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# 90-23 FEDERAL EMPLOYEES' ADMINISTRATIVE LEAVE FOR HURRICANE OR SEVERE WEATHER CONDITIONS

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## HEARING BEFORE THE SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE OF THE COMMITTEE ON OFFICE AND CIVIL SERVICE USE OF REPRESENTATIVES NINETIETH CONGRESS

FIRST SESSION

ON

### H.R. 8474

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE FOR THE EXCUSED ABSENCE FROM DUTY, WITHOUT LOSS OF PAY OR REDUCTION IN ANNUAL OR SICK LEAVE, OF FEDERAL EMPLOYEES IN AREAS COVERED BY OFFICIAL WARNINGS OF IMMINENT DANGER OF HURRICANES OR OTHER INHERENTLY DANGEROUS WEATHER CONDITIONS, AND FOR OTHER PURPOSES.

OCTOBER 17, 1967

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# FEDERAL EMPLOYEES' ADMINISTRATIVE LEAVE FOR HURRICANE OR SEVERE WEATHER CONDITIONS

TUESDAY, OCTOBER 17, 1967

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

The subcommittee met, pursuant to notice, at 11 a.m., in room 346, Cannon House Office Building, Hon. David N. Henderson (chairman of the subcommittee) presiding.

(The text of the bill, H.R. 8474, is as follows:)

[H.R. 8474, 90th Cong., first sess.]

A BILL To amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

## “§ 6325. Absence because of dangerous weather conditions

“(a) Each employee in or under an executive agency whose presence is not required for reasons of public safety, emergency services, or the national security, shall be excused from duty, without loss of pay or charge to annual or sick leave, whenever the Environmental Science Services Administration, Department of Commerce, has officially issued warnings of imminent danger of hurricane or other inherently dangerous weather conditions for the area in which such employee is then performing his official duties and until such time as the Environmental Science Services Administration has officially announced that such weather conditions no longer exist.

“(b) The Civil Service Commission shall prescribe uniform regulations to carry out the purposes of this section.

“(c) This section shall not be construed to limit any other authority to grant or approve administrative leave for Federal employees generally by reason of adverse conditions due to severe weather or otherwise.”.

Sec. 2. The table of contents of subchapter II of chapter 63 of title 5, United States Code, is amended by inserting—

“6325. Absence because of dangerous weather conditions.”

immediately below—

“6324. Absence of certain police and firemen.”.

Mr. HENDERSON. The subcommittee will come to order.

The meeting this morning is to conduct a public hearing on H.R. 8474, introduced by our colleague and friend from Florida, Hon. Claude Pepper. This bill would require the appropriate authorities of the Federal executive agencies to excuse from duty, without loss of pay or reduction in annual or sick leave, Federal employees in areas covered by official warnings of imminent danger of hurricanes or other dangerous weather conditions.



Our first witness scheduled this morning is Representative Claude Pepper, who was to be followed by the Honorable Dante Fascell, who has also expressed considerable interest in this legislation.

Congressman Pepper, we will be glad to receive your testimony.

**STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF FLORIDA**

Mr. PEPPER. Thank you, Mr. Chairman. It is always an honor for me to appear before this distinguished subcommittee to express my views in support of my bill, H.R. 8474.

Let me give you a brief rundown on the background of this proposal. I originally introduced it during the first session of the 89th Congress. I had been meeting with various groups of Federal employees from time to time, and they indicated to me the necessity for legislation which would remedy certain inequities in the treatment of Federal and postal personnel during situations when weather conditions are hazardous. I could see the problems inherent in circumstances like these, and thus proposed a measure, H.R. 11434, to help resolve them. Hearings were held by the Civil Service Subcommittee, predecessor to this honorable subcommittee, in August of last year.

Subsequently, I submitted a new bill, H.R. 18007, modified as a result of the hearings, which is identical to H.R. 8474 except for one small change: the language exempting employees of the Tennessee Valley Authority is eliminated from H.R. 8474. This had been added to accommodate one of the Members who is no longer in the Congress. I do not feel that it is a necessary provision, however, and have stricken it from the bill. The Senate Post Office and Civil Service Committee held a hearing on the legislation earlier this session, but no further action has been taken.

This bill concerns the procedures that Federal agencies would follow in the event of warnings by the Weather Bureau that hurricanes or other severe weather conditions constituted a danger to the area. Its substance is contained in its title, which reads as follows:

To amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions.

This is not a complex proposal; it seeks simply to clarify and make more equitable the procedures under which Federal employees may be released from work when a severe storm threatens.

Most of you are undoubtedly aware that regulations already in effect allow Federal agencies to excuse employees without charge to leave and without loss of pay under "emergency conditions due to extreme weather conditions, fires, floods, or serious interruption to public transportation services." I am quoting here from the Federal Personnel Manual, under the general heading "Administrative Dismissals of Employees." And this is appropriate, I think. This provides for early staggered personnel dismissals when snow, ice, or similar weather conditions make driving hazardous and create dangerous traffic congestion. This is done, from time to time, right here in Washington, when a snow or ice storm threatens to create serious problems for Government employees who often have to drive many miles to reach their homes in the suburbs.



I want to make it clear, though, that snow and ice storms on the one hand, and hurricanes and tornadoes on the other, are completely different. Snow and ice constitute an annoyance, an inconvenience, although they can be hazardous if one is not careful. Hurricanes and tornadoes, however, constitute a radically different kind of threat. These can be—and unfortunately often are, as the recent experience in Texas can tell us—real killers, taking their toll in lives and in millions of dollars of damage.

Here, then, is where my bill would make a distinction. For it would, in effect, leave the decision as to when Federal employees should be excused from work to the experts—to the weather forecasters themselves. The language of the bill provides that workers shall be excused, “whenever the Environmental Science Services Administration, Department of Commerce, has officially issued warnings of imminent danger of hurricane or other inherently dangerous weather conditions for the area, and until such time as the Environmental Science Services Administration has officially announced that such weather conditions no longer exist.”

It makes little sense for the Weather Bureau to be issuing warnings to the general public to get off the streets, while letter carriers, for example, are compelled to continue their rounds, despite the weather. It makes equally little sense for employees in one agency to be dismissed at 1 p.m., others at 3 p.m., and still others at 6 p.m., as it happened in my area, while all are subject to the same hazardous weather conditions. Instances have arisen where some employees were granted administrative leave, while others had to charge time taken because of the weather to their annual leave. My bill would resolve these problems and put an end to the inequities which have resulted in the past.

Objections have been raised to this proposal on the ground that some employees are needed on the job—for example, those at FAA who man the airport control towers—even, or perhaps especially during a weather emergency. My bill makes provision for that eventuality by including only those workers “whose presence is not required for reasons of public safety, emergency services, or the national security.” Another objection I’ve heard is that the legislation would treat all employees alike, while their job situations may be different. Here again, my bill takes this into account, by requiring the Civil Service Commission to prescribe uniform regulations to carry out its purposes. This would permit the Commission to make allowances for these differences.

A third objection is that the Weather Bureau issues several hurricane warnings when a storm is in the vicinity; which one would be controlling? Stanley Gold, able legislative representative of the Dade County Council of Postal Employees, answered this question very well, I think, in last year’s hearings when he said:

With great frequency, hurricane winds do affect the peninsula of Florida, disrupting all normal functions of our area, and this includes the mail service.

Preceding a hurricane, we do receive progressive warnings from the Weather Bureau, starting with gale warnings, then hurricane alert and then as the hurricane approaches, the hurricane alert is changed to hurricane warning. At this time the Weather Bureau notifies the public by radio and TV to take all possible precautions for life and property.



It would seem, then, that this would be a logical time to excuse Federal personnel from work so that they could go home and be with their families.

This legislation is needed in order to treat Federal and postal employees equitably and humanely. What husband or father could devote his whole attention to his job when his home might be in the path of a hurricane or his children might be stranded at school? I do not believe that this bill will result in the loss of excess time from work, nor that it will prove difficult to administer. Rather, it will give the employees of the Federal Government the same benefits and allowances which, by and large, are already granted to other workers by private enterprise.

I appreciate having this opportunity to appear before you and your able subcommittee today, Mr. Chairman, and I urge that you report this measure favorably on the basis of its merits.

Mr. Chairman, I have some letters here from people, I think, who have valuable opinions on this matter. One is from the United Federation of Postal Clerks. I ask that they be incorporated in the record after my statement.

Mr. HENDERSON. I would suggest they be submitted to the committee. The usual procedure we follow, Congressman Pepper, is that after the staff members have had an opportunity to look at them we will order them printed in the record or placed in the file for our use.

Mr. PEPPER. Very good; whatever the pleasure of the Chair.

(The letters referred to are as follows:)

UNITED FEDERATION OF POSTAL CLERKS LOCAL 5241,  
Opa-locka, Fla., October 14, 1967.

Congressman CLAUDE PEPPER,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: I was extremely pleased to hear that your bill H.R. 8474 will be heard before the House on October 17, 1967. As I will not be able to be present, I will appreciate your submitting this statement.

This bill will be most beneficial to all Government employees, especially those in the Post Office Department. I can cite our own experience here in Dade County. As an employee of the Opa-locka office, we were given a different time to secure and leave the office, also a different time to report back for duty than the other post offices in Dade County. At this point I would like to say there are six postmasters in Dade County (we have that many separate post offices), therefore the postmaster at office A which is 40 miles from office F, may decide that the winds aren't blowing sufficient to close the office, even though the weather bureau has advised that all should be secured to prevent damage to life and property. Several of the employees at the post offices, live as far as 16 miles from home. They certainly can't do a good job working knowing that until the postmaster decides its time to leave, their homes have to be boarded and trip to the foodstore to get candles and canned foods, to use when the electricity goes. If no one has ever been through one of these storms I feel I should point out, that I can personally state that I have been without electricity for 4 days, therefore one must take time with the winds blowing and the rain pouring down, time to board the house, get the car filled with gasoline (electricity is out at the gas station too) and assure the children all is going to be well.

Meanwhile the carrier is still delivering his mail as he has called the office and the postmaster has said work another half hour, and then come in. The wind and rain is by this time beating down with a fury, he's worrying the same as the clerk in the office of his home and family as he has heard the weather bureau report, that no one should be out unless absolutely necessary. The tree limbs are bending and an occasional branch flies by in the wind, or a garbage can lid, adds to his discomfort.

After the storm the weather bureau again advises not to venture out as power lines are down, but here again the postmaster has to play weather man and



decide if it is safe for the employees to report to work. He does not take into consideration that different employees live in different areas of town, and while it might be safe for one area to drive in, the other area is being rerouted by the police due to trees and powerlines obstructing the roads. The Weather Bureau still says stay home, but the special delivery messenger is already on the street, watching the roads for any traffic hazards that may occur, and the rain is still falling.

Here at Opa-locka we were let off from work during the last hurricane at least an hour earlier than the Miami office and about 15 minutes different from the Hialeah office, however the Miami post office had to report to work before any other post office in Dade County.

I feel this bill will take away from the postmaster the decision, which should be Weather Bureau's, as to when it is safe to be on the street. I know the postmasters will achieve more harmonious relations with the unions if this is done, as after each hurricane, there is always the question when the postmaster feels administrative leave should begin and when the employee feels it should.

I certainly hope that the committee, will see the need for this bill as you did.

Thank you for letting me express my voice on this matter and once again thank you for submitting this bill, and I hope it goes through.

Sincerely,

MARGARET R. CARVER,  
*Vice President, District 4, Florida Federation Postal Clerks.*

---

GREATER MIAMI POSTAL UNION,  
*Miami, Fla., October 15, 1967.*

HON. CLAUDE PEPPER,  
*House of Representatives,  
Washington, D.C.*

DEAR CONGRESSMAN: I write in support of H.R. 8474, to add administrative leave for Federal employees when hurricanes or other severe weather conditions threaten a given area.

Basically there is no justice in the fact that employees of the Government, in certain areas, must use their vacation time or time off without pay due to adverse weather.

Certainly there is great pride in staying on the job for all dedicated Federal employees but when the safety of their immediate families is threatened, then the pride in their dedication borders on the ridiculous.

Only those persons who have experienced such stark tragedy, as may accompany a hurricane or tornado, can fully realize the necessity of the passage of this bill.

As much as 5 or 6 days are sometimes needed for necessary preparations, actual combat of the elements during the storm and post-storm cleanup, when a hurricane strikes.

These storms and conditions are natural in scope and cannot be controlled. Therefore an allowable advantage must be afforded the employees who are victims.

Trusting this letter will be of some help to you I remain,

Sincerely yours,

JOSEPH M. CHURCH,  
*Executive Board Member.*

---

UNITED FEDERATION OF POSTAL CLERKS, AFL-CIO,  
*Washington, D.C., October 16, 1967.*

HON. CLAUDE PEPPER,  
*Member of Congress,  
House Office Building,  
Washington, D.C.*

DEAR CONGRESSMAN: I have just arrived home from an organizational trip and this has prevented an earlier acknowledgement of your very kind letter of October 12, 1967.

As you know, it was my privilege, through your kind efforts, to present a statement concerning your bill, H.R. 8474, when you appeared before the Senate Post Office and Civil Service Committee. In the event you would be able to submit this statement before the House Subcommittee on Manpower and Civil Service tomorrow morning, I would be most obliged.



Suffice to say that whatever course of action you will take will, as always, serve our best interest. I am making a copy of this letter available to our good friend Pat Nilan and I would be most happy to associate myself with any report this good gentleman will be making before the committee.

You are a real champion and we are eternally grateful for your kind interest and I am sure Pat is looking forward to being with you.

Very sincerely,

PHIL DOOLEY,  
*National Vice President.*

Mr. HENDERSON. I have a few questions. We have had a request from the FBI that that agency be specifically exempted by amendment to the bill. Would you care to comment on the request of that agency? I realize you pointed out that there is a general exemption under your proposed legislation for national security personnel, but how would you feel about a specific exemption for the FBI?

Mr. PEPPER. Mr. Chairman, I think it would be a mistake to exempt the whole Federal Bureau of Investigation from the terms of the bill. Those people are not automatons or mechanical men and women, they are people. They are husbands and fathers and they have their responsibilities; their lives and their limbs are important, and it is essential that the ordinary FBI employee be off the streets just as it is that other employees be off the streets. My bill contains provision for those whose duties require that they stay on the job, and those people would not be dismissed even when the hurricane warnings came along. But just to exempt a whole bureau, I think would be in error.

It might well be that there are certain agents in sensitive positions or engaged in duties that would make it contrary to the national interest if they were dismissed from those duties; but remember those hurricanes don't last very long in their intensity when they get to the hurricane warning stage. First the rim comes over and then the eye and then the other rim, but the employees will not lose a great deal of time and I think my bill properly exempts those necessary for the national security, but it would only apply to those particular people, not to secretaries and other people not absolutely required in the public interest to be on the job.

Mr. HENDERSON. Would your bill provide that the agency, for which the employees worked, would decide who are essential and who must remain in their post of duty?

Mr. PEPPER. That is the present law. In the Miami area there were people who were released by one agency at noon, by another agency at 3 o'clock, and by another at 6 o'clock in the evening, although beginning at 12 o'clock the radio and the television had come out with a hurricane warning.

Mr. HENDERSON. Let us get back to the point you made about the FAA employees. Who would decide, for example, in the FAA, that the control tower operators would stay on duty and that a clerk-typist would go on home?

Mr. PEPPER. It would be the executive head of that agency, and the same would apply to the FBI. If the executive head of the agency said there were some people necessary to stay on duty they would be exempt under the provisions of this bill. On page 2 of the bill you will recall I quoted, "The Civil Service Commission shall prescribe uniform regulations to carry out the purposes of this section." The executive head would make that decision.

Mr. HENDERSON. I am sure you are aware what the administration's position is. Its spokesmen, I feel sure, this morning, will testify



that they feel there is no need for the enactment of this bill in that there is sufficient administrative flexibility now to put into effect the changes you are proposing. I wonder if you would care to answer that before their position is stated?

Mr. PEPPER. You mean there is already executive authority to achieve what we propose to achieve in the bill or that they could establish those principles?

Mr. HENDERSON. Yes.

Mr. PEPPER. The only thing I can say there is that they haven't done it and I see no prospect that they intend to do it. As a matter of fact, I have had the heads of executive departments tell me they would welcome a uniform policy like this, that it would take the responsibility off them.

Mr. HENDERSON. I am very appreciative of the problem. As you know, a few years ago it looked like Florida had been relieved of the hurricanes and that the southern coast of North Carolina was the prime target. We experienced some storms as bad as anywhere. But, there is one concern I have: If this responsibility were placed upon the Weather Bureau—and perhaps that is not the best description—but if as a result of the enactment of this legislation the people in the Weather Bureau would feel that one of the results of their warning would be that all these thousands of Federal employees would get off at a certain time, do you fear this would in any way influence their generally splendid reporting and warning to all of the public?

Mr. PEPPER. No; I think it would not. They feel they owe a duty to the public to give them whatever information they possess, relative to that approaching danger, and what the people do when they get the warning is up to them, but they feel it is their duty, and I think they are right about it, to tell the people a hurricane is approaching this area and is imminent and they recommend that the people get off the streets and take the proper safeguards against such an approaching hurricane.

I don't know of any community where the Federal employees constitute a majority of the population. These warnings apply to people and Federal employees are people. I have an office where I am responsible for a good many people, and when the warnings come along everybody understands they go home, or if the warning comes before they leave home they don't come. They are people. Maybe the people in the departments feel that the report of the Weather Bureau is such that they are not quite sure what they should do. As the able gentleman from Iowa knows, who has lived in Miami Beach, these hurricanes sometimes come from the southeast Atlantic and if they follow the predictable course it will take them right over the Miami area. The Weather Bureau will say that a hurricane is estimated to be so many miles away and if it follows its usual course it should be expected to reach Miami Beach by a certain time. We have tremendously diminished the loss of life and property by having these warnings.

Now, then, the head of an establishment, let us say the Social Security or the Small Business Administration, the executive head might say, "Well, you know they say this is coming but it has been wobbling for some time and I would like to wait a while. It may turn off and go to the coast of North Carolina instead of coming here. Let us wait a while and take a chance, because we know these hurricanes



are erratic in their course." But this legislation says that man does not have to try to decide between the safety of his employees and trying to get as much work out of them for the public as possible. The law would say that except for those persons required to be on duty, which would be determined in the proper way, the employees have the right to be excused from duty without loss of pay or reduction in annual or sick leave. It doesn't mean everybody will go home. One man may say, "All arrangements are made at home. My wife will get the children from school or the children didn't go to school this morning, and I will wait a while." That is up to him. The law says that when these warnings come that a hurricane is approaching within a certain area they will have the right to go home or wherever else they wish and it will not be charged up to them by the Government. That is the gist of what the bill provides.

Mr. HENDERSON. Thank you. The gentleman from Iowa.

Mr. GROSS. Mr. Pepper, is your main contention in support of this bill that there is not a uniform release of employees under those circumstances? Is this it?

Mr. PEPPER. That is our experience in our area, that there is not a uniform policy followed by executives of Federal agencies.

Mr. GROSS. We can cure that without this kind of bill by establishing someone in Miami or in Brownsville, Tex., to take care of the situation and to make a determination as to when Federal employees shall be given administrative leave.

Mr. PEPPER. We have got the Weather Bureau provided for by the Federal Government. What better advice could be given than that of the Weather Bureau?

Mr. GROSS. This Government could center in some office in Miami, Fla., or any other place in the country, someone with authority to dismiss employees at a uniform time. What would be wrong with that?

Mr. PEPPER. This bill is seeking to lay down the principle that the best informed agency is the Weather Bureau and they could follow that advice. I don't know of any better advice than that.

Mr. GROSS. It seems to me you will open a Pandora's box. What do you propose to do with tornadoes? You limit it to hurricanes, do you not?

Mr. PEPPER. No. The title itself provides "for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions, and for other purposes." A tornado, if there could be adequate warning, would be in the same position as a hurricane.

Mr. GROSS. I am afraid this bill is opening a Pandora's box. I think we have it within the ability of someone in Miami, Fla., to release employees. I am wondering if the individual who stays at home does not get more benefit out of a situation of that kind than the conscientious employees who go to work.

Mr. PEPPER. The Federal employee, under this bill, would not be required to perform the duties of his office if he had to do so under conditions inherently dangerous to his life or limbs.

Mr. GROSS. The Postmaster at Brownsville, Tex., apparently gave his employees 3 days' leave. When did this become an all-consuming problem?



Mr. PEPPER. Three days sounds to me like a rather long time. This law would tend to curb the discretion. Some don't allow enough, our experience shows, and some may allow too much. As I said, in Miami we had the experience, when a hurricane approached, of one agency letting the people off at 12 noon, another at 3 o'clock, and another at 6 o'clock in the evening, and all were exercising their discretion under the same weather reports.

Mr. GROSS. We have blizzard warnings in the winter in Iowa. I suppose that under the terms of your bill if there was a blizzard warning that might tie up the roads and streets that rural mail carriers and city letter carriers would not even try to go out, whether the blizzard actually developed?

Mr. PEPPER. It would depend on the regulations prescribed by the Civil Service Commission. We know here sometimes they give warnings in the morning when there is snow. But here in Washington we have the President of the United States and the executive officer who issues such a warning, but he will not issue such a warning in Miami or in Iowa.

Mr. GROSS. What do you anticipate as the additional cost if this legislation is enacted, or do you have any figures?

Mr. PEPPER. I don't think the cost of it would be very great, perhaps not very much greater than it is now. You just would have uniformity in the application of these warning regulations. I don't know how many hurricanes will come. Some years we don't have any and some years we have several. Or it may be an earthquake. Some parts of the country have floods that endanger the lives of the public. If people knew a flood was imminent, such as occurred in Alaska where they were told to evacuate, will you have the Federal employees depend on what a particular executive says? Or when the Weather Bureau says the floods are coming at a dangerous rate in volume and should be here at a certain time and they recommend that the population evacuate immediately, isn't that sufficient for everybody to go home unless there is somebody performing some sensitive duty which is provided for in the bill?

Mr. GROSS. I get the impression that my colleague from Florida does not have much confidence in the administrative officers of the Federal Government outside of Washington.

Mr. PEPPER. I am sorry if I gave that impression. This bill is to provide uniformity. Experience has proven that executives have difficulty making these decisions and that there are different judgments exercised, and it would be in the public interest if there was uniformity.

Mr. GROSS. I know the Chairman of the Civil Service Commission, Mr. Macy, says the Commission strongly opposes the enactment of this bill because, he says, there is already sufficient authority to provide appropriate action.

Mr. PEPPER. May I say to my distinguished friend from Iowa I did not dream up this bill. The Federal employees brought it to my attention and they say there is a need for it. These people have had problems and they have come to me and said there is a need for uniform legislation on the subject. Representatives of these employee groups are here to testify.

Mr. GROSS. Thank you.

Mr. HENDERSON. The gentleman from Texas.



Mr. WHITE. I think the uniformity you are asking for is good but I would like to ask about the language in the bill itself. You made the statement that if the employees didn't want to leave they didn't have to. However, by a reading of your bill I wonder if this is so. It says on page 2, line 2, "shall be excused." As I understand your bill, immediately upon the Weather Bureau warning of an impending danger, then the employee shall be excused unless required for reasons of national security, and so on.

Now, if a man is excused under this language and if he chooses to stay on the job and the hurricane comes and he is hurt, then he is acting outside his job, and therefore not entitled to compensation for injuries sustained?

Mr. PEPPER. The language of this bill is intended simply to excuse. Excuse means to permit, to allow. It means to permit a person who is a Federal employee to leave his post of duty without loss of pay or being charged with annual or sick leave when he receives this warning from the Weather Bureau.

Now, if a man does not choose to take advantage of the leave he might have without any charge to him, sick leave or annual leave, he doesn't have to. This does not say everybody has to go home. It says those who wish to leave their employment may do so without being charged with annual or sick leave. Any Federal employee can leave his job now if he wants to and they won't put him in jail, but they will charge him with annual or sick leave.

Mr. WHITE. May I ask you to reexamine this language because I gather the words "shall be excused" mean he is off the job whether he wants to be or not.

Mr. PEPPER. Would you say "may" be excused instead of "shall" be excused?

Mr. WHITE. Then that leaves it up to the officer.

Mr. PEPPER. With all respect to my able friend from Texas, I would not construe in this instance the word "shall" to apply to the duty of the employee to leave the premises, but "shall" applies to the duty of the executive head to excuse him without penalizing him.

Mr. WHITE. What about "shall be excused at the option of the employee"?

Mr. PEPPER. That would cover it. He would not get any more pay if he stayed on the job. If he didn't think it was important to go on home he could stay, but the one who went home would not be penalized.

Mr. WHITE. This says it applies after the department "has officially issued warnings of imminent danger of hurricane or other inherently dangerous weather conditions." An earthquake is not a weather condition, I don't believe.

Mr. PEPPER. Well, perhaps we should have said some other natural disaster.

Mr. WHITE. Or a tidal wave or possibly a rainfall that brings in a flood.

Mr. PEPPER. Would the gentleman think "or other natural disaster" would be desirable? I indicate it should cover all kinds of natural disasters. It should apply to all of them. With the permission of the able chairman of the committee, I would like to suggest that amendment, to add at the proper place "absent because of dangerous weather or other natural disasters." That would cover an earthquake or



tornadoes or floods or anything else. Or maybe the staff could change it to some other word. I intend, of course, to include any natural disaster. I thank the gentleman for his contribution.

Mr. HENDERSON. Mr. Gross.

Mr. GROSS. One quick observation. You spoke of the President issuing orders for employees to leave their offices in the District of Columbia. The only time I have ever heard of a uniform dismissal of employees in the District of Columbia was when some foreign count or no-account was paraded through the streets and the Government employees were told to be out on the street at a certain time, to provide a crowd. That is the only time I have heard of uniform dismissal of employees in the District.

Mr. PEPPER. I would say to my able friend that may be an inconvenience or a nuisance, but it is not a danger.

Mr. HENDERSON. We are very appreciative of your appearance and your interest in this matter.

Mr. PEPPER. Thank you, Mr. Chairman and gentlemen of the committee.

Mr. HENDERSON. The statement of our colleague, the Honorable Dante B. Fascell, of Florida, will be printed immediately after Mr. Pepper's testimony.

(Mr. Fascell's statement follows:)

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF FLORIDA

Mr. Chairman, I am happy to have this opportunity to express my strong support for H.R. 8474, legislation being considered by your committee this morning. It is my belief that enactment of this legislation is essential in order to clarify a Federal regulation which, because of its ambiguity and individual administrative license, places unnecessary mental strain on Federal employees, and could conceivably endanger their welfare.

H.R. 8474 would amend title 5 of the United States Code to "provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions." Such a proposal raises the immediate question of necessity and—in the light of existing Federal regulations providing for administrative leave—raises the threat of duplication in Federal law.

However, as has been pointed out, while existing regulations authorize the administrative director to close a Federal agency because of weather conditions, they do not direct that he do so. Consequently, when a hurricane warning has been issued, an agency director has the authority to dismiss employees, although the actual dismissal is left to his discretion.

Such a procedure is particularly disrupting in an area such as my own district in Miami, Fla. For example: the Weather Bureau surveys existing storm conditions and determines that they are sufficiently severe to issue a warning advising Miami-ans to stay indoors, keep off the streets, and take every precaution to avoid personal and property damage. It is particularly important that this warning be heeded, as the use of bridges and other transportation routes soon become restricted. At this point, the Director of the Miami office of the Immigration and Naturalization Service grants his employees administrative leave. At the same time, the postmaster considers the situation and determines that he need not dismiss the postal employees until a later time. Thus, some Federal employees are subjected to the concerns accompanying a threat to their families and homes.

The bill under consideration today should eliminate this situation by granting employees leave whenever the Environmental Science Services Administration, Department of Commerce, has officially issued warnings of imminent danger of hurricanes. This, then, would establish a uniform procedure, and eliminate any uncertainties.



I would also point out that while hurricanes are the major threat in my own area, the same procedures would be applicable to areas threatened by tornadoes, blizzards and other extreme weather conditions.

Certainly, we all agree that administrative leave should be granted to Federal employees in the face of a hurricane or other dangerous weather conditions. I think we would also agree that this leave should be uniform. And certainly, the Weather Bureau's expertise should be relied upon to make this determination, as is proposed in this legislation.

For these reasons, I have introduced identical legislation and urge the committee to take prompt and favorable action.

Mr. HENDERSON. Our next witness is Mr. Harold H. Leigh, Chief, Policy Development Division, Bureau of Policies and Standards, Civil Service Commission.

**STATEMENT OF HAROLD H. LEIGH, CHIEF, POLICY DEVELOPMENT DIVISION, BUREAU OF POLICIES AND STANDARDS, CIVIL SERVICE COMMISSION**

Mr. LEIGH. Mr. Chairman and members of the committee, Chairman Macy regrets that his absence from the city today prevents his appearance before you. He has asked me to present the Commission's views on H.R. 8474, a bill to excuse Federal employees from duty in case of warnings of hazardous weather conditions.

The Commission's official position in opposition to H.R. 8474 was transmitted, with the approval of the Bureau of the Budget, to Chairman Dulski on May 25, 1967. If appropriate, Mr. Chairman, I suggest the Commission's report on this bill be inserted in the hearing record.

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

(The report follows:)

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D.C., May 25, 1967.

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

DEAR MR. CHAIRMAN: This is in further response to your request for the Commission's views and comments on H.R. 8474, a bill "To amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions, and for other purposes."

The primary purpose of this bill is to require the executive agencies to excuse employees from duty whenever the Environmental Science Services Administration issues warnings of imminent danger of hurricane or other inherently dangerous weather conditions for the area in which the employees are performing their duties. Such excused absence would be without loss of pay or charge to annual or sick leave and would continue until such time as the Administration announces that the conditions no longer exist. These provisions would not affect employees whose presence is required for reasons of public safety, emergency services, or the national security.

The Commission strongly opposes the enactment of H.R. 8474 because (1) there is no need for the legislation because the existing authority is sufficient to allow appropriate administrative action, (2) no evidence has been adduced to show that any harm has come from exercise of current administrative authority, and (3) legislation requiring the excusing of employees from duty is likely to result in unnecessary dismissals of employees.

An official of the Weather Bureau has stated that the accuracy of hurricane forecasts is subject to an error of about 50 miles and 12 to 24 hours. This relatively high degree of accuracy of forecasts depends on the proximity of the hurricane, and the initial warning may be revised many times before the hurricane actually reaches land. Thus the problem is raised as to which forecast—the initial one or the final one—would authorize and direct agencies to act.



In forecasting other types of severe weather, such as heavy snow or tornadoes, the Weather Bureau is forecasting conditions that are likely to develop in an area. Unlike the forecast of a hurricane, which is a prediction of the direction it is likely to travel, other kinds of forecasts are predictions of conditions or events expected to take place and consequently are not as precise.

With the possibility of so many different kinds of weather situations, and with the great variety of different Federal work sites and working conditions, the present existing administrative authority is more suitable than the proposed legislation for coping with local and exceptional problems. The Commission finds no compelling need for the mandatory provisions in H.R. 8474 and accordingly urges that it not be given favorable consideration.

If further consideration is given to this bill, certain amendments are necessary to conform to the style of title 5 of the United States Code, as follows:

Page 1, line 7, "executive" should be changed to "Executive".

Page 2, lines 8 and 10, delete "such" and substitute "the".

Page 2, line 14, delete "shall not be construed to" and substitute "does not".

Page 2, line 16, delete "Federal".

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

By direction of the Commission:

Sincerely yours,

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

Mr. LEICH. In summary, the Commission's opposition is based on three main factors: First, the legislation is unnecessary because ample administrative authority now exists to excuse Federal employees. Second, we have no evidence to show that the exercise of this administrative authority is creating any problem. Finally, the proposed legislation might possibly result in unnecessary dismissals of Federal employees.

I want to make clear, Mr. Chairman, that our opposition is to the methods proposed by the bill, rather than to the principles or policies that it proposes. We are in full agreement with the sponsors and supporters of H.R. 8474 that when Federal employees are excused from duty because of warnings of impending hurricane or other hazards, they should not be charged leave or lose pay in any way.

In amplification of the Commission's May report, I do have some recent information on weather dismissals that may be of interest to your committee.

For some years in localities where hazardous weather poses a problem to Federal installations, groups of Federal executives have cooperated to work out policies to meet the particular needs in their areas. We have just received such a policy statement developed by the Federal executives in the Greater Miami area as a result of their experiences with Hurricane Betsy, which I believe occurred in September of 1965.

I am pleased to have a copy of that policy available and to submit it for your committee's information. It is an excellent example of how Federal executives in one area can confer together and take coordinated action to solve problems of mutual concern, in this case the troublesome matter of deciding when to dismiss employees if hurricane warnings are issued.

Mr. HENDERSON. Without objection, it will be included in the record at this point.

(The policy statement follows:)



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### GREATER MIAMI FEDERAL EXECUTIVE COUNCIL UNIFORM HURRICANE PLAN

#### AGENCY HURRICANE PLAN

It will be the responsibility of each individual agency to inform their employees of their own hurricane emergency plan. This should take into consideration this uniform hurricane plan to the extent desired by the agency. Employees should be advised of their classification during a hurricane and of their hurricane duty assignments. Hurricane duty assignments could vary from those of short duration to those which would keep them on duty during the entire hurricane.

When employees are informed of the plan they should also be advised that when it is announced that the hurricane warnings are lowered it is their responsibility to observe their work hours and should proceed to their offices with caution. Any employee with particular emergency conditions in his travel route that makes it impossible for him to reach the office will report his particular problem to his agency to justify his absence.

#### EMERGENCY DETERMINATION

The hurricane committee will keep in touch with the U.S. Weather Bureau by their private telephone, and members of the committee will confer immediately when the director of the Miami National Hurricane Center or the hurricane forecaster advises that the hurricane emergency is imminent, "or of conditions which would make it inadvisable to leave home for work in the morning if dangerous conditions are imminent." An announcement will then be authorized by the Greater Miami Federal Executive Council. The following individuals will be authorized to take this action on behalf of the council: chairman, Federal executive council; chairman, hurricane committee; and designated hurricane committee member.

The U.S. Weather Bureau will advise the hurricane committee that the hurricane emergency is imminent at the time they estimate that there is approximately 4 hours remaining before dangerous winds will occur. Dangerous winds are considered to be winds of sustained velocity of 50 miles per hour or more.

This lead time before occurrence of dangerous winds should provide sufficient time for employees to reach home safely and take normal precautions.

#### ANNOUNCEMENTS AFFECTING FEDERAL EMPLOYEES

Announcements affecting Federal employees will fall into three categories as follows:

##### (1) *Emergency occurring during working hours*

Each member of the hurricane committee has been charged with the responsibility for telephone communication with specific Federal offices. The head of each Federal office or his designated alternate will receive a telephone call from the appropriate committee member making the following announcement: "Your hurricane committee, on advice of the U.S. Weather Bureau, recommends that all Federal employees without hurricane assignments or other specific instructions from their agencies be excused from work."

This will be the only announcement made by the hurricane committee. There will be no public (mass media) announcements of this nature when the emergency occurs during working hours.

##### (2) *Emergency occurring during nonworking hours*

When the emergency occurs during nonworking hours, the announcement will be made by the hurricane committee of the Greater Miami Federal Executive Council through the facilities of the U.S. Weather Bureau. The announcement will be made over their wire service to all radio and television stations, except for a few minor radio stations. The announcement will be as follows: "All Federal employees in the Miami area without hurricane assignments or other specific instructions from their agency are excused from reporting for work until the emergency is over."

There will be no further type of public announcements by the hurricane committee affecting Federal employees. Other public announcements may be made by individual agencies in accordance with their hurricane plan affecting employees with hurricane assignments, if necessary.

##### (3) *Return to work after emergency*

Employees will return to work when the Weather Bureau announces that hurricane warnings are being lowered. If the hurricane warnings are lowered at 3 p.m.



or later, employees will return to work the following morning. Employees should exercise caution on their return to work. The Weather Bureau advised this committee that hurricane warnings are not lowered by degrees, but are lowered at the time that the winds are no longer considered to be dangerous. The Civil Defense Department official advised this committee that they make their "all clear" announcement at the time that the weather Bureau advises that hurricane warnings are being lowered.

Agencies working in shifts will handle their return to work procedure through their individual agency hurricane plan, taking into consideration the foregoing general plan. It was the committee's recommendation that if the hurricane warning flags were not lowered until 3 p.m. that it would not be practical to open the offices until the regular working hours of the succeeding day.

Mr. LEICH. In considering H.R. 8474, it is important to remember it would apply to many other weather conditions in addition to hurricanes; for example, as some of the discussion has indicated, floods, snowstorms, and tornadoes. In the Washington area we have had a coordinated and, we think, successful policy in case of snowstorms for many years, and its details have already been recorded in prior congressional hearings in this body and in the Senate.

In Philadelphia, a coordinated bad weather dismissal policy was adopted by the old Federal Business Association some years ago, and has recently been taken over by the successor organization, the Philadelphia Federal Executive Board. I have a copy of that policy available, Mr. Chairman, if your committee is interested in examining the one for Philadelphia.

Mr. HENDERSON. That may be filed for the record of the committee.

(The policy statement follows:)

To: Members of the executive committee, Philadelphia Federal Business Association

Subject: Hazardous weather group dismissal policy for Philadelphia area during the normal workday

Past experience indicates the need for a policy for the coordination of group dismissals of Federal employees in the Philadelphia area during hazardous weather. Such a policy is necessary to minimize hazardous difficulties resulting from severe snow or storm or icing conditions on streets, highways and bridges which can lead to traffic congestion usually dangerous to health and safety. Uncoordinated group dismissals made previously under these circumstances have served to aggravate traffic congestion and hazards.

The following revised plan has therefore been agreed upon as a result of the discussion of the previously proposed plan at the December 18, 1961, meeting of the executive committee of the Federal Business Association, the written responses from some agencies which had special problems or suggestions, and personal discussion of the proposed plan with several representatives of major agencies in the area.

#### GENERAL ARRANGEMENTS

1. This procedure is not applicable to those operations which must be continued or those employees who must continue on the job regardless of any general group dismissal plan. The determination and designation of essential operations or employees for this purpose is a matter for the head of the office or installation concerned, or those acting for him under delegated authority.

2. It is urged that this procedure be followed by departments, agencies and military establishments of the Federal Government in the immediate Philadelphia area to the extent practical and feasible.

3. Each Federal activity covered by the plan should determine in advance which employees or operations are essential within the meaning of paragraph 1 above, and advise each employee. (Possible examples: security personnel, maintenance personnel, medical personnel, etc.).

4. Personnel dismissed early because of bad weather (as distinct from those excused at their own request) should not, as a matter of general policy, be charged annual leave or have wages withheld for the excused periods if they are otherwise



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entitled to administrative leave in such circumstances. However, the operation of this provision is the responsibility of the head of each field office or establishment and shall not be in contravention of contractual or general operating instructions, agency instructions or policy, General Accounting Office or Comptroller General rulings and interpretations, or other pertinent policies, authorities and instructions governing granting of administrative leave.

5. Employees otherwise in leave status at the time of group dismissal should not be excused without charge to leave under the terms of paragraph 4, above. Similarly, employees who have previously requested and been approved leave for a period in which group dismissal occurs should be charged leave.

### EARLY DISMISSAL—PLAN DURING NORMAL WORKDAY

1. The Regional Director, U.S. Civil Service Commission, third region (or, in his absence, the Deputy Regional Director or Acting Regional Director), is designated as the person to determine when early group dismissal during the normal workday appears advisable.

2. The Regional Director, U.S. Civil Service Commission, third region, will be kept informed of snow and ice storm conditions by the emergency coordinators for the city of Philadelphia located at city hall through the city's chief of communications. Coded communication procedures will be utilized by the Civil Service Regional Director in obtaining such information from the city officials.

3. Each concentration of Federal agencies (i.e., each building or separate facility), should have one person and alternate selected to receive and coordinate the early dismissal information received from the Regional Director, U.S. Civil Service Commission, third region. The Civil Service Regional Director will be informed of the person designated by mutual agreement of the agency heads concerned where more than one is involved at a given location. The person designated to receive the information will then advise the individual agencies, group of agencies, or location concerned, of the finding. When so informed, each department and agency may dismiss, without charge to annual leave, as many of its employees as practicable for the specified period of time prior to the agency's normal closing time.

4. Management officials in each agency, in acting in accordance with the early dismissal information, furnished by the Civil Service Commission Regional Director's office, should give due consideration to the fact that extra public transportation may not be available at the earlier dismissal hour and may wish to arrange for staggered dismissals, wherever necessary, to reduce the probability of extremely serious and hazardous traffic congestion and driving conditions, and demands on public transportation.

### DISCRETION OF AGENCIES TO MEET LOCAL WEATHER OR TRAFFIC CONDITIONS IN OUTLYING AREAS

It is recognized that in some situations, some establishments situated in the periphery of the Philadelphia area may be subject to substantially different local weather or traffic conditions. Since it is not practical to define the point at which city conditions cease to predominate, any questions on the application of this policy to peripheral locations in the Philadelphia area are matters for the discretion of the Federal officials concerned. To the extent practical and feasible, it is urged that offices, units or installations in the various suburban Philadelphia areas develop and follow a coordinated procedure with other agencies in their respective area, similar to that outlined herein for agencies in the immediate Philadelphia area.

### FEDERAL ADVANCE PLANNING

Each Federal official covered by the plan is urged to develop internal policies and procedures for carrying out this plan and for informing employees of its operation and applicability. This would include, for example, designating and informing in advance those personnel in those activities which must continue in operation regardless of weather conditions. Employees also should be informed that it is particularly important during winter months that adequate fuel be kept in their vehicles to eliminate a major cause of stalled vehicles during periods of severe traffic congestion; and to conform to local traffic requirements regarding use of chains or snow tires Federal officials should make adequate preparation for the continuation of such services as they determine must be performed without interruption or confusion.



In the final analysis, maintenance of each agency's operations, granting of leave, etc., are the responsibility of the cognizant administrative official. While it is urged that the general policies outlined herein be followed to the maximum extent practicable, if the agency head feels that his situation demands more liberal, more restrictive or other special action, that is, of course, a matter completely under his proper administrative discretion acting within the policies and authority laid down by his own headquarters agency or other appropriate authority.

This plan is effective upon its receipt by agencies. Those which have requested exception from the plan are, of course, not included.

Mr. LEICH. Since a number of other Federal centers apparently had no such policy, Chairman Macy recently wrote to the chairmen of all the Federal executive boards and Federal executive associations, requesting that the subject be discussed at their meetings and that local coordinating policies be developed to suit the local conditions if appropriate. A number of new policies have now been received, and a number of other Federal centers have discussions underway but have not yet developed completed policies. We noted in a few favored sections of our country the groups reported that weather conditions have never required employee dismissals and, consequently, no policy statements seem to be needed—the bay area of California and other places with that kind of delightful climate.

In looking over the policies that we have received, we are impressed by the great variety of conditions which affect dismissal policies from one part of the country to another. One city may be concerned about possible hurricanes and could not care less about the threat of heavy snowfall or ice-covered bridges. Another city a thousand miles away has exactly opposite worries. Several of the policies refer to the need to consult weather officials, but another policy which is now under consideration in St. Louis in draft form looks to the Coast Guard for advice.

I understand that the Coast Guard in St. Louis keeps in close communication with weather authorities with respect to threats of flooding, ice-covered highways, or other weather conditions in connection with their daily operations.

In any case, these policies do not provide for automatic dismissals when warnings are received from weather or other appropriate authorities. Typically, the usual policy will provide for consultation among the leading Federal officials in that immediate area on the basis of all the information that they can obtain—weather information and other information—and then, if warranted, this would result in a firm recommendation to all the Federal agencies in that area affected by the coming bad weather. But the final decision is taken by the head of each local installation rather than by any committee or outside organization.

The point I am trying to make here, Mr. Chairman, is that it would not be sound for legislation to specify this automatic kind of dismissal on the basis of a weather warning notice by the ESSA. As competent as we know this organization to be, they are nevertheless not experts in such crucial factors as street and highway conditions, law enforcement, and public safety in an impending weather crisis.

The policy adopted by the Federal Executive Association for the State of Utah, for example, requires consultation, in addition to the weather authorities, with the State highway patrol or, in some cases, the sheriff's office, and in other cases the city street department of the particular community in reaching a judgment about a coordinated dismissal of Federal employees.



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Again, Mr. Chairman, if your committee would like to see this Utah policy, I have a copy here available for you. This has been adopted and is now in effect for the whole State of Utah for the Federal community there.

(The policy statement follows:)

### FEDERAL EXECUTIVES ASSOCIATION FOR UTAH—POLICY STATEMENT CONCERNING DISMISSAL OF FEDERAL EMPLOYEES BECAUSE OF HAZARDOUS WEATHER

Recognizing the need for uniform and equitable treatment of employees in the same localities and under similar circumstances, and the need for guidelines to lessen possible confusion in the exercise of authority, the Federal Executives Association for Utah issues this statement of policy concerning dismissal of employees because of hazardous weather.

#### GENERAL

The Federal Executives Association believes that Federal agencies in the State of Utah are in the best position to determine local conditions of employment that may result from bad weather. Numerous factors are known to interplay under a wide variety of working conditions, suggesting that the individual agencies can best evaluate the emergency conditions in terms of their particular duty stations. It is also believed that the working force will better perform their duties in an atmosphere of (1) acquaintance with and knowledge of hazardous conditions and (2) protective planning that builds confidence in dismissal actions that are based on equity and uniformity. Within this reference frame, the Federal Executives Association offers the following information which constitutes its statement of policy for use by the Federal agencies in the State of Utah.

#### SOURCE INFORMATION FOR DETERMINING HAZARDOUS CONDITIONS

In the community interest, it is suggested that positive recommendations from local law enforcement offices for dismissal of Federal employees because of extreme and hazardous weather conditions be honored and acted upon to the extent possible by the Federal agencies. The Weather Bureau, Utah State Highway Patrol, sheriffs' offices, and city street departments are source points for information regarding dismissal. As guidelines for other agencies in the same area, the Federal Executives Association has arranged for the assembling and conveying of up-to-the-minute information received from Federal agencies, as requested, including information concerning individual agency decisions on dismissal.

#### AGENCY PLANNING

The Federal Executives Association recommends action planning by the individual Federal agencies for dismissal under emergency weather conditions on the basis of the following priority: Preservation of life; security for Government funds, property, and equipment; protection of other Government interests; and safety and comfort of employees.

It is urged that the following specific guidelines be used in following the advance emergency plans made by agencies for hazardous weather.

(1) Take action to obtain information pertaining to hazardous weather conditions from the authorized sources named above.

(2) Call the following Federal Executives Association designees and advise them of your decisions for dismissal. It is important that this be done. This action will assist all agencies in coordinating with each other and thus avoid possible inconsistent treatment of employees in same localities and under similar circumstances. Direct your questions, or impart information that will be helpful to others, to these designees who serve as a focal point for agencies to exchange views and arrive at mutual understandings. Recommendations and decisions for dismissal by these FEA representatives are not contemplated, but information will be imparted for assistance to the agencies.

O. R. Warner,  
Chief, Operations Division,  
U.S. Weather Bureau,  
Phone: 524-4000.



Hal Root,  
Chief, Weather Analysis and Prediction Branch,  
U.S. Weather Bureau,  
Phone: 524-4000.

(3) Determine public transportation capabilities for supporting dismissal action.

(4) Alert the working force of emergency conditions and orderly plans for dismissal. Advise employees concerning transportation capabilities and of the problem of overloading telephone lines. Suggest that they check their gasoline supply for prolonged idling in slow or stalled traffic.

(5) Stagger dismissal of large work groups in such a manner as to avoid traffic congestion within the agency, the immediate community, and for other nearby agencies or industrial firms.

#### CONDITIONS DEVELOPING DURING NONWORK HOURS

Although snow and ice conditions that may develop during the night or before an employee's regular tour of duty are not ordinarily considered to be the basis for absence from work, agency officials are urged to consider excusing tardiness they consider not reasonably avoidable when unusual and severe conditions exist.

#### EXTREME CONDITIONS JUSTIFYING DISMISSAL ACTION

The following extreme situations are considered to be justification for dismissal action when local civil authorities request cooperation or when information from the FEA designees indicates that general conditions or expected developments may be prejudicial to life, property, and other interests of the Federal Government:

1. Deep snow with capability or prolonged blocking of traffic.
2. Intense icing conditions on highways and streets.
3. Long-duration low temperatures.
4. Fog blanket affecting traffic flow and safety.
5. Treacherous winds or continuing high-velocity gusts.

It is considered urgent that Federal agencies review and revise their internal procedures as may be necessary to avoid possible confusion on the part of employees. Consultation with employee organizations is considered to be essential in dispelling doubt and discontent. It is believed especially important that those employees who must remain on the job to perform certain essential functions be notified in writing that should an emergency situation warranting dismissal of the work force arise, they may be required to remain at their stations.

This policy statement by the Federal Executives Association leaves all decisions concerning dismissal because of hazardous weather to the discretion of the individual Federal agencies.

Mr. LEICH. Local discretion by local Federal officials to meet local conditions would apparently no longer be possible if H.R. 8474 were enacted.

To summarize our views, Mr. Chairman, the Commission believes that variations from place to place, as well as variations in Federal programs in the same general area—for example, from prisons and hospitals on the one hand to a purely office situation on the other hand—require administrative flexibility in policies governing the dismissal of Federal employees because of weather conditions, and that legislation in this field is not necessary and, in fact, might hamper the proper exercise of management judgment to meet such local conditions.

Thank you very much.

Mr. HENDERSON. Do I understand from your statement that the Federal executive councils in the metropolitan areas have and can develop policies for that area in line with the objectives of the bill we are considering?

Mr. LEICH. Yes, they can, Mr. Chairman. Two or three of them, as I indicated, have already taken steps to do this, one as a result of Hurricane Betsy in Miami, and the Philadelphia group several years ago.



Mr. HENDERSON. Who, under that policy, say in Philadelphia or Miami, actually makes the decision as to when the employees may go home?

Mr. LEICH. Generally, the typical policy will work like this: A committee or a small group of the Federal executive board in the area will be designated in advance to keep in touch with the Weather Bureau and with the local authorities, such as the police department or the traffic department who can advise on highway conditions, and then, maybe conferring together by telephone, whether at night or during official hours in the daytime, they will reach a recommendation. This is not a firm decision but a recommendation which will be instantly communicated to the heads of all the Federal installations in that area, and they would normally be expected to follow that recommendation unless they have some good reason for taking other action, either by an earlier dismissal or maybe staggering the hours in case of a snowstorm to allow a proper flow of traffic.

Mr. HENDERSON. Can you give the subcommittee an example of where this policy has been put into effect as a result of weather or hazardous conditions?

Mr. LEICH. Yes. In the Washington area we have had a longstanding policy for winter weather conditions, in addition to a summer policy, which is no longer needed because of air conditioning. With the snow policy in Washington, this has been triggered, I would say, two or three times in the last 5 or 7 years. This policy goes back to about 1951, and has successfully worked through several administrations.

Mr. HENDERSON. Do you know of any other example, other than the Washington metropolitan area?

Mr. LEICH. I do not know of my own knowledge, sir. I would be glad to get that information, if possible. In Philadelphia, this policy which has been in effect for some years may have been actually triggered.

Mr. HENDERSON. If you could determine that and give us a written report for the record, we would appreciate it.

Mr. LEICH. I would be glad to.

(The requested information follows:)

U.S. CIVIL SERVICE COMMISSION,

October 18, 1967.

To: Harold H. Leich, Chief, Policy Development Division, Bureau of Policies and Standards, U.S. Civil Service Commission, Washington, D.C.

From: S. P. Ryder, Director, Philadelphia Region.

Subject: Philadelphia FEB hazardous weather group dismissal policy.

This memo confirms and amplifies our telephone discussion yesterday regarding the implementation and use of the hazardous weather policy in the Philadelphia area.

It was adopted originally by the Philadelphia Federal Business Association in January 1962, after considerable discussion of various alternative plans, and has been in continuous effect since that date, without need for modification. Similar policies are now in effect on power failures and transportation emergencies.

As Regional Director of the Civil Service Commission, I have served as the focal point or local coordinator for the hazardous weather plan. I review the best available information or emergency "alert" on adverse weather conditions (snow, ice, tornadoes, etc.) from the city of Philadelphia emergency coordinator, Weather Bureau, or other appropriate sources.

I then consider carefully the probable effect of these adverse weather conditions, and related public and private transportation difficulties, on the work of the 80 Federal field offices and installations and the 80,000 Federal employees in the



Philadelphia metropolitan area, and whether the weather and transportation conditions are sufficiently serious to warrant early group dismissal as being necessary and appropriate under all the circumstances. These decisions are, of course, not made lightly since the early dismissal of 80,000 Federal employees is not only costly to the Government and taxpayer, since they are excused without charge to annual leave, but may cause some inconveniences to the general public seeking information or service from Federal agencies.

After I have made a determination that early group dismissal is warranted under the circumstances, I alert each agency in the area by telephone of that determination, with the understanding that each agency head must make his own decision regarding maintenance of essential security and services to carry out his agency's mission during the emergency.

Normally, this policy has been invoked two or three times during each winter, depending on the severity of the weather, but only as conditions fully warrant.

Since the Philadelphia area is not normally subject to severe hurricanes or tornadoes, we have had only one early dismissal due to a tornado warning by the city and Weather Bureau in the entire 6 years of operation under the plan. This was done in order to permit employees to get to their homes and protect their families before the tornado arrived.

I trust this information serves your purpose. If additional information is needed, please let me know.

Mr. HENDERSON. Mr. White.

Mr. WHITE. Is there any central clearinghouse for all the regulations existing throughout the 50 States?

Mr. LEICH. With respect to this matter of weather dismissals?

Mr. WHITE. Yes.

Mr. LEICH. No, sir; there is not, except, as I indicated in my brief remarks, Chairman Macy some months ago wrote to the chairmen of all these local Federal executive groups throughout the country. There are 15 what we call Federal executive boards in the larger Federal centers, and there are some 80 more informal groups called Federal executive associations in the centers with lesser Federal populations throughout the country. All of the chairmen of these 95 organizations have been requested by Chairman Macy of the Civil Service Commission to discuss this with their local bodies and to determine whether or not, first, such a policy is needed and, as I indicated, in certain favored areas of the country they feel no policy is necessary because they never have bad weather, and then to develop policies, if appropriate, and to send them in for our review in Washington.

So, in this way, we do have some coordinating mechanism.

Mr. WHITE. What do you hope to do with it?

Mr. LEICH. We hope to establish in each major Federal center a coordinated plan that is well understood, known to the employees, and workable, that will solve the problem that is created by this situation mentioned in the bill.

Mr. WHITE. Do you think under the language of this bill you could make uniform recommendations?

Mr. LEICH. I do not think we could because of the great variances in geography and weather conditions. As I indicated, in St. Louis they look to the Coast Guard for advice. In Utah, they rely to a large extent on the State highway patrol and the sheriff's office, and so forth. In New York City, they consult the mayor's emergency council to determine whether under bad conditions Federal employees should be dismissed. I find a great variance from one section to another.

Mr. WHITE. Would you think a regulation which says that they may be excused at their option upon such hazardous condition according to the agency designated as the warning agency, would be workable?



Mr. LEICH. I do not think so, Congressman White, because, again, of the local variations in the programs of the agencies. It may be that we have a Federal hospital where very few people could be excused, and even those who eventually might be excused might have certain duties to perform in the first half hour or hour before going home, even though they might eventually be excused. So, I think we need this kind of discretion and administrative flexibility because of the great variety of Federal programs as well as the varieties of weather and geography.

Mr. WHITE. There must be some reason that the people in Florida have complained.

Mr. LEICH. There was—in September of 1965, with Hurricane Betsy. Since then we have this new policy which I have submitted, developed by the Greater Miami Federal Executive Council. We hope this will work in the future if they ever have the misfortune of going through another hurricane.

Mr. WHITE. Thank you very much.

Mr. HENDERSON. Thank you very much, sir. We appreciate your very fine statement.

The Chair would like to determine if there are other witnesses who would like to testify personally. If so, it will be necessary for us, at a subsequent date, to continue the hearings. If it is satisfactory, with those who have submitted statements—there are a number of statements before us—the Chair will order them to be printed in the record at this point as though they were personally delivered.

Mr. WALTERS. As far as we are concerned, it is perfectly all right to file the statements. If others want to be heard, then we would like to be heard.

Mr. HENDERSON. The statement of Mr. Griner, then, on behalf of the AFGE, will be included in the record.

Mr. WOLKOMIR. Our testimony is the same as that presented in the Senate. If you add that as a matter of record, we would appreciate it, if there is no objection, and our record will stand as we have submitted it.

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

Mr. GOODMAN. I would like one-half minute to suggest amending language to clarify something under discussion.

Mr. HENDERSON. Very well.

Mr. WALTERS. If one is to be heard, I want to be heard.

Mr. GOODMAN. Mine involves clarification.

Mr. HENDERSON. Could I ask that you submit this in writing to the subcommittee and direct it to me. Would this be satisfactory?

Mr. GOODMAN. Yes.

Mr. HENDERSON. I am sure the Chair wants to accommodate everybody. Let the statements that have been submitted be printed in the record, and if there are further requests, the Chair will certainly entertain them and we will do our best to afford everybody an opportunity to appear personally.

(The statements follow:)



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

The American Federation of Government Employees endorses the bill, H.R. 8474, which provides uniform procedure for excusing the absence of Federal employees from duty without loss of pay or reduction of earned annual or sick leave. This bill would permit Federal workers to be excused from duty "in areas covered by official warnings or imminent danger of hurricane or other inherently dangerous weather conditions."

Representative Pepper is to be commended for sponsoring this measure which would not only provide uniformity of procedure but would have the beneficial effect of permitting all employees to be excused from duty under such unusual conditions. At present some are permitted to absent themselves whereas others are not. One would assume that any supervisor or agency would be thoughtful enough to issue regulations that would enable their employees to remain away from their places of work whenever hurricanes or other dangerous weather conditions create hazards so great that lives would be in danger. But apparently there must be legislative insistence on the required protective measures.

Our organization has received complaints from employees who were not permitted to absent themselves although other employees working in the same building and traveling within the same transportation areas received such permission. At present there is general lack of uniform policy. Employees working on one floor of the same building may be excused while the others two floors below may not be allowed to leave or stay away from work under weather conditions which are apparently extremely hazardous. The difference is that they work for different administrative officers or for different agencies. Such variation in policy is obviously discriminatory.

Inasmuch as the bill mentions hurricanes but no other types of weather disturbance, it is suggested for the purpose of clarity that one modification be made on page 2, line 7, inserting, after the word hurricane the following words, "tornado, freezing rain, sleet, heavy snow, sand storm".

This amendment would adapt the policy proposed to all regions of the United States, not only those areas in which hurricanes are the most prevalent form of dangerous weather. Officials of the Environmental Science Services Administration have informed us that in certain areas in the Rocky Mountains and in Alaska and also in desert areas of the United States there are threats to life and safety from a variety of kinds of storms which are as dangerous as in areas of frequent hurricanes.

It is our recommendation that administrative leave be granted to cover a period to that point of time when travel conditions are restored to an extent that any reasonable and prudent person would be expected to report for duty. Such a practice would afford the greatest possible equity in dealing with absence caused by inclement weather.

Our organization supports this measure as one which is of much greater importance than might first be apparent. This is one more reason for commending the sponsor of H.R. 8474. We are also grateful to the chairman and members of this subcommittee for inviting us to submit this statement of our views.

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

Mr. Chairman, I am happy to have the opportunity to submit a statement on H.R. 8474, a bill made necessary by the many instances of arbitrary decisions by agency managers regarding the dismissing or not dismissing of employees due to hazardous weather conditions. Seldom does a disaster due to an act of God take place but that we receive verified instances of unjustifiably different and capricious treatment of Federal employees in the area affected. This is true both of the hurricanes in various areas and the ice and snow storms which hit many sections of our country. Invariably one Federal agency will treat its employees differently from that accorded the employees of another Federal agency in the same building. This inability to formulate a reasonable policy constitutes an indictment of the leadership existing in the executive branch and makes legislative action desirable.

H.R. 8474, like its companion, S. 1157, proposes that an employee whose presence is not required for reasons of public safety, emergency services or the national security, shall be excused from duty without loss of pay or charge to leave, whenever the Environmental Science Services Administration has officially



issued warnings of imminent danger of hurricanes or other dangerous weather conditions. On April 13 I testified in support of S. 1157 and I am here this morning to urge support of H.R. 8474.

I do, however, have a suggestion for clarifying H.R. 8474. On page 2 line 7 after the word "conditions" add the following clause, "or an appropriate official publicly requests that only essential travel be undertaken in"; strike the word "for" in line 7 page 2; in line 10 page 2 after the word "Administration" insert the phrase "or other appropriate official"; and after the word "weather" insert the words "or travel". As amended, lines 7-11 on page 2 would read, "Inherently dangerous weather conditions, or an appropriate official publicly requests that only essential travel be undertaken, in the area in which such employee is then performing his official duties and such time as the Environmental Science Services Administration or other appropriate official has officially announced that such weather or travel conditions no longer exists."

The purpose of these changes is to permit such an employee to comply with the request of responsible officials when the welfare of the community requires only essential travel be undertaken, without undue cost to the employee. As it is now, if the agency head does not concur with the local official as to the hazards involved, the employee is faced with (1) ignoring the request of the local official and undertaking travel that is not essential, thereby increasing the hazard to the employees whose presence is required for reasons of public safety, emergency services or the national security; (2) use annual or vacation leave, or (3) fraudulently report himself as being so ill as to be incapacitated to perform his duties. The employee should not be confronted with such a conflict when the agency head substitutes his judgment for that of the local official responsible for the welfare of the entire community.

Mr. Chairman, with the amendments proposed, H.R. 8474 should meet the need of the employee whose presence is not required for reasons of public safety, emergency services, or the national security. But this does not compensate the employee whose presence is required for reasons of public safety, emergency services or the national security, due to the hazards to which he must expose himself because of his duties. There are countless thousands such employees who must subject themselves to the hazards from which the majority of Federal employees are excused. At present these loyal and devoted public servants are victims of discrimination of the rankst kind. Not only are they required to expose themselves to the hazards not required of the majority of the Federal employees, and for which they receive no recognition, but they are penalized if they do not report as required. This is true even though their coworkers are excused from reporting for duty. The injustice of this is too manifest to require further explanation or laboring. The only question is what should be done to remedy the injustice.

Although the circumstances are not identical with those required by Public Law 89-512 in order to qualify for hazardous duty pay, there is a resemblance. Sufficient resemblance, in my opinion, to justify recommending such an employee be given hazardous duty pay of 50 percent of the rate for which the employee otherwise would be eligible for each day his presence is required for reasons of public safety, emergency services, or the national security, when an employee whose presence is not so required is excused from duty. Accordingly, I recommend H.R. 8474 be amended to so provide.

Mr. Chairman, on behalf of the NFFE, I wish to thank you for this opportunity.

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STATEMENT OF JOHN A. MCCART, OPERATIONS DIRECTOR, GOVERNMENT  
EMPLOYEES' COUNCIL OF THE AFL-CIO

Mr. Chairman and members of the subcommittee, the council and its 34 AFL-CIO unions representing Federal employees in postal, classified, and wage board job categories join in endorsing H.R. 8474, introduced by the distinguished House Member from Florida, Representative Claude Pepper.

We appreciate your subcommittee's interest in the legislation to the point of arranging a hearing on it.

The fundamental effect of the pending bill will be to eliminate the present confusion and inconsistency which exist when Federal employees of different agencies in the same locality experiencing the same emergency weather conditions are subjected to varying treatments by agency heads.

Present Civil Service Commission regulations empower agency officials to exercise discretion in excusing employees from duty when dangerous weather conditions occur. As a result, all employees do not receive the same consideration, not only



among the various agencies, but even within the same agency. H.R. 8474 corrects this situation by requiring that employees be excused when the Commerce Department's Environmental Science Services Administration verifies that weather conditions are serious and hazardous. Of course, the bill provides that essential Government services involving public safety, emergencies or national security be maintained.

The Civil Service Commission has maintained that existing authority is adequate to cope with all such emergencies. We know that present regulations have resulted in inequities to employees and that the effective solution can be found only in the enactment of a statute. While insisting that present rules are sufficient, the Commission proposes no alternative for resolving the injustice experienced by employees who find it totally impossible to report for work because of bad weather.

Lack of uniformity, the Commission has maintained, would follow passage of the bill because varying conditions could not be predicted with accuracy. On the contrary, we believe that enactment of this legislation will result in much more equitable consideration for all employees in the same circumstances. In addition, the bill authorizes the Commission to promulgate uniform regulations consistent with the intent of the legislation.

As we all know, hurricanes can cause loss of life and serious damage to property and interruption in public service. When warnings of such occurrences are pending, employees are anxious about their families. From the practical standpoint, their work is affected by such anxiety. In addition, their services are often needed at home to transport their families, secure their homes against the oncoming storm, purchase food and supplies and other essential chores.

One basic fact is evident. Under present regulations, all employees are not receiving equitable consideration. The evidence presented to the subcommittee by our affiliated unions fully substantiates this contention. The only solution we can envision is enactment of legislation, such as H.R. 8474.

The council urges early, favorable action by the subcommittee.

We appreciate the opportunity of commenting on this significant proposal.

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

My name is Sidney A. Goodman, and I am privileged to serve as president of National Postal Union, located at 425 13th Street NW., Washington, D.C. We represent more than 65,000 postal employees, organized in excess of 500 local affiliates in 50 States, as well as Puerto and the District of Columbia.

At the outset, we wish to express our sincere appreciation to the distinguished chairman of this subcommittee for calling these hearings on H.R. 8474, a bill which proposes to amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions.

We also wish to express our sincere appreciation to Senator Daniel B. Brewster for sponsoring similar legislation during the last session of Congress. During the 89th Congress, this measure was originally introduced in the House of Representatives by Congressman Claude Pepper, but although public hearings were held, it was not reported out of committee prior to adjournment.

We are basically in full accord with H.R. 8474. Our experiences with "Act of God" situations resulting from unusual weather conditions have been limited to policies of the Post Office Department, so with the committee's indulgence, we shall confine our testimony to that agency.

Part 721.921 of the Postal Manual entitled "Acts of God" provides as follows:

"Employees who are scheduled to report and are prevented from reporting by an 'Act of God' and employees who report and are prevented from working by such an act will be excused without charge to annual leave or loss of pay, for the time involved but not to exceed one day. Employees on annual leave, sick leave, or leave without pay and on compensatory time remain in such status. Postmasters and other appropriate local postal officials are responsible for determining whether absences from duty allegedly due to 'Acts of God' were as a matter of fact due to such cause or whether the employee or employees in question might with reasonable diligence have reported for duty. When the local postal official is in doubt, he may refer the question, with all available and pertinent facts, to the Regional Director for decision. 'Acts of God' involve community disasters such as fire, flood, or storms. The situation must be general rather than personal



in scope and must prevent groups of employees from working or reporting to work."

I would like to call this committee's attention particularly to the two basic features of part 721.921. (1) Administrative leave is limited to a maximum of one day regardless of any situation. (2) Postmasters and other appropriate local postal officials are given complete discretion to determine whether or not an employee should be credited with administrative leave.

Our experience over many years with the application of part 721.921 of the Postal Manual has indicated that very seldom do two postmasters even in adjacent areas see alike. Too frequently in large metropolitan areas, in situations where transportation came to a standstill because of unusual weather conditions, has there been a substantial difference in the judgments arrived at by postmasters in adjoining offices. Despite these obvious discrepancies, and despite circumstances in individual cases which warranted consideration, the postmaster's judgment in such situations has seldom been overruled on appeal. This situation makes it virtually impossible to secure a consistent and equitable application of the present rule.

An outstanding example of the possible abuse of such discretionary powers resulted from Hurricane Betsy which hit the State of Florida particularly hard during September 1965. Between 12 noon and 3 p.m. on September 7 there were continual announcements over television and radio, advising the population of southern Florida to get off and stay off the streets for their own safety. As a result, practically all corporations and other private businesses announced over the same media they would close at 1 p.m., and instructed employees on the afternoon tours not to report to work. However, the Miami postmaster made the unilateral decision that the hurricane would not arrive before 6 p.m., and refused to grant administrative leave to employees scheduled to report at and prior to 5:30 p.m. who did not do so. Not too surprisingly, he was subsequently sustained by the Board of Appeals and Review of the Post Office Department.

In testifying during 1966 before the Subcommittee on Civil Service of the House Post Office and Civil Service Committee, spokesmen for the U.S. Civil Service Commission opposed the Pepper bill, H.R. 11434, on the ground "there is adequate authority for administrative release of employees in case of natural disasters, storms, and the like and in even many other varieties of circumstances. This has been done for quite a few years." However, our experience has been that although there may be adequate authority for administrative release of employees in case of natural disasters, etc., as long as such authority remains purely discretionary, there will never be consistent and equitable application. We firmly believe the mandatory provisions of H.R. 8474 are essential to insure equal and fair treatment for Federal and postal employees.

We wish to urge amending language to assure the use of local Weather Bureau reports rather than those of the Environmental Science Services Administration as a basis for determining eligibility for administrative leave under this act. We further suggest that immediately after "hurricane or other inherently dangerous weather conditions" the language, "such as fire, flood or serious disruption of public transportation," be inserted.

We urge speedy and favorable action on H.R. 8474.

Thank you very much Mr. Chairman for the opportunity of presenting our views.

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#### STATEMENT OF JAMES H. RADEMACHER, VICE PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. Chairman and members of the committee, the National Association of Letter Carriers is strongly endorsing H.R. 8474 which has been introduced by the distinguished Representative from Florida, the Honorable Claude Pepper. The National Association of Letter Carriers is extremely concerned over the welfare of its members in all areas where inherently dangerous weather conditions have caused serious injuries and lost wages due to employees following instructions and/or management's unfavorable decisions.

We appreciate the fact that this subcommittee has interested itself in H.R. 8474, for there are a great number of our members who have expressed concern over the absence of regulations and laws which protect employees during such dangerous weather conditions.

The Postal Manual allows employees to be excused without loss of pay on annual leave for a period not to exceed one day when an act of God prevents their reporting for duty. Unfortunately, the decision of what is an act of God, and the



discretionary power of granting administrative leave is left up to the postmaster whose attitude may or may not depend upon the weather conditions, and his own welfare.

The past severe winter in the midwest was an example of conditions which prevailed where discretionary powers are left in the hands of postal management. In Michigan, for example, there were a half dozen employees of the Livonia post office who found it impossible to report for duty on January 27 because of the worst and most severe snow storm in that area in many years. The postmaster rejected their claims for administrative leave because "other employees were able to report for duty." Subsequent appeals to the highest level at the Department sustained these decisions, and employees suffered loss of annual leave time because of the postmaster's attitude.

At Lansing, Mich., on January 27, the postmaster asked the local television station to report that the post office would be closed and that employees would not be scheduled for work on Saturday, January 28. She then notified the vice president of our branch that there would be no employment on January 28, and to notify his members. Subsequently no letter carriers reported for duty on January 28. When they reported to work on Monday, January 30, each employee found they were charged with annual leave for following instructions and staying home on January 28. Appeals to the Post Office Department reversed this decision which was promulgated at the regional office in Chicago, and all employees received administrative leave.

We have, in our files, other examples where employees signed affidavits declaring the reasons why they were unable to report for duty after a severe snow storm and were subsequently denied administrative leave, and charged either leave without pay or annual leave.

We have examples of conditions in the State of Florida where hurricanes were approaching and employees were still performing their duties. Postmasters withheld instructions until the very last moment despite the fact winds had reached a stage where our mailster vehicles were tipping over, and employees found it impossible to hold onto the mail.

Letter carriers are rugged people. We take the words of Herodotus about rain, and snow, very seriously. We realize the importance of our job, and the fact the mail must go through. We accept this burden cheerfully. We have delivered mail in hurricanes, floods, blizzards, and through the riot torn areas. We accept these hazardous conditions as part of our lives. However, we think it is unjust to be penalized for being unable to appear to perform our duties where an act of God has rendered us immobile—incapable of driving, riding, walking, or skiing from our homes to the post office.

We are not seeking a regulation or law whereby letter carriers are exempt from performing their duties on days of adverse weather conditions. What we are seeking is corrective legislation so that employees may be properly paid administrative leave when it is humanly impossible for them to report to their duty stations.

We further seek legislation which would provide that employees be excused from duty, without charge to annual leave, when warnings of imminent danger of hurricanes or other dangerous weather conditions have been announced. Certainly letter carriers can case mail and perform their office duties when the weather elements on the outside are severe. It is asking for performance beyond the call of duty to insist that any worker subject himself to the hazard of a hurricane, or other dangerous condition, while he is performing his duties outside the post office.

H. R. 8474 is a meritorious bill which points out a serious problem which affects most employees in the postal service, since, in recent years, no State is exempt from hurricane, tornado, blizzard or other severe conditions. We urge enactment of this legislation. We thank this subcommittee for allowing us the privilege of presenting our views.

STATEMENT OF PATRICK J. NILAN, LEGISLATIVE DIRECTOR, UNITED FEDERATION OF POSTAL CLERKS, AFL-CIO

Mr. Chairman and members of the committee, the United Federation of Postal Clerks welcomes this opportunity to present this statement as the exclusive national representative of the Nation's 319,000 postal clerks, under the terms of our national agreement with the Post Office Department. For the record, I am Patrick J. Nilan, legislative director of our AFL-CIO postal clerks' union.

The United Federation of Postal Clerks endorses the pending legislation introduced by Representative Claude Pepper, and commends the committee for



scheduling hearings on this legislation. The objective of this legislation is very important to the safety and well-being of not only our postal clerk membership and their families, but to thousands of other Federal employees.

The pending legislation proposes: "To amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions, and for other purposes."

At the present time Federal, including postal, officials are authorized to grant such administrative leave when severe weather conditions exist; however the United Federation of Postal Clerks believes that such leave should be automatic when the Weather Bureau warns of an approaching hurricane or other severe adverse weather.

Our union further recommends that employees should be able to remain home, or go home immediately, to take the necessary steps to protect their families and property, and there should be no bureaucratic delay while agency heads try to second-guess the U.S. Weather Bureau on what a dangerous storm is going to do.

Mr. Chairman, we are reminded of that old adage, "Consistency, thou art a virtue." We recognize the wisdom of this quotation, but frankly, the way far too many postmasters and other postal officials interpret this simple passage would indicate the opposite is true, namely, "Inconsistency, thou art a virtue."

The rank and file membership of our union and officers in post offices have had many frustrating and often bitter experiences with the inconsistent, arbitrary and rarely satisfactory administrative leave policies of postmasters and the Post Office Department.

Postal clerks and their families in some States of this great country of ours, are regularly visited by hurricanes, often devastating and with tremendous damage, loss of personal property and with danger to life and limb. These loyal and hard-working postal clerks continue to experience extreme frustrations and hardship caused by the lack of fair, reasonable and protective application of present administrative leave practices by postmasters.

Certainly, our membership in Florida, Louisiana, and other Gulf States, and the Carolinas, are rightly concerned with the present leave inequities and endorse H.R. 8474 as does our AFL-CIO postal clerk union, to protect the lives and property of our people.

The Post Office Department, in part 721.921 of the Postal Manual, presents interesting but contradictory policy definitions for relieving employees from duty when "Acts of God" occur. The Department acknowledges that "Acts of God" involve community disasters, such as fire, flood or storms. However, in our opinion this part of the manual actually, and in effect, discourages local postmasters from implementing this section of the Postal Manual equitably among all employees by restricting reasonable and timely release of employees consistent with adverse and threatening weather conditions, and U.S. Weather Bureau hurricane warnings.

Many postmasters are reluctant to ever grant administrative leave under the "Act of God" provision in the Postal Manual. Others who do grant a minimum amount of such leave, usually at the very last possible moment, do so without any consistent policy or in the best interests of all employees. In either case, controversy, frustration and severely dented morale results and creates a discontented and unhappy group of postal employees.

Our postal clerks work around the clock, 24 hours a day, and as all citizens, are responsive to all media of communication, radio, television, etc. When public announcements are transmitted over these media by the U.S. Weather Bureau, public safety officials and others, warning all persons to return home, stay off the streets, protect their property, and prepare for an expected hurricane, our postal clerks do not know whom to believe as to when this "Act of God" condition is official.

Our loyal postal clerks are often torn between a desire to protect the lives and property of their loved ones and themselves and their dedicated desire to perform their postal duties efficiently and responsibly. All too often, local postmasters seem more concerned to "save a few hours" and second-guess the U.S. Weather Bureau, than to demonstrate the same dedication to family, life and job that the postal clerk so ably performs.

Postmasters are supposed to know postal business, but certainly they are not qualified or competent weather forecasters, by any stretch of anyone's imagination. H.R. 8474 would permit postmasters to continue operating post offices, but



would relieve them of any need to be expert weather forecasters. They are not being paid to perform both services.

Mr. Chairman, I have purposely testified on the more general aspects of existing administrative leave policies in the postal service, the inconsistent and controversial implementation of such leave practices and our complete support of H.R. 8474. This bill is a reasonable legislative proposal to establish consistency, equity and responsibility in protecting postal clerks, other Federal employees, their families, and property under the severe weather conditions outlined in the proposed legislation.

I would like, at this time, to introduce for the record a statement by Stanley Gold, legislative representative of the Dade County AFL-CIO Postal Employees' Council, and the newly elected president of local 172, United Federation of Postal Clerks, Miami, Fla. Mr. Gold's statement is concerned with the specific impact of severe hurricane warnings on the scheduling, releasing and granting of leave to postal employees. We both believe H.R. 8474 would be extremely helpful in resolving the problems experienced by the postal employees for whom Stanley Gold speaks, in his statement here today.

Mr. Chairman and members of the committee, we have experienced a similar most difficult situation with adverse weather and granting of administrative leave, consisting of an extremely bad snowstorm in the Boston, Mass., area only a few months ago. As a matter of fact, a considerable number of membership grievances resulted in efforts to recover administrative leave for the time lost during this blizzard and the complaints are still being processed by local 51-100 of the United Federation of Postal Clerks in the Boston post office.

At the March 1967 labor-management meeting, local 51-100 submitted the question of "administrative leave" as an agenda item in the hope that a reasonable solution and settlement might be reached. Significantly, other AFL-CIO postal unions submitted the same item, and a truly hot discussion resulted at the meeting.

Boston post office management did not accept the proposals of the unions, which proposed that clerks and other postal employees represented at the meeting by exclusively recognized AFL-CIO unions, be granted administrative leave in accordance with departmental regulations, and as stated in the Post Office Manual.

It appeared local management thought the whole idea was preposterous, and that the dedicated postal employees had suddenly become "chiselers." Post office management thought the storm—officially categorized as a "blizzard" by the Weather Bureau (which ought to know)—should merely have been a challenge to our people, and all employees should have reported for work, possibly at the most, a few minutes late.

Management resentment was obvious with the large number of requests for administrative leave submitted by postal clerks and other employees, and it was stated by management that it was not possible to reply to the hundreds of requests. Objection to management's position was registered by our local 51-100 and an official reply to the letters on the subject was requested.

As a result, clerks, who filed such requests for administrative leave have not received replies advising them to file requests with their station superintendents on POD forms 3971. Since these Boston post office station superintendents have not the authority to grant such leave, except on a limited basis, this looks like a delaying tactic to the employee concerned.

This is but another indication of the controversial, inconsistent and irresponsible administration of existing postal management's leave policies, as related to another type of severe adverse weather condition causing hardships for employees who are required to report for work and/or stay at work, regardless of severe weather conditions.

Thank you, Mr. Chairman, and members of the committee, for this opportunity to present the views and recommendations of the United Federation of Postal Clerks in support of H.R. 8474. We urge your early approval, as well as that of the Congress, to enact this legislation into law.

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STATEMENT OF STANLEY GOLD, LEGISLATIVE REPRESENTATIVE OF THE DADE COUNTY, FLA., COUNCIL OF POSTAL EMPLOYEES

Honorable Congressmen, my name is Stanley Gold, legislative representative of the Dade County Council of Postal Employees. Our council represents all 11 AFL-CIO postal locals in Dade County, Fla., including the United Federation



of Postal Clerks, National Association of Letter Carriers, National Association of Special Delivery Messengers, National Federation of Post Office Motor Vehicle Employees, and the National Association of Mailhandlers representing 5,000 postal employees in Dade County. I am also the newly elected president of local 172, United Federation of Postal Clerks, Miami, Fla.

With great frequency, hurricane winds do affect the peninsula of Florida disrupting all normal functions of our area, including the mail service.

Preceding a hurricane, we do receive progressive warnings from the Weather Bureau, starting with gale warnings, then hurricane alert and then, as the hurricane approaches, the hurricane alert is changed to hurricane warning. At this time, the Weather Bureau notifies the public, by radio and TV, to take all possible precautions for life and property. At this point, it is left up to the discretion of the local postmaster as to when administrative leave should be given to postal employees. Many times the postmasters in the south Florida area have varied the hour at which administrative leave would be given.

The following report is an example of the use of controversial discretion by postmasters during Hurricane "Betsy" which hit Florida in September 1965.

Between 12 noon and 3 p.m. on Tuesday, September 7, 1965, announcements over television and radio told people in south Florida to keep off the streets for their own safety. These broadcasts were made direct from the Weather Bureau in Miami, 50- and 60-mile-an-hour winds were blowing at the time. Nearly all the larger companies and businesses announced by 1 p.m., over radio and TV, that they would be closed and employees on the afternoon shifts should not report to work.

Even the post office in Miami announced, "No more mail will be picked up after 3:30 p.m." I guess it was too dangerous for trucks to remain outside. However, the afternoon mail delivery by carriers on bikes or with hand carts continued. I was informed the West Palm Beach, Fla., postmaster declared administrative leave at 3 p.m. for his employees. The Hollywood, Fla., postmaster declared it at 4:30 p.m. Hialeah and Opa Locka postmasters declared it at 5 p.m. and the Miami postmaster finally declared 6 p.m. as the time authorized for administrative leave to begin.

The Miami postmaster claimed he got his advice from the Weather Bureau. The employees and everyone else got the advice from the radio and TV reports as early as 12 noon that day. "Hurricane is coming," "Stay off the streets," "Take all precautions for the storm," plus the fact they could tell by the high winds in the early afternoon that the storm was near. I am sure the radio and television announcers also got their information from the Weather Bureau.

Employees that were scheduled to report before 5:30 p.m., decided, for the best interest of their families and their own lives, that they shouldn't report to work. None of these employees were given administrative leave for that day. Management claims that anyone who was in a leave status, at the time administrative leave was given, remains in that status and does not get administrative leave.

Some employees did not ask for any leave because they naturally assumed that administrative leave would be granted—but they were placed in an annual leave status by management because the post office wanted them to be in a pay status.

Employees filed grievances about not getting administrative leave for that day. We won some cases where employees already at work were told to go home early by supervisory personnel; and these employees were granted administrative leave for the unworked time—but they had to file grievances to get it.

After many delays as to how the grievances were to be handled, management finally decided that the region under article IX, paragraph 8 of the national agreement, would hold a local hearing. The region had one hearing officer flown down from Atlanta, Ga., to Miami by jet. He was paid \$16 a day extra for living expenses for 3 days. The hearing committee was made up of three people.

There was a total of 14 hearings. I represented 10 of them for the United Federation of Postal Clerks and four were represented by another union. Two full days were spent on these cases, plus transportation for the hearing officer, or about \$700 total cost for the Post Office.

Out of the 14 cases, the employees lost eight of them. We appealed these eight to Washington. The Atlanta postal region appealed all 14 cases including those that we had won. After many months, the Post Office Department decided the postmaster was right, and we lost all of the 14 cases. The Post Office Department felt that the postmaster has the right to decide when to give administrative leave.

It was estimated that the Post Office Department spent over \$700 in management officials, office and other expenses on the handling of these cases. These 14 employees would have received a total of about \$350 if they had won their cases. The Department thus spent about \$700 trying to "save" about \$350.



Local 81, United Federation of Postal Clerks, at Pittsburgh, Pa., and local 190, Newark, N.J., in recent years, had cases involving administrative leave where hearings were held involving as many as 200 employees.

I, therefore, close my statement by asking you, on behalf of the Dade County Council of Post Office Employees, to support H.R. 8474, introduced by Congressman Claude Pepper, the hurricane and adverse weather bill, which will eliminate, or at least cut down, on the erratic, often unfair, and apparently discriminatory ways some postmasters grant administrative leave.

Mr. HENDERSON. The subcommittee will stand adjourned, subject to the call of the Chair.

(Whereupon, at 12:05 p.m., the subcommittee adjourned, subject to the call of the Chair.)





Local St. Ignace Station of Local Clerk, at Princeton, Ill., and Local 110, Newark, N.J., in recent years had cases involving administrative leave where hearings were held involving as many as 200 employees. It is noted that the statement by asking you on behalf of the State County Council of Post Office Employees to support H. R. 4471 introduced by Congressmen Charles Pomeroy, the hearings and adverse weather bill which will eliminate or at least cut down on the extent of often unfair and apparently discriminatory leave some considerable time administrative leave.

Mr. Harlan. The subcommittee will stand adjourned, subject to the call of the Chair.  
(Whereupon, at 12:05 p.m., the subcommittee adjourned, subject to the call of the Chair.)

