Mr. Nix. Thank you very much, Mr. Nilan, for your statement.

Now I intended to suggest, Mr. Nilan, that you submit for the committee's consideration such changes in the proposed legislation as you think would be acceptable to your organization; and if there are no changes that would be acceptable to your organization, then I suggest that you take each section of the proposed legislation and indicate why it is unacceptable to your organization.

Going to page 10 of your statement, the first paragraph, where you begin by saying: "Our national officers have been told that it is the Post Office Department's intention, in these post offices,"—and you

have mentioned several—"to (1) eliminate all temporary employees; (2) reduce the career quota of substitutes to the lowest possible number; (3) establish the maximum number of Monday through Friday basic workweeks for employees in these post offices; and (4) use career substitute employees and a judicial amount of overtime to cover weekend assignments and peak mailing periods."

Then you say, "We heartily endorse this Post Office Department program."

Well, it is my impression that the statement made as to the things to be done represent what the proposed legislation would do. Do you get the same impression?

Mr. NILAN. It would appear that way in just glancing at the statement as presented, but you will note—and I refer to point (2)—the Post Office Department is to reduce the career quota of substitutes to the lowest possible number. We are told they will reduce the number of career substitutes in these offices well below what they are presently allowed by law in these post offices, which would be in opposition to further increasing the number of substitutes that would be possible under the legislation.

Mr. NIX. Well, if the proposed legislation became law and the reduction that you mention would be effective and the time came about when it was necessary to have additional employees, I don't see anything in the law that would prevent the Post Office Department from securing such additional employees, do you?

Mr. NILAN. Yes, they could secure additional regular employees. Under existing law they can go before the Appropriations Committee and ask for additional regular employees or 5-day-a-week people but they cannot hire additional substitutes below the present quota of 1 to 5. We applaud this new program, we feel it is very progressive and is consistent with the best postal service, but we do feel if additional substitutes are authorized it might appear to the Department that the Congress would prefer additional substitutes rather than what they are trying out in the eight major post offices.

Mr. NIX. As I see it, they are seeking to place these substitutes, according to their testimony, in a more beneficial position, bringing them in a position where, according to the testimony, they would have greater fringe benefits and more assurance in employment. Now you question all of that.

I gathered from your statement that you feel there should be a continuance of temporary employees?

Mr. NILAN. No, sir. We suggest that the tremendous number of temporaries presently on the rolls could be substantially reduced. We are realistic enough to know they cannot all be eliminated overnight, it would be a gradual process, but certainly in the large first-class and second-class offices, in our opinion, there is no need for temporary employees.

Mr. NIX. You feel that 23,000 is altogether too much?

Mr. NILAN. Yes, sir. I might add, if I may, in Atlanta, Ga., the Post Office Department down there just eliminated all the temporaries overnight, practically. They gave them their separation notices and they were gone. At the same time they substantially increased the number of regular employees in that office and did not fill even the career substitutes positions available to them under existing law. Philadelphia also very recently—perhaps Mr. Thomas could comment on that because it is his home post office.

Mr. THOMAS. Mr. Chairman, I think you would be very interested in Philadelphia, inasmuch as that is your home and mine.

Mr. NIX. Mr. Thomas, that is the understatement of the year.

Mr. THOMAS. For many, many years in Philadelphia the service was operated without one single temporary employee, and I think the service there would compare with most throughout the country. There was experimentation with temporaries and it is my understanding that once again the Philadelphia office is going back to operating the postal service with career regulars and career substitutes within the present ratio of 1 to 5, and surely if it can be done in Philadelphia and was done for many years, I am certain it could be done elsewhere.

Mr. NIX. I want to thank each of you gentlemen for appearing here today. This is a matter of very grave concern to this committee and we give you our assurance we will consider every possible segment of the problem that faces us.

Again, thank you very much.

Mr. NILAN. Mr. Chairman, thank you very much. We always appreciate the opportunity to testify before this committee.

Mr. NIX. The next witness is Mr. Sidney Goodman, president of the National Postal Union.

I might say at this time that the House will go into session at 11 o'clock today and if we are short on time it might be that some of the remaining witnesses might wish to submit statements for the record.

Now, Mr. Goodman, please proceed.

STATEMENT OF SIDNEY A. GOODMAN, PRESIDENT, NATIONAL POSTAL UNION; ACCOMPANIED BY DAVID SILVERGLEID, SECRETARY-TREASURER

Mr. GOODMAN. Mr. Chairman, we will be very brief.

My name is Sidney A. Goodman, and I am president of National Postal Union, located at 509 14th Street NW., Washington, D.C. We represent over 60,000 postal employees, organized in excess of 500 local affiliates in 50 States, including Puerto Rico and the District of Columbia.

I am accompanied this morning by Mr. David Silvergleid, our secretary-treasurer.

Mr. Chairman and members of the committee, National Postal Union is opposed to passage of H.R. 11060 "to reduce from five to four the ratio of career substitutes to regular employees in the postal field service." We are opposed to it because despite the admitted acute need for additional manpower in various postal installations throughout the country, this is simply another avoidance of the basic problem, and an effort by the administration to obtain still more "flexibility." The Achilles' heel of the shortage of manpower will not be solved by a change in the "Higgin's ratio" because this does not speak to the real question. The real question is the insistence on the part of the Government on arrogating to itself the right to not only maintain, but to extend the use of employees at less than 8 hours' work a day. The concept was based on a cheap labor approach from its very inception, and the insistence of the Department on retaining this philosophy in 1967 is clearly antilabor. It has long since become illegal for any comparable outside corporation to have such a category

of employees, whom the Department continues to have a right to use in excess of 8 hours a day at straight time. Indeed, it is only since passage of Public Law 89-301 that substitutes in the postal field service even become eligible for overtime after 40 hours a week.

Changing the ratio would simply obscure the issue because so long as the Post Office Department is permitted to hire and utilize temporary employees, it will make no fundamental difference what ratio of career substitutes to regulars is established. It can be argued that if there are to be less than 8-hour-a-day employees, it is better to have career employees than temporaries. This, however, is simply a surrender to the completely outmoded concept which we have just pinpointed.

For the last 50 years the category of substitute postal employee has, in practice, been almost a subhuman specie in a relative sense from the standpoint of working conditions. Up until passage of Public Law 89-301 2 years ago, they could be used as little or as much in any 24-hour period as the whim of local management dictated, and as a matter of fact, they can still legally be used 7 days a week, 52 weeks a year. They are truly the expendables of the postal service. For the first 6 months while on probation, they are subject to summary dismissal should they cause the displeasure of any supervisor. They have the most irregular and undesirable hours. They are frequently required to work every single Saturday, Sunday, and legal holiday. They are normally given the dirtiest and least desirable work assignments, and in the clerk category, they are required, in addition, to spend many hours of their own time learning difficult distribution schemes which they may not even use. In the mail handler, and especially the clerk category, they are thrown from division to division, from section to section. They can never be certain at what time they will be required to report the next day, or when they will terminate their tour. The entire category of substitute is a constant source of instability, grievances, and problems of every kind.

The Post Office Department takes a very businesslike approach. It says that it is desirable from the standpoint of expediting mail to have large numbers of substitutes for short periods of employment coinciding with mail peak receipts. Projected logically, it means, for example, that the New York, N.Y., Post Office which presently has slightly under 3,000 temporary substitute clerks, should have 30,000 concentrated in three or four organized "peak" periods during the day of several hours each, with a skeleton force of regulars. That it has not come to this is no fault of the Department, but only because it is simply not feasible for a number of practical reasons beyond its control.

We again emphasize that it is not the ratio of career substitutes to regulars that is the real problem, but the failure of Government to yield its special prerogatives in having such a category, and especially the right of the Post Office Department to hire an unlimited number of temporaries without regard to the number of substitutes. For years the Department has used temporary substitutes, indefinite temporary substitutes, seasonal assistants, some of whom have never even been on a civil service register. Under various regulations promulgated by the Civil Service Commission, the Post Office Department can appoint such temporaries for a period "not to exceed" 30 days—so-called "emergencies"—89 days, and "up to 1 year."

More recently the Department has established the position of level 3 "postal assistant," combining the basic duties of both clerk and carrier who are used up to 20 hours a week. Appointees are college students and need take no test. There are only two simple requirements: (a) that they maintain a minimum academic standing; and (b) that there be a "need." We have no quarrel with the concept as such, except to point out that the Department on the one hand presses for "efficiency," and on the other hand becomes the political catch basin for projects which, however commendable from a community point of view, undermine basic stability and the status of regulars who are the backbone of the postal service.

I take the liberty of attaching a copy of a communication to the Postmaster General dated March 2, 1966, setting forth our views with reference to the establishment of this position. I believe that a perusal will point up the never-never land in which the Department has been for many years in terms of a proper recruitment program, and why it must continue to face insuperable difficulties from the standpoint of attracting and retaining desirable personnel.

Currently, the Department has a "pilot experiment" going in five postal installations dealing with yet another attempt to increase "flexibility." This involves establishment of the position of a so-called hourly rate regular. Appointees would come off a regular civil service register, and would have all the so-called protection and benefits afforded 8-hour regulars. The catch is that they would be regularly scheduled for less than 8 hours a day, again affirming the Department's insistence on retaining special privileges as an employer. We take the liberty of attaching a copy of a communication to the Postmaster General dated January 20, 1967, reflecting our views on this subject. We urge your consideration of it. And still the Department asks for more "flexibility."

Mr. Chairman and members of the committee, the proposal before you is not an answer. It is simply an attempt to avoid facing up to the basic issue as previously commented upon. It will not relieve the basic problem, but will complicate it further. I urge your opposition to it.

The only truly proper answer is to put an end to the right of the Department to hire any temporaries and eliminating the substitute category in its entirety, with a proportionate increase in the number of regulars.

Thank you very much, Mr. Chairman, for the opportunity of presenting our views on this issue.

Mr. NIX. Thank you very much, Mr. Goodman.

Mr. GOODMAN. Mr. Chairman, I ask permission to submit for the record the attachments to my statement.

Mr. NIX. Without objection they will be made a part of the record at this point.

(The attachments referred to follow:)

MARCH 2, 1966.

HON. LAWRENCE F. O'BRIEN,
Postmaster General,
Washington, D.C.

DEAR MR. O'BRIEN: Your General Release No. 36, dated February 26, 1966, concerned the "immediate recruitment of approximately 10,000 'needy and deserving' students to help post offices all over the nation move the mails more rapidly during rush hours". It authorized establishment of a new position of Postal Assistant, PFS-3 at \$2.37 an hour.

National Postal Union appreciates and supports the desire of the Administration and the Department to encourage and aid needy students as such. However, we wish to strongly protest the action taken because it is one more fundamental change in policy being taken in haste, without an opportunity for proper evaluation and consultation, and because it will increase instability among personnel, cause disruption, create problems, and resentment, and tend to undermine the status of career, full-time postal employees.

This new type of employment must increasingly lessen the attraction of full-time employment with the Post Office Department made through normal Civil Service registers at a time when the Department has been compelled to initiate extraordinary measures in an effort to overcome the difficulties presently being faced in obtaining additional thousands of needed new employees. In the last 10 years, beginning with the establishment of the category of part-time temporary substitutes, we have seen the status of the full-time career employee whittled away at steadily. We have Christmas Assistants, Seasonal Assistants, "N.T.E." 30-day "emergency" appointments, 89-day appointees, "Indefinite Temporary Substitutes", "Schedule A" appointments, "Part Timers" (four hours a day), and now a 16 hour a week employee. This new position is being authorized and utilized with a total disregard for its impact on the morale of full-time career employees, who must continue to feel downgraded at the spectacle of having phases of their basic functions parceled out to non-Civil Service employees, appointed without written examinations of any kind. These newest postal assistants are being hastily appointed with a degree of discretion given to Departmental representatives, that undermines Civil Service standards.

The haste is particularly indecent in view of the following:

(1) Authority for these appointments was granted by the Civil Service Commission on date of December 17, 1965, but after two months, there is not even a temporary job description and instead, the duties of SP 1-20 (Seasonal Assistant, PFS-3) will be utilized "pending issuance of a new Standard Position.

(2) The announcement states flatly that there will be "no examination".

(3) Rate of pay will be Step One of Level Three, \$2.37 per hour, but the temporary job description would, in practice, undoubtedly open the way toward the attempted use of this employee for work normally performed by a Distribution Clerk, (KP-12, PFS-4), or a City or Special Carrier, or Special Delivery Messenger, (KP 11, PFS-4). In practice, the use of Postal Assistants is bound to create confusion, resentment, and problems of every kind. It would introduce the atmosphere of the Christmas rush every day of the week where such employees are utilized. It is in our opinion essentially a cheap labor device, using a "progressive" approach.

The use of Postal Assistants will increase instability, and there will inevitably be a never-ending turnover of personnel in this title. It is bound to complicate major and serious problems attendant on present efforts to establish a proper foundation for the concept of the Administrative work week. Why should a person seek to take an open, written competitive examination for postal employment, and to make it a full-time life career when there are so many "flexible" approaches which offer "shortcuts"? As against rigid work schedules for fulltime regulars, the Postal Assistants can have virtually any hours and will undoubtedly have work schedules which, at least in part, will have advantages over the work schedules of regular senior career employees. They will not have schemes, but be used in "simple" distribution. They will, if the job description of SP1-20 prevails, not have "routes", but assist in "delivery of mail", etc. This is a hybrid position in our opinion, an ill-concealed product of expediency, whose political overtones are inescapable and which callously ignores the effect on full-time career employees.

The Department's instructions to Regional Directors state in part, "It is expected that use of these employees will be of significant benefit to the postal service, in that it will reduce the need for temporary substitutes." How, by increasing their number—because the Postal Assistants will in fact be nothing more or less than temporary substitutes.

We urge that all plans to employ Postal Assistants, PFS-3 be abandoned.

Thank you for your consideration.

Sincerely yours,

SIDNEY A. GOODMAN,
President.

NATIONAL POSTAL UNION,
Washington, D.C., January 20, 1967.

HON. LAWRENCE F. O'BRIEN,
Postmaster General,
Post Office Department, Washington, D.C.

DEAR MR. O'BRIEN: On July 12, 1966, we wrote the Department expressing our opposition to the establishment of the position of "Hourly Rate Regular", then a pilot program. While taking cognizance of problems caused by the acute shortage of manpower, the "Higgins Ratio," etc., we nevertheless made clear our firm opposition then to "the establishment of any new position which is either noncareer or less than full time," etc.

On the basis of a proposed "Regional Letter" recently provided us, it appears that the Department intends to authorize and expedite appointments to this new position. We restate our total opposition. In our opinion, the projected program is fraught with the most adverse and serious implications for the future of the postal service and its employees.

It is true that we have long had part-time temporary substitute clerks. They were, however, temporaries. Now the Department would not only extend this to other major categories, but establish such positions as avowed official policy on a permanent basis. In recent years, programs involving summer employment, continuing use of temporaries, creation of the position of Postal Assistant, etc., have steadily undermined the status of regular employees, the real backbone of the postal service. This is true irrespective of any merits these programs may have had in connection with relieving the acute shortage of personnel, or the community aspects, and without going into possible political implications.

Still chanting "improved service" and "lower costs", the Department now moves toward the crowning indignity. Clearly the employment of the overwhelming majority of appointees under this program would be of short duration which means building in mass instability on a permanent basis.

It would undoubtedly be considered a "good" part-time job, but those appointed would clearly be oriented exclusively toward a future outside the post office. What type of employee could be expected to be interested in career service in the postal service once this job is available? Why should anyone seek "normal" career substitute positions with all the hardships involved, when this job will be available, and what about its effects on these employees? The ultimate overall impact on the future of the postal service, in our opinion, must be disastrous. This position will create innumerable grievances, mass dissatisfactions, and problems of every kind. If the Department continues to pursue this penny-wise and pound foolish course, it can easily be on the philosophical basis of "after us the deluge."

We urge in the strongest possible terms and truly in the best interest of the service that the program be cancelled in its entirety.

Sincerely,

SIDNEY A. GOODMAN,
President.

MR. NIX. Mr. Goodman, on page 5 where you say, "Mr. Chairman and members of the committee, the proposal before you is not an answer," will you please tell this committee what is the answer?

MR. GOODMAN. The answer is that the Government should cease arrogating to itself a right long denied private industry, that is, to have a category of substitutes to be used at the whim of local management for an indefinite number of hours and days. Since 1930 we have had a minimum wage law yet it is only since the passage of Public Law 89-301 that substitutes in the postal field service have become eligible for overtime after 40 hours a week. Prior to that, they worked 65, 70, or 80 hours a week. They are just beginning to get overtime. Today a substitute can be used 12 hours a day and he will get straight time unless he exceeds 40 hours a week.

MR. NIX. Do you suggest, then, that there be no change?

Mr. GOODMAN. I suggest—that the very least—that this proposed legislation not be passed. It goes the wrong way.

Mr. NIX. How, specifically, should it be worded to attain the objective you seek?

Mr. GOODMAN. How should it be worded? Mr. Chairman, I will be glad to submit to this committee a series of proposals which would set out a positive program and not the medieval program the Post Office Department projects.

Mr. NIX. This committee will be glad to have you submit such a proposal.

Mr. GOODMAN. Thank you.

Mr. NIX. Mr. White.

Mr. WHITE. I have no questions, Mr. Chairman.

Mr. NIX. We thank you very much, Mr. Goodman and Mr. Silvergleid.

Mr. GOODMAN. Thank you.

Mr. NIX. Our next witness is Mr. Everett Gibson, president of the National Federation of Post Office Motor Vehicle Employees. Mr. Gibson, take the chair and introduce your associate.

**STATEMENT OF EVERETT G. GIBSON, PRESIDENT, NATIONAL
FEDERATION OF POST OFFICE MOTOR VEHICLE EMPLOYEES,
AFL-CIO, ACCOMPANIED BY CHESTER W. PARRISH, NATIONAL
SECRETARY AND TREASURER**

Mr. GIBSON. Mr. Chairman and members of the committee, my name is Everett G. Gibson. I am president of the National Federation of Post Office Motor Vehicle Employees, AFL-CIO, and I am accompanied by Chester W. Parrish, our national secretary and treasurer.

Mr. NIX. The subcommittee is most happy to welcome both of you.

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

Mr. Chairman, we appreciate the opportunity to present the views of our organization on H.R. 11060, introduced by the chairman of this committee, that would change the ratio of career substitutes within the postal field service from the present 1 to 5 to 1 to 4.

Our organization has mandated through our national convention to eliminate temporary substitutes in our service. Temporary substitutes have no civil service rights and many of these temporary substitutes are employed for many years before they can receive a career appointment, either by being reached on a civil service register or through an Executive order.

Mr. Murphy, Assistant Postmaster General, has stated before this committee that if the ratio of career substitutes was changed to 1 to 4, that the Post Office Department could appoint approximately 20,000 career substitutes in lieu of temporary substitutes and that Postmaster General O'Brien has directed that temporary substitutes be eliminated by the end of 1967 in all first-class post offices.

Mr. Chairman, we endorse H.R. 11060, but, we would recommend that a provision be made in H.R. 11060 that would make it mandatory

that temporary substitutes be hired only for seasonal or for emergency periods in all first-class post offices.

At the present time, we have many temporary substitutes, now employed in the motor vehicle service, who have gained the necessary experience and who are of great value to the postal service. Therefore, we would recommend that if H.R. 11060 is finally adopted by this committee, consideration be given to their being appointed to a career status prior to going to the civil service register.

We want to thank you, Mr. Chairman, and members of the committee, in affording us this privilege of expressing our views on this pending legislation. Thank you.

Mr. NIX. Thank you very much, Mr. Gibson. There is just one question I have. In the next to the last paragraph where you say: "Therefore, we would recommend that if H.R. 11060 is finally adopted by this committee, consideration be given to their being appointed to a career status prior to going to the civil service register."

Will you explain what you mean there?

Mr. GIBSON. We have many temporary employees who have been appointed from a register and who have gained experience over the years of operating vehicles in the maintenance program and have become of great value to the postal service. If they were to make additional career appointments they should consider the availability of these people, which would prevent the necessary additional training program of career employees coming in the service.

Mr. NIX. Mr. White.

Mr. WHITE. You acknowledge there are variations in the postal service according to the season, and I assume there is a need for substitutes. You are proposing what, sir, precisely?

Mr. GIBSON. We are endorsing the legislation to increase the ratio. However, we would like a provision that would prevent the hiring of temporary employees in first-class post offices.

Mr. WHITE. Would prevent the hiring of temporary employees in first-class offices?

Mr. GIBSON. Temporary employees; yes.

Mr. WHITE. And who would you hire instead?

Mr. GIBSON. The ratio of 1 to 5 would be reduced to 1 to 4, which would give greater opportunity for career employees. The career man would only be paid when he is called on.

Mr. WHITE. What would he do otherwise?

Mr. GIBSON. He would just be paid for the time he is on.

Mr. WHITE. Thank you.

Mr. NIX. Thank you very much, Mr. Gibson and Mr. Parrish.

I might say this, Mr. Gibson, it would be our pleasure to go into the matter at greater length but, as I indicated before, we have a limited amount of time, but I can assure you that every consideration will be given to your views.

Mr. GIBSON. We knew you were short of time and we made our presentation as brief as possible.

Mr. NIX. Our next and last witness is Mr. Henry Womack, president of the National League of Postmasters. Mr. Womack, we want to welcome you before the subcommittee.

**STATEMENT OF HENRY H. WOMACK, PRESIDENT, NATIONAL
LEAGUE OF POSTMASTERS OF THE UNITED STATES**

Mr. WOMACK. Thank you, Mr. Chairman.

Mr. Chairman, my name is Henry H. Womack, I am president of the National League of Postmasters and the postmaster at Catron, Mo., and of course, I am grateful to this distinguished committee for the opportunity to present the views of the National League of Postmasters on this matter.

Mr. Chairman, one of the marks of a good manager is his ability to schedule his employees in order to get the most production with the least expenditure of time. I think we could all agree on this. Good management by the postmaster and postal supervisors cannot be had on every occasion simply because of the fact that we are hampered by the fact that we are only allowed 1 substitute for each 5 regulars. There was a time, perhaps, back during the depression, when the rule might have had some merit, but there is no longer any reason for it to be thus so, in our opinion.

The need of the Department, manpowerwise, is not determined by the Department, but by the users of the mails, that is, we accept the mail when it is brought in; and, not in every case, is it brought in when we would most like to have it. Consequently, we must be prepared, at all times to receive peak volumes of mail. It would be far too costly and too much of a waste of manpower to keep a work force on duty all of the time in anticipation of peak volumes of mail. We maintain, and believe rightly so, that in order to be most efficient, we should have the authority to engage as many substitutes as are needed to cope with the situation. When they are not working, they are not being paid. The ratio of 1 substitute for each 4 regulars will not completely solve the problem, but it will go a long way toward doing so.

Obviously, our best postal service is given by the regulars on our rolls, and certainly the National League of Postmasters would like to see a situation that would not require the use of any substitutes whatever. However, the facts of life, whether we like it or not, dictate that this much-desired end cannot be had. We have to go to the next best thing which is the hiring of substitute employees, and work them only as they are needed.

It is quite true too, I think, that a feeling of "esprit de corps" is lacking in substitute employees that is found in our regulars, but again I must point out the "facts of life" allow us no other alternative.

It is our task so move the mails, Mr. Chairman; this we have to do, and it is our aim to move them just as fast and efficiently as it can be done. We believe that the speedy enactment of H.R. 11060 will help to "unite our hands" and give us a much-needed tool.

Thank you for your kind attention. I will be most happy to answer any questions that you might have to the best of my ability.

Mr. Nix. Thank you very much, Mr. Womack. It is always refreshing to have someone agree wholeheartedly with any given position. It is your considered judgment, then, that there is nothing wrong with the legislation at all?

Mr. WOMACK. Not at all, sir, except that it might not go far enough. It would appear to me that our hands are tied in not being able to

hire enough people when we need them at the time we need them in the interest of efficiency.

Mr. NIX. Considering the present volume of mail do you anticipate situations where you will not have sufficient employees to handle it?

Mr. WOMACK. Indeed so, unless we resort to the use of overtime, and that is a costly item.

Mr. NIX. You therefore feel that the legislation is entirely too restrictive in that regard?

Mr. WOMACK. In that sense; yes, sir.

Mr. NIX. What do you suggest to relieve the inadequacy?

Mr. WOMACK. Mr. Chairman, it has been the position of the National League of Postmasters that the postmasters should have more authority and the Post Office Department should have more authority to hire the number of people necessary to get the job done and get it done efficiently. Why have a ratio at all is my question.

Mr. NIX. Strangely enough, Mr. Womack, a great number of people have advocated the same thing in the legislative sphere, but I have noticed that those that have advocated great powers in the hands of the postmasters did so when they were very close to the postmasters, and on those occasions when the postmaster was not close to them they were not at all enthusiastic.

Mr. WOMACK. I think it is a case of saying "Do the job" and then not giving the tools to do it with.

Mr. NIX. Mr. White.

Mr. WHITE. You don't, then, foresee that this new ratio of 1 to 4 would supplant any regular employees?

Mr. WOMACK. Not at all.

Mr. WHITE. What are you presently doing under the present ratio to get the job done?

Mr. WOMACK. We have to resort to overtime in many instances, which is costly.

Mr. WHITE. Overtime of regular employees?

Mr. WOMACK. Yes.

Mr. WHITE. Have you made any estimate of the savings to the Federal Government that this bill might bring about?

Mr. WOMACK. No, but I will be glad to contact the Department and try to secure a figure for you.

Mr. WHITE. You are satisfied there would be substantial savings?

Mr. WOMACK. Yes.

Mr. WHITE. Mr. Chairman, I wonder if we could have that information for the record?

Mr. NIX. If it is submitted we will make it a part of the record.

Mr. WHITE. What would be the harm in making them regular employees?

Mr. WOMACK. Mr. White, when you make him a regular employee he has to be paid. If the work is not there to do—and it normally would not be except during the peak periods—it would be a costly waste, it seems to me.

Mr. WHITE. Has your organization made an analysis to determine this is the proper ratio you should have?

Mr. WOMACK. I am saying this is the best that has been proposed. We are for giving away with it altogether. This is just the lesser of the two evils.

Mr. WHITE. What would be the result if we eliminated all ratios?

Mr. WOMACK. Hopefully we, as managers, would be more efficient.

Mr. WHITE. Would there be an inclination to hire more substitutes rather than regular employees?

Mr. WOMACK. No, sir, because with substitutes the esprit de corps is lacking and we would prefer to work regular people.

Mr. WHITE. Is there a conflict between employees and the postmaster where the postmaster might use it as a punitive measure?

Mr. WOMACK. Certainly there is not as far as this postmaster is concerned. There might be some resentment. I don't think there would be.

Mr. WHITE. If we removed all ratios would there be some tendency on the part of postmasters instead of hiring regulars to hire substitutes?

Mr. WOMACK. I don't want to set up postmasters as paragons of virtue, but I don't think such a condition would come about.

Mr. WHITE. Is there a ceiling in the law as to how long a period you can hire substitutes?

Mr. WOMACK. For temporary substitutes we have 30 days, 60 days, 90 days, or 1 year, and then we have indefinite substitutes.

Mr. WHITE. Are those all in the ratio of 1 to 4?

Mr. WOMACK. They are not in that ratio at all.

Mr. WHITE. Thank you.

Mr. NIX. Thank you very much, Mr. Womack.

(The following statement was submitted for inclusion in the record:)

STATEMENT BY ASHBY G. SMITH, PRESIDENT, NATIONAL ALLIANCE OF POSTAL & FEDERAL EMPLOYEES

The National Alliance of Postal and Federal Employees, an industrial union with one hundred and fourteen branches, and more than forty thousand members, gives qualified approval to H.R. 11060 introduced by the distinguished Chairman of this Sub-Committee.

We approve, because we see in the provisions of this bill the possibility of giving to the Post Office Department tools it needs for more efficient up to date performance of its mission by providing it with a more stable working force than is available from non career or temporary substitutes.

We approve, because we see in the changed ratio of one career substitute to every five career regulars to a one to four ratio, a device that *can* eliminate most, if not all, of these temporary substitutes, the elimination of which has been a long time goal of this union.

We say "can eliminate" and thus the qualification of our approval for the political pressures behind the appointment of temps is so strong that we are not sure that this legislation will accomplish their exodus or even greatly reduce their number.

Too, we have a fear that the acquisition of an additional number of career regulars might lead postmasters, appreciating the greater flexibility of substitutes as a working crew, to fail to fill career regular vacancies as rapidly as they occur.

Because the National Alliance of Postal and Federal Employees believes that the advantages of this proposed legislation outweighs the possible dangers, this union, through its President Ashby G. Smith, urges that H.R. 11060 be reported out favorably by this Sub-Committee and urges further that it be passed by Congress.

(The following information was furnished the subcommittee for inclusion in the record:)

POST OFFICE DEPARTMENT,
ASSISTANT POSTMASTER GENERAL,
BUREAU OF PERSONNEL,
Washington, D.C., July 7, 1967.

Hon. ROBERT N. C. NIX,
Chairman, Subcommittee on Postal Operations,
Committee on Post Office and Civil Service,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: During the course of hearings held last week on your bill, H.R. 11060, Mr. Keating, President, National Association of Letter Carriers indicated that while his organization endorsed H.R. 11060 which provides a ratio of one career substitute employee for each four career regular employees, his organization gave such endorsement only if a legislative control were placed on the employment of "temporaries" in the postal field service.

We appreciate the concern of your committee on the need to control the employment of temporary postal personnel. Accordingly we have drafted a proposed change to 39 U.S.C. 3302 which we believe accomplishes the control desired. While we are reluctant to see this kind of inhibition placed on our operating managers, the proposed design is one which we can support.

Sincerely yours,

RICHARD J. MURPHY,
Assistant Postmaster General.

Section 3302 of Title 39, United States Code, is amended by adding a new subsection (f) as follows:

"(f) The Postmaster General may not appoint any person as a temporary substitute employee in any of the categories named in subsection (b) of this section at any first-class post offices unless a period of 90 days or more has elapsed since he was so employed and no such appointment shall continue for a period greater than 120 days except that the limitations of this subsection do not apply:

"(1) to any category of employee at a post office in which there are less than 25 employees;

"(2) to employment between November 15 and December 31 in any year;

"(3) with respect to any category of employees for which there is not available a sufficient register of eligibles for probational appointment, and

"(4) to appointments made with the concurrence of the Civil Service Commission for the purpose of providing part time employment to special groups of persons."

Mr. NIX. The subcommittee will stand adjourned.
(Thereupon, at 11:05 p.m., the subcommittee adjourned.)



