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90-36 FEDERAL EMPLOYEES' COMPASSIONATE LEAVE

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HEARING
BEFORE THE
SUBCOMMITTEE ON
POWER AND CIVIL SERVICE
OF THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
NINETIETH CONGRESS
SECOND SESSION

ON

H.R. 13844

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PRO-
VIDE TIME OFF FROM DUTY WITHOUT LOSS OF PAY OR
REDUCTION IN LEAVE FOR EMPLOYEES OF EXECUTIVE
AGENCIES TO ATTEND AND MAKE NECESSARY ARRANGE-
MENTS IN CONNECTION WITH THE FUNERALS OF THEIR SONS
OR DAUGHTERS IN THE UNITED STATES ARMED FORCES
OVERSEAS WHO DIED IN OR AS A RESULT OF ARMED CON-
FLICT WITH A HOSTILE FOREIGN FORCE OR FORCES, AND
FOR OTHER PURPOSES

MAY 14, 1968

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FEDERAL EMPLOYEES' COMPASSIONATE LEAVE

HEARING

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FEDERAL EMPLOYEES' COMPASSIONATE LEAVE

TUESDAY, MAY 14, 1968

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

The subcommittee convened at 10:10 a.m., in room B-374, Rayburn Building, Hon. David N. Henderson (chairman of the subcommittee) presiding.

Mr. HENDERSON. The subcommittee will come to order.

We are meeting today to consider H.R. 13844, a bill introduced by the chairman of the full Committee on Post Office and Civil Service, Hon. Thaddeus Dulski.

In substance, the bill would provide time off without charge of leave to Federal employees to arrange and attend funeral services of their sons or daughters in the U.S. Armed Forces overseas who die as a result of armed conflict with a hostile foreign force or forces, and for other purposes.

The bill, H.R. 13844, along with the reports received from the Bureau of the Budget and the Civil Service Commission, will be placed in the record at this point, without objection.

(The bill and reports referred to are as follows:)

[H.R. 13844, 90th Cong., second sess.]

A BILL To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) 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 of employees of executive agencies in connection with the funerals of their sons and daughters killed in action with the United States Armed Forces

“(a) An employee in or under an executive agency is entitled to be excused from duty, for a period of not to exceed three days, without reduction in pay, service credit, performance or efficiency rating, or annual and sick leave to which such employee otherwise is entitled, to attend and make necessary arrangements in connection with the funeral of his son or daughter who, as a member of the Armed Forces of the United States, in an overseas area, as designated by the President, died in or as a result of—

“(1) action by the Armed Forces of the United States against an enemy of the United States,

“(2) operations by the Armed Forces of the United States involving armed conflict with a hostile foreign force, or

“(3) service with a friendly foreign force in an armed conflict in which the United States is not a belligerent.

“(b) As used in this section—

“(1) ‘son’ includes stepson and adopted son, and

“(2) ‘daughter’ includes stepdaughter and adopted daughter.”

(b) The table of contents of chapter 63 of title 5, United States Code, is amended by adding at the end thereof—

“6325. Absence of employees of executive agencies in connection with the funerals of their sons and daughters killed in action with the United States Armed Forces.”

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 27, 1969.

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

DEAR MR. CHAIRMAN: This is in response to the committee's request for the views of the Bureau of the Budget on H.R. 13844, "To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes."

The Bureau of the Budget concurs with the views expressed in the report of the Civil Service Commission, endorsing the purpose of the bill and suggesting the legislation may not be necessary in view of its recent administrative action along the same lines. If, nevertheless, the committee is disposed to take favorable action on H.R. 13844, we would have no objection if the bill is amended as suggested by the Civil Service Commission.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 21, 1968.

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

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 13844, a bill "To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the United States Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes."

The Commission heartily supports the purpose of H.R. 13844, and offers no objection to its enactment. The Commission, however, invites the attention of the committee to administrative action it has very recently taken to achieve the same objective as H.R. 13844. The Commission also suggests that the committee may wish to consider deferring legislative action to see if the administrative action has taken care of the problem.

Attached to this report for the convenience of the committee is a copy of Federal Personnel Manual Letter No. 630-14. It advises agencies that the funeral of an immediate relative of an employee killed in line of duty in the Armed Forces might be considered an appropriate circumstance for excusing an absence without charge to leave or loss of pay. This is what is popularly called "administrative leave."

The authority of the Commission to regulate in the area of administrative leave is limited. This advisory and suggestive action is as far as the Commission properly can go. Each agency has to decide for itself when excusing an absence that it does so for the convenience of the Government.

There are some significant differences in wording between FPM Letter No. 630-14 and H.R. 13844. An "immediate relative" as used in the FPM letter could include a parent as well as a child or spouse. This language also should be sufficiently open to interpretation to permit leave to an uncle or aunt who brought

up an orphaned niece or nephew. Since the new FPM material is illustrative of an appropriate case, rather than strictly definitive, it is to be hoped that agencies would make their findings on leave for the convenience of the Government in accord with its spirit. For example, a "funeral" should be taken to include a memorial service when no body is recovered.

If the committee is disposed to take favorable action on H.R. 13844 at this time, we believe the Civil Service Commission should be given authority to regulate on this type of leave. With this authority the Commission could avoid or promptly correct any distressing technical interpretations of intent. The Commission feels it fully understands and shares the objectives of the bill. It also appreciates the difficulty in expressing in the exact language of law a compassionate consideration for bereavement. Without making any claims for superiority of regulatory language, the flexibility and convenience of administrative controls can be cited.

Substitute language for H.R. 13844 which would give effect to our suggestions is attached to this letter. It will be observed that the language provides that, under regulations prescribed by the Civil Service Commission, an employee is entitled to leave to make arrangements for and attend the funeral or memorial service of an immediate relative who as a member of the Armed Forces dies in or as a result of certain armed conflicts. The substitute language includes employees of the government of the District of Columbia. It provides that the Commission's regulations shall include provisions (1) defining "immediate relative" and (2) setting forth criteria under which the agency head or his designee can determine the amount of leave, not to exceed three days, that is required, and any extraordinary conditions which may prevent approval of leave in the national interest. It should be noted the substitute language numbers the new section of title 5, U.S.C., as section "6326" inasmuch as Public Law 90-221 added a section 6325.

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.*

Enclosures.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 4, 1967.

FPM Letter No. 630-14.

Subject: Absence and leave—Excused absence—Funerals.

Heads of Departments and Independent Establishments:

The following provision concerning excused absence for an employee to attend the funeral of an immediate member of his family killed in line of duty in the armed forces has been approved and will be published in a future revision of page 630-25 of the Federal Personnel Manual:

f. *Funeral of an immediate relative killed in line of duty in the armed forces:* An employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the armed forces.

The above is being inserted as an additional illustration of a circumstance in which agencies may consider it appropriate to excuse an absence without charge to leave or loss of pay. I urge agencies to adopt this policy.

By direction of the Commission:

NICHOLAS J. OGANOVIC, *Executive Director.*

SUBSTITUTE LANGUAGE FOR H.R. 13844

A BILL To amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for certain employees to arrange and attend the funerals of certain members of the armed forces who die in or as a result of armed conflict with a hostile foreign force or forces, and for other purposes

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

"6326. Absence of employees in connection with funerals of relatives killed in action with the armed forces

"(a) For the purpose of this section, 'employee' means—

"(1) an employee in or under an Executive agency; and

"(2) an individual employed by the government of the District of Columbia.

"(b) Under such regulations as the Civil Service Commission may prescribe, an employee is entitled to leave without loss in pay, service credit, performance or efficiency ratings, or annual or sick leave, to make arrangements for and attend the funeral or memorial service of an immediate relative who, as a member of the armed forces, died in or as a result of—

"(1) action by the armed forces against an enemy of the United States;

"(2) operations by the armed forces involving armed conflict with a hostile force; or

"(3) service with a friendly foreign force in armed conflict in which the United States is not a belligerent.

"(c) The regulations of the Commission prescribed under this section shall include provisions—

"(1) defining 'immediate relative'; and

"(2) setting forth criteria under which the head of the employing agency or his designee may determine the amount of leave, not to exceed three days, that is required, and any extraordinary conditions which may prevent approval of leave in the national interest."

SEC. 2. The analysis of chapter 63 of title 5, United States Code, is amended by inserting the following new item after item 6325:

"6326. Absence of employees in connection with funerals of relatives killed in action with the armed forces."

Mr. HENDERSON. Mr. Dulski, you are to be commended for developing a bill which fills an obvious need for compassion. We are pleased to have you here this morning as our first witness.

TESTIMONY OF HON. THADDEUS J. DULSKI, CHAIRMAN, HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, ACCOMPANIED BY CHARLES E. JOHNSON, CHIEF COUNSEL AND STAFF DIRECTOR

Mr. DULSKI. First of all, I am quite honored to have two of my distinguished senior colleagues on this subcommittee. You all know, of course, the high esteem I have for my cochairman, Mr. Henderson. And of course, although we are on opposite sides of the aisle, I always respect and admire Mr. Gross, and I think he knows my feelings toward him.

I hope that any legislation that I introduce will be considered entirely on its merits. With that thought in mind, I will proceed with my statement.

Mr. GROSS. Thank you, Mr. Chairman. I am sure the sentiment is mutual. Thank you, sir.

Mr. DULSKI. Thank you, Mr. Chairman, for scheduling prompt action on H.R. 13844, which I introduced on November 2, 1967.

I believe that the need for enactment of this legislation is self-evident. My bill will close a gap in the present laws which came to my attention, when a postal employee was charged with annual leave for the time he needed to arrange the funeral of his son, who was killed in action in Vietnam.

This unfortunate incident was reported to me by Sidney A. Goodman, former president of the National Postal Union. I am sure there have been many other such unfortunate cases.

My initial inquiry disclosed that under existing law a Federal employee who suffers the loss of a member of his immediate family in armed conflict has no entitlement to time off to take care of funeral arrangements. The matter is entirely discretionary with his agency.

Nor does the Civil Service Commission or any other office have the authority to require the granting of administrative leave in such cases.

The Commission can recommend the granting of administrative leave—and did so in a Federal personnel manual letter issued December 4, 1967.

But such a recommendation, while commendable, does not meet the need. It would still leave each decision on time off to the whims of supervisory officials.

I am pleased to note, from the official administrative reports, that the Bureau of the Budget and the Civil Service Commission approve the purpose of my bill. They favor its enactment with certain technical language revisions that will help to make the legislation more effective in operation.

The recommended technical changes are entirely consistent with the purpose of H.R. 13844, and I have no objection to their adoption if the subcommittee approves.

Mr. Chairman, I believe the Members will agree that enactment of this legislation is most desirable. It is the least the Congress can do to help, in some small way, to ease the burden of Federal employees who lose those near and dear to them to the service of their country.

I hope that the subcommittee will approve this legislation promptly. Thank you.

Mr. HENDERSON. Mr. Chairman, we are very appreciative of your statement. I think we are all in full agreement with the objectives, and we certainly plan to hear from Mr. Andolsek after you with regard to the position of the Commission and the technical language. I feel sure that the subcommittee will be responsive to your request in the statement here.

I commend you for bringing this to the attention of the subcommittee and the Congress.

I would say that this illustrates, again, one of the problems I see throughout the Civil Service. If we leave even the simplest decisions to supervisory officials, from time to time we get some rather silly results. I feel sure that this will indicate clearly not only the wishes but the directives of the Congress in like cases.

Mr. Gross, do you have any questions of the chairman?

Mr. GROSS. No, thank you, Mr. Chairman. I have no questions. I commend the chairman of our full committee for bringing this matter to the attention of the subcommittee. Thank you.

Mr. HENDERSON. Mr. Hamilton?

Mr. HAMILTON. I will be happy to support the bill. I am just amazed that the supervisory officials wouldn't give time off for this purpose, if it is in their discretion. Have we had problems like this to any great extent?

Mr. DULSKI. As to any great extent, I could not answer. But there were a few unfortunate incidents where annual leave was charged. If no annual leave is available, of course, the employee's pay could be charged. Then, also, a supervisory official might decide the employee should remain on the job until he can be replaced, regardless of his bereavement.

Mr. HAMILTON. Thank you.

Mr. HENDERSON. One thought that struck me, Mr. Chairman, when I first read this bill, was whether or not legislation ought to be

limited to the sons who were killed in military action. It would seem to me that the supervisor would normally give a father leave if the circumstances demanded it. By enacting this bill we could make the position of Congress clear, without trying to write every decision into the law. It will be the intention of the chairman of the subcommittee in writing our report to indicate to the Civil Service Commission and all supervisory officials that even when decisions are properly within their discretion, they should be sound decisions.

Mr. White, do you have any questions?

Mr. WHITE. I am aware of this problem, Mr. Chairman, and I heartily endorse the legislation. There are one or two thoughts I have.

In the first place, I would like to ask you this: When a son or daughter is killed overseas, and upon the arrival of a telegram or notice, there is a moment in which the family is distraught, naturally. That period would be at least a day or two. Would you contemplate at all a compassionate leave time in which the family could get themselves in order? The mother's health is endangered at that moment, and it would be well for the father to be there with the mother for maybe a day or so. This would not necessarily be funeral time.

Mr. DULSKI. I appreciate the question from my colleague from Texas. The only way I can answer is this way: I had the personal privilege to serve on the Manpower Subcommittee when I entered Congress in 1959. I am sure that under the leadership of Chairman Henderson, any amendments necessary to reconcile all our views will be carefully considered. I shall abide by the subcommittee's decision and support the committee bill.

Mr. HENDERSON. I would point out that the bill as introduced would excuse the employee for a period not to exceed 3 days without reduction in pay.

Mr. WHITE. This is the point I was driving at, Mr. Chairman. The time of the notice would be a day or two. Then you have a time when the boy is shipped home for burial. At that time there are no funeral arrangements to be made requiring any on-the-spot activity; but say he is Catholic—you have a rosary. You sometimes have a wake, I presume; not in my church, but in some churches they do. There is about a 3-day period during which the funeral matters are taken care of.

Mr. DULSKI. This bill that I have introduced takes into consideration all of the religions. I believe that sometimes in the Jewish faith, depending on whether they are orthodox or not—and I don't know too much about the Jewish faith—burial is within a day.

So I repeat, I leave the matter to the discretion of the subcommittee, when you have your executive session, to bring out a sound bill. I am sure that many of the people from various faiths can express their opinions much more ably than I could.

Mr. WHITE. Let me pursue this just for the record, Mr. Chairman. There could be some problems which will arise unless we clarify the language.

Mr. DULSKI. That is possible.

Mr. WHITE. In other words, if the bill contemplates that the 3 days also includes the time of first notice of death, then this should be spelled out.

Mr. DULSKI. My bill just provides for 3 days.

Mr. WHITE. For funeral arrangements?

Mr. DULSKI. Not to exceed 3 days.

Mr. WHITE. Yes.

Mr. DULSKI. And I repeat—it is within the subcommittee's jurisdiction. I will support the legislation developed in your hearings. We want to cover this for all servicemen and their immediate families.

Mr. WHITE. What I am saying is this: That an employer or postmaster could say, since it says "for funeral arrangements," that the employee didn't need the day off, and would say, "We are docking you or penalizing you for taking 2 days now, and I will only give you 1 day when the boy is brought home for the funeral."

Mr. DULSKI. Again, I repeat—not to avoid the question—that I will support whatever the subcommittee decides. That is but one aspect of the bill—it provides for 3 days. It will become mandatory that the employee is allowed necessary time off not exceeding 3 days.

Mr. WHITE. Do you have any technical amendments at this time in mind that you felt should be brought to our attention?

Mr. DULSKI. The Civil Service Commission has recommended some; but I am sure Mr. Andolsek will present those.

Again, I say with a sense of humility that I am very glad such prompt action is being taken on this bill. We do have circumstances that have been brought out, such as I mentioned in my statement. We have not previously given this matter any consideration.

Mr. WHITE. I think you are certainly to be commended for bringing this before the subcommittee. Thank you.

Mr. DULSKI. Thank you, Mr. White.

Mr. HENDERSON. Thank you very much, Mr. Chairman. We appreciate your coming, and we will be delighted to have you stay with us, if you would like to.

Mr. DULSKI. I do have another meeting, so I hope you will excuse me.

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

The subcommittee will be delighted to hear from Commissioner Andolsek at this time.

You may proceed, sir. We are always delighted to have you. May I welcome you before the subcommittee this morning.

TESTIMONY OF HON. L. J. ANDOLSEK, VICE CHAIRMAN, CIVIL SERVICE COMMISSION, ACCOMPANIED BY MORTON I. HORVITZ, CAREER SYSTEMS OFFICER, POLICY DEVELOPMENT DIVISION, CIVIL SERVICE COMMISSION

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

Mr. Chairman, members of the subcommittee, I was pleased to be here when Chairman Dulski made his presentation, and I was particularly pleased to learn that the recommended technical changes which I will speak about are entirely consistent with the purpose of H.R. 13844, and that he had no objection to their adoption if the subcommittee approves.

I am pleased to be here this morning to present to you the views of the Civil Service Commission on H.R. 13844, a bill which would require agencies to grant leave to employees to arrange and attend funerals of sons and daughters killed in armed conflict while serving

overseas in the Armed Forces. The Commission submitted a report on this bill earlier this year. With your permission, I should like to have that report, along with our attachments to the report, placed in the hearing record.

The Commission strongly supports the purposes of H.R. 13844, and agrees that Federal employees should be given leave to arrange for and attend the funerals of immediate family members killed in the defense of their country. We appreciate that this deals with a highly sensitive, highly emotional area, but until this was brought to our attention last November as a result of a complaint from a postal employee, we were unaware that the administration of leave in these situations had created any problems. However, since that incident, the Commission has taken administrative action in the hope of insuring that all Federal agencies will grant leave to their employees under these circumstances.

This administrative action was taken in the form of a Federal Personnel Manual letter issued last December 4. A copy of this letter is attached to the bill report we have submitted for the record.

Mr. HENDERSON. I ask unanimous consent that the letter attached to the bill be made a part of the record immediately following the report.

Mr. ANDOLSEK. Yes, sir, Mr. Chairman.

The letter added a new illustration to the guidelines the Civil Service Commission provides to agencies to bring about a high degree of uniformity in agency decisions to grant administrative leave. The new material clearly states that the funeral of an immediate relative killed in line of duty in the Armed Forces is an appropriate occasion for excusing an employee's absence without charge to leave or loss of pay. It urges agencies to adopt the policy of granting leave in these situations.

I would like to emphasize that this revision does not constitute a change in Federal leave policy. Even before the letter was issued, agencies would have been within their rights to provide time off for this purpose, and we have been advised that some agency officials had been granting this leave on an individual, case-by-case basis, depending on the circumstances involved. In other instances, employees have attended their relatives' funerals on annual leave, which, strictly speaking, was intended to cover cases such as these.

We believe that the administrative action which has been taken would probably prove more satisfactory than legislation would for a number of reasons. One of the advantages of the new provision is that it can be administered with more flexibility than a law could. What it does is simply add one more illustration to the list of examples of situations in which agency officials may excuse employee absences. It does not place restrictions on the types of absences which may be excused, and it does not imply, as this legislation inescapably would, that certain specific requirements must be met before an employee is entitled to this leave.

We believe that the advisory and nonrestrictive nature of this provision permits agencies to avoid distressing technical quibbling over whether a memorial service constitutes a funeral when no body has been found. It gives agencies discretion to grant time off without charge to leave to an aunt who has raised her orphaned nephew, or to

allow for other uncommon circumstances. It permits time off for a Federal employee whose parent, brother, or sister was killed in the military service. H.R. 13844 would grant leave only to parents of the deceased.

Moreover, it applies to "line of duty" situations and not merely to "armed conflict with a hostile force." This means it could cover deaths in training camps, on authorized furloughs, by disease, and by accidents.

We hope this revision will prevent a repetition of the unfortunate incident involving the Post Office Department employee. As far as we know, no problems in this area have arisen since the time the Commission issued this guidance material. Mr. Chairman, if you or any of the members of the committee have any knowledge of such problems, we would appreciate it very much if you would let us know about them.

The Commission, while fully in agreement with the objectives of the bill, feels that it would lack the flexibilities which are important in sensitive matters such as this. However, if the committee decides to give favorable consideration to H.R. 13844, we recommend that the Civil Service Commission be authorized to issue regulations governing the use of this leave, so that any undesirable technical interpretations of the law could be avoided or promptly corrected.

In our March 21 report to the committee on this bill, we included substitute language which would give effect to our suggestions. This language provides that employees of the Federal Government or the government of the District of Columbia would be entitled to leave to make arrangements for and to attend the funeral of an immediate relative who dies in or as a result of certain armed conflicts. Under the provisions of this suggested bill, the Commission would issue regulations defining "immediate relative" and establishing criteria under which the head of the employing agency, or his designee, may determine the amount of leave, not to exceed 3 days, that is required, as well as any extraordinary conditions which may prevent approval of leave in the national interest. If this legislation is enacted, the new section of title 5 would be numbered "6326" inasmuch as Public Law 90-221 added a section 6325 to that title.

If the committee decides that legislation is needed, we hope that consideration will be given to making these changes in the bill.

The Commission recommends, however, that legislative action be deferred until it can be determined whether administrative action has solved the problem.

Thank you for giving me the opportunity to discuss this legislation with you. I would be pleased to answer any questions you may have.

I have Morton Horvitz with me, who has been working on the staff on this legislation.

Mr. HENDERSON. Thank you, Mr. Commissioner. I have one or two questions.

We have before us the revisions to Chairman Dulski's bill, as recommended by the Commission, and I will speak to that.

I have one question. Would that bill, and the regulations that you contemplate the Commission prescribing under the authority contained therein, enable an employee to obtain leave upon the death of an immediate member of his family who was killed, not in the line of duty with the Armed Forces? I have one specific case in mind which a

constituent of mine encountered, where he had completed his tour of duty in Vietnam and was on his way back to the States when he was shot and killed in a staging area by a fellow American who went berserk. It would seem to me that any death that occurred in a combat area should be included under the authority of the legislation. Would you agree?

Mr. ANDOLSEK. This would be my personal agreement. I think our recommendation, however, seems to be to provide special recognition for those who died fighting for their country. Our suggestions for perfecting the bill kept this objective in mind.

The Commission appreciates the difficulty of drawing any distinctions among the deaths of people in the service. From the standpoint of Federal employees needs for leave upon the death of a close relative, parent, or child, no valid distinction can be made on the grounds of whether the deceased was in the military service or not, or whether he was fighting or not. All we can say is that the general Government leave system has proven adequate over the years to provide for these periods of family disaster.

Mr. HENDERSON. On page 4 of your testimony you say:

Moreover, it applies to "line of duty" situations and not merely to "armed conflict with a hostile force." This means it could cover death in training camps, on authorized furloughs, by disease, and by accidents.

Mr. ANDOLSEK. Right.

Mr. HENDERSON. Do I understand your response to be that if the Congress enacted the recommended amendments to the chairman's bill, that the amended bill would provide for this?

Mr. ANDOLSEK. The recommended amendments would not—they only apply to armed conflict with a hostile force. Our newly issued guidance material would cover these situations, however.

Mr. HENDERSON. I personally would like to see the provisions be at least this broad. I appreciate that you do have to try to draw some reasonable line.

Mr. ANDOLSEK. The recommended amendments will provide, for instance, for the Armed Forces getting called into a riot situation or a mob action or something of this kind. Our guidance material would also cover those kinds of circumstances.

Mr. HENDERSON. Thank you.

Mr. White raised the question, but I think it might be well at this point to ask if you feel that the 3-day provision is sufficient. And, if you do, would it be possible, in addition to the 3 days granted by the legislation, for the supervisory officials in unusual circumstances to consider granting additional time? Or, do you feel that the limitation would only permit the 3 days without charge to their leave?

Mr. ANDOLSEK. I think—in fact, I know the bill would provide for only 3 days, and I would feel that all families of servicemen, the immediate family, would get equitable treatment under the provisions of this bill. This is the first time, to my knowledge, that any formal provision of compassion or consideration has been made for immediate relatives. Our Personnel Manual letter was the first time that we have made specific reference to it, and I would think that 3 days would show that the Congress and the country are concerned and would show their compassion, and everyone would get equitable treatment;

As has been indicated, there are different practices in different religions, and we could get into all kinds of hassles to try to determine whether or not the people were entitled to extra leave because of, for instance, the body having been detained in shipment because of hostile action or something of that kind. Other circumstances could happen. But we agree with the 3-day provision in the bill. I think it would be equitable and show that the Government has some interest.

Mr. HENDERSON. I would hope, if the circumstances warranted and if the work requirements permitted, that additional annual leave might be given if there were justification for it.

Mr. ANDOLSEK. I agree wholeheartedly and would think that the personnel officers and the management should have the compassion in those times to help people in their bereavement.

Mr. HENDERSON. Would it be the intention of the Commission that the employee might split the 3 days in order to take 1 day upon receipt of the notice, perhaps to remain with the family, to take another day to perhaps make the necessary funeral arrangements; and then perhaps to take the third day to actually attend the funeral? Would there be any objection to the 3 days not necessarily being successive?

Mr. ANDOLSEK. I don't see any objection to it, Mr. Chairman.

Mr. HENDERSON. I recognize the position that the Commission has taken. However, it is the opinion of the Chair that, with your help and your recommendations, we should enact into law the 3-day provision in order that we can make it absolutely clear that it is the official policy as well as the law that this be done. We would certainly take into consideration all the recommendations you have made, perhaps calling on you for technical language for the bill, as well as language that could clarify in the report what we intend here.

Mr. ANDOLSEK. We would be pleased to help in any way we can.

Mr. HENDERSON. Mr. Gross, do you have any questions or comments?

Mr. GROSS. Yes, Mr. Chairman.

Mr. Andolsek, what happened during World War II, or in any other conflict that we may have been engaged in in this regard?

Mr. ANDOLSEK. In World War II and other conflicts, an annual leave provision was generally used in these kinds of cases. The employees were authorized annual leave. There was no formal policy on administrative leave for funerals.

Mr. GROSS. In that case, then, it counted against their annual leave?

Mr. ANDOLSEK. Right. As I said earlier, Mr. Gross, this is the first time in our history that there has been a formal policy issuance on authorizing administrative leave for funerals of relatives.

Mr. HENDERSON. Mr. Gross, may I ask a question that might help all of us?

Mr. GROSS. Surely.

Mr. HENDERSON. In the one instance that was brought to your attention and to the chairman's attention, was this a memorial service rather than technically a funeral?

Mr. ANDOLSEK. It was just a funeral.

Mr. HENDERSON. Not a memorial service?

Mr. ANDOLSEK. No, sir.

Mr. HENDERSON. Clearly, the legislation would cover memorial services?

Mr. ANDOLSEK. Very definitely.

Mr. GROSS. So that the absence of a declaration of war made no difference in this situation; is that correct?

Mr. ANDOLSEK. None whatsoever.

Mr. GROSS. What does private industry do in matters of this kind?

Mr. ANDOLSEK. I am speculating, but I think that each corporation would probably have a different policy, depending on what kind of arrangements they have worked out with the unions. To be frank, I did not check into the private sector of the economy to determine what they do in this kind of a relationship.

Mr. HENDERSON. At this point, could you advise us what State or municipal governments might do in these cases?

Mr. HORVITZ. First of all, getting back to private industry, there is broader discretion than we have in the Federal Government on granting administrative leave. Vacation time is strictly for vacations, but the practice is to give extra time off for a number of purposes; even Christmas shopping in some cases. And while I haven't checked industry policy on funeral leave, I would assume that there would be administrative leave granted for this purpose, also.

Mr. GROSS. If annual leave in Government is not for the purpose of vacations, what is it for?

Mr. HORVITZ. It is for vacations as well as personal business.

Mr. GROSS. As well as personal business? Annual leave, by the Federal Government, is granted for the purpose of conducting personal business?

Mr. HORVITZ. As well as vacations.

Mr. GROSS. I thought the intent of leave was for the purpose, generally speaking, of rest and recreation—getting away from the job—a vacation.

Mr. ANDOLSEK. But it is also for personal matters that come up from time to time.

Mr. HENDERSON. Could you respond about the cities or State governments?

Mr. HORVITZ. We don't have any information on that.

Mr. HENDERSON. Would this cover, under your interpretation of "immediate relative," a son-in-law, for example?

Mr. ANDOLSEK. We asked for the authority to issue regulations on this, and certainly we would give it every study and every sensible interpretation.

Offhand, whether a son-in-law would be just blanketed in, I wouldn't say positively. But under certain circumstances, a son-in-law probably who was responsible for bringing up the child—there may be a death in the family, or both parents may have been killed—

Mr. HENDERSON. I had a personal experience recently where the son-in-law of a neighbor of mine was killed in Vietnam and there was a memorial service because the body was completely destroyed. The widow was living with her parents so that the father-in-law and mother-in-law arranged for the service. One happened to be a school-teacher and the other happened to be a State employee. I could easily find out whether the school system gave annual leave or the probation system of our system gave the mother-in-law annual leave, but I

would rather doubt that they did. Therefore, I think we should take into consideration that we may be setting a Federal policy that would be of some guidance for State and municipal governments to follow. And I think the interpretation of "immediate family" could be important.

Mr. ANDOLSEK. This is why we requested authority to issue regulations, to set the guidelines, defining "immediate family" as well.

Mr. GROSS. I think this goes beyond State and municipal governments. I think this would be setting a precedent of a kind with respect to private industry. I am not saying that the precedent would be good or bad from the standpoint of private industry. I am merely saying I think this would be setting a precedent nationwide and in all fields.

Up to this time, you have had the authority to do something about this situation; but you have done nothing other than approve some kind of an order to be published in your Federal Personnel Manual; is that correct?

Mr. ANDOLSEK. We had no authority over administrative leave. It is something that just kind of came about over a period of years. Because of the attention called to us of this incident in New York, and certainly because of compassion at a time when a family who is bereaved over a loss of a son or a close relative who has paid the supreme sacrifice, we administratively endeavored to help, and issued the Personnel Manual letter to try to get some semblance of fairness among all agencies in making a decision granting administrative leave. The agencies had permission before this.

Mr. GROSS. When did you do this? Under date of December 4, 1967?

Mr. ANDOLSEK. Yes.

Mr. GROSS. But you would like now to have the authority to grant as much time off as you would like to grant; is that correct?

Mr. ANDOLSEK. No, sir. We would like to have authority to grant up to 3 days of administrative leave for immediate relatives.

Mr. GROSS. That isn't what your regulation says, is it?

Mr. ANDOLSEK. Not to exceed 3 days.

Mr. HORVITZ. The regulation does not specify.

Mr. GROSS. The regulation doesn't specify anything.

Mr. ANDOLSEK. You are right, Mr. Gross. My testimony specifies not to exceed 3 days under the proposed statute.

Mr. GROSS. Don't you think there ought to be some standard of leave in a case of this kind?

Mr. ANDOLSEK. This is why we are recommending not to exceed 3 days, Mr. Gross.

Mr. GROSS. I see. But you also say in your statement, don't you, or you imply in your statement that you can handle this without legislation?

Mr. ANDOLSEK. We so indicate that we suggest that legislative action be deferred until it can be determined whether administrative action has solved the problem. Certainly if we find that our Personnel Manual letter and any amendments thereto has not solved the problem, it would be important that legislative action be taken.

Mr. GROSS. You say that you believe that the administrative action to be taken would prove more satisfactory than legislation

would, for a number of reasons, and so on and so forth. It seems to me you are saying you could handle it administratively better than through the enactment of a law because you seem to think you need more flexibility.

Mr. ANDOLSEK. It is important that we have more flexibility in the changing conditions in which we live. We could deal with these situations more compassionately with the flexibility of administrative discretion rather than the fixed law. From time to time changes do occur, and it takes time to change a law. Whereas, by administrative decision, if the facts were so presented to us——

Mr. GROSS. But, Mr. Andolsek, the record indicates that this is not exactly accurate. The record indicates that you haven't. There must be some need for compulsion on the part of the Civil Service Commission to act. Otherwise the proposed law before us would not be necessary. Evidently you haven't been acting, although you had flexibility to act.

Mr. ANDOLSEK. We had no authority, Mr. Gross, to act on administrative leave, and we didn't realize it created a problem until this incident arose.

Mr. GROSS. You mean, then, that this regulation that was issued on December 4 of 1967 is meaningless?

Mr. ANDOLSEK. No, it is guidance. We are calling to the attention of the managers in Federal agencies, and the personnel, that there is a problem, inequity and unfairness, and we are asking them to comply with this recommendation, hopefully so that all of the agencies will treat all of the people working for the Federal Government in a like manner.

We do not have this authority by law in the Civil Service Commission. We are merely providing the guidance.

Mr. GROSS. Well, in the case set forth by Chairman Dulski, what happened? I don't know the date of that case. But did that occur after December 4, 1967?

Mr. ANDOLSEK. No, Mr. Gross, it happened before.

Mr. GROSS. Before?

Mr. ANDOLSEK. Yes, sir. I think it was in November. A Mrs. Frederick Carson wrote to a president of one of the employee unions, saying:

Last week my son's body was sent home from Vietnam and it was necessary for my husband to make arrangements and to take time off for the funeral. As you know, this time is charged either to sick leave or vacation leave. It is bad enough having the shock of our son being killed and feeling the heartache without having to worry about how many days are used. I think it is a disgrace that time isn't allowed, especially when death came because my son was fighting for his country. I think it is about time the union took some action on this matter.

Mr. GROSS. I don't want to take all the time, Mr. Chairman, but I suggest there ought to be some guidelines. I am in favor of some legislation on this subject for the purpose of establishing guidelines so that all will be treated equitably.

Mr. HENDERSON. Mr. Hamilton, do you have any questions?

Mr. HAMILTON. Mr. Andolsek, is the Commission for or against H.R. 13844 as it is now written?

Mr. ANDOLSEK. We are for H.R. 13844 in principle——

Mr. HAMILTON. As it is now written?

Mr. ANDOLSEK. We are suggesting substitute language.

Mr. HAMILTON. As now written, you are opposed to it?

Mr. ANDOLSEK. Yes.

Mr. HAMILTON. With the amendments you suggest in your testimony, the Commission would support this?

Mr. ANDOLSEK. That's right.

Mr. HAMILTON. What are the cost ramifications, if any, of this bill?

Mr. ANDOLSEK. Mr. Hamilton, right off the top of my head it would be kind of difficult to estimate the cost ramifications because we don't know the grades of the people who would be given this administrative leave. We don't accurately know the number of deaths that occur. Offhand I would say it would not be prohibitive. I think the compassion and consideration would well be worth that cost.

Mr. HAMILTON. Is it a figure you could estimate?

Mr. ANDOLSEK. I am a poor estimator.

Mr. HAMILTON. I mean after the hearing.

Mr. ANDOLSEK. We could give you studies and give you some kind of a rough estimate by going on past deaths and the number of those who had relatives in the Federal Government. We could come up with some kind of a figure.

Mr. HAMILTON. It might be helpful if we had some kind of figure. Perhaps you could supply it.

Mr. ANDOLSEK. All right.

(The following letter was received in answer to the above request.)

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 22, 1968.

HON. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: This is in reply to your May 14 request for an estimate of the cost of enactment of H.R. 13844, a bill which would require Federal agencies to grant leave to employees to arrange for and attend funerals of sons and daughters killed in armed conflict while serving overseas in the Armed Forces.

Because there is no data available on the amount of leave taken by Federal employees in connection with the funerals of their relatives, we can arrive at only a very rough estimate of the cost to the Government of this legislation. We estimate that the enactment of H.R. 13844 probably would cost the Government no more than \$24,000 a year.

The above figure is based on information provided by the Defense Department and the Civil Service Commission staff. Officials of the Department of Defense advise us that 9,378 U.S. servicemen were killed in hostile action during 1967. Because 3 percent of the Nation's civilian workforce is employed by the Federal Government, we estimate that the number of civilian Federal employees who are immediate members of the families of these servicemen comes to about 281, or 3-percent of the 9,378 servicemen killed in hostile action last year. If all these employees had taken three days of administrative leave to arrange for and attend their relatives' funerals, 843 days of administrative leave would have been taken during the year for this purpose. According to the latest available statistics, the mean daily pay of Federal employees is about \$28.26. At this rate, 843 days of administrative leave would cost the Government \$23,823.18.

For three reasons, however, we believe that this legislation probably would not be as expensive as the above figures suggest. Our reasons are as follows:

(1) All of the 9,378 servicemen killed in hostile action in 1967 were killed in Vietnam. We hope that after the end of the war in Vietnam, there will be considerably fewer deaths of servicemen in hostile action.

(2) As I mentioned at the May 14 hearing on this legislation, Federal agencies now have the authority to grant administrative leave in these cases, and have been doing so in the past.

(3) This estimate is based on the cost of granting all these employees three full days of leave (the maximum which would be authorized if the Commission's recommendations for changes in H.R. 13844 are adopted). It may be that many employees would need less than three days of leave to arrange for and attend these funerals.

I hope this information is helpful to you in your consideration of the bill. Please let me know if I can be of any further help.

Sincerely yours,

L. J. ANDOLSEK, *Chairman.*

Mr. HAMILTON. To your knowledge, there is only this one instance where this problem has arisen?

Mr. ANDOLSEK. To my personal knowledge; yes, sir.

Mr. HAMILTON. Do I understand that in any case involving the death of a near relative, other than death caused in the line of duty in the Armed Forces, there is no provision for leave?

Mr. ANDOLSEK. There is provision for annual leave.

Mr. HAMILTON. But they cannot be excused to attend the funeral of a relative if death occurred in circumstances other than with the Armed Forces?

Mr. ANDOLSEK. The agency in its discretion, could, on the basis of compassion, issue administrative leave, and it has been done by some managers when death occurred in the military service. In other instances it has not been done, and, therefore, this problem has arisen.

Mr. HAMILTON. Thank you.

Mr. HENDERSON. Mr. White?

Mr. WHITE. I have a question about your first wording in the Personnel Manual letter. Primarily, as I understand the purpose of this bill, it is to raise the morale and act with a sense of decency toward Federal employees—do you understand this to be the purpose?

Mr. ANDOLSEK. And to be fair and equitable to all Federal employees, as Mr. Gross has stated.

Mr. WHITE. Well, you have, in your letter, two words. Maybe it was brought out by one of the other members. You have the word "may," which is only a permissive word in my language. It does not say "shall." So therefore it leaves the discretion to the employer whether he will let the person off or not.

Mr. ANDOLSEK. Under law, the Commission does not have the authority to compel the agencies to act, and therefore we cannot say "shall." We can only offer guidance and suggestions.

Mr. WHITE. To that extent, you certainly need legislation.

Mr. ANDOLSEK. It would be very helpful.

Mr. WHITE. You also have the words, "to attend the funeral of an immediate member," so you don't need 3 days to attend the funeral.

Mr. ANDOLSEK. No; but we also have to make plans for it and to arrange things.

Mr. WHITE. Then you say, "the immediate family." There is usually only one head of the family who makes the arrangements in any of these funerals, so in other words, if you have a wife and the husband is the one who takes care of the funeral arrangements, then technically all she can do is go to attend the funeral?

Mr. ANDOLSEK. Assuming they are both Federal employees, but one might not be a Federal employee, so one of them wouldn't be affected. But if they were both Federal employees, management would have to make this decision whether they would both be excused for 3

days to make arrangements and make plans. Perhaps the husband would be the only one excused, and she would have to take annual leave. But it would be a management decision.

Mr. WHITE. The husband usually takes care of these things whether he is in the Federal service or not; am I correct on that, sir?

Mr. ANDOLSEK. I don't know whether you are correct on it. Many times they do this as a team. They want to do it together. My mother just passed away, and I didn't want to make all the decisions myself. I didn't want to select a casket alone, so I took my sister along. So I would hesitate to make a positive statement that it is usually the husband that makes the arrangements.

Mr. WHITE. The question that comes to my mind—while we are all very patriotic, we think, and we all want to do what we can for the armed services—is why should this be restricted to the armed services? In other words, the same problems arise when some member of the family dies, whether they are in the armed services or not.

Mr. ANDOLSEK. Well, we have annual leave which is adequate to take care of the normal death. We do think this is by way of compassion and a showing of an expression of thanks and appreciation to the family in bereavement at a time when one of the members of the family pays the supreme sacrifice in combat, and that we should treat this more as a special obligation for those who have made the supreme sacrifice in fighting for their country.

Mr. WHITE. The problem that arose in my own particular area was that a member of the family who died wasn't in the armed services, and the man was refused time off to make the funeral arrangements. Of course, a great deal of personnel problems immediately arose, and the union itself had conflict with the employer.

Mr. ANDOLSEK. The manager would not authorize annual leave?

Mr. WHITE. He said they needed him right there on the job.

Mr. ANDOLSEK. I honestly can't conceive of anybody being so indispensable that he could not be excused under annual leave to make arrangements for a funeral in his family.

Mr. WHITE. Would you have objection to this type of language? Strike out from line 11 through 21 and substitute this language after the words "in connection with the funeral," add "or memorial service of his spouse, son, daughter, or parent, and 2 days' compassionate excuse from duty without penalty upon notification to a parent of the death of a son or daughter killed overseas while serving with the Armed Forces of the United States."

Now let me tell you what that does.

Mr. HENDERSON. Let me suggest that we have before us recommended language from the Civil Service Commission that Chairman Dulski indicated would be acceptable as amendments to his bill. I wonder if you wouldn't want to look at those?

Mr. ANDOLSEK. It is much broader than the language he has suggested.

Mr. WHITE. Did you cover all funeral situations?

Mr. ANDOLSEK. Well, arrangements for those who have been killed in the Armed Forces.

Mr. WHITE. Mine goes beyond—

Mr. ANDOLSEK. All funeral arrangements in Government—

Mr. WHITE. For any spouse, son, daughter, or parent who dies.

Mr. ANDOLSEK. I am sure my colleagues and I would strongly oppose that kind of language.

Mr. HENDERSON. Was your language restricted to military?

Mr. ANDOLSEK. If it is restricted to military, we would buy it. There is ample provision under the annual leave system for other situations. This we consider a personal matter.

Mr. WHITE. What is the total you allow, your maximum?

Mr. ANDOLSEK. There is a maximum of 26 working days a year.

Mr. WHITE. What is the average?

Mr. ANDOLSEK. The average is 15 days. The first year's leave is 13 days.

Mr. WHITE. Thirteen for the first year? And how much do they accrue as times goes on?

Mr. HORVITZ. After the third year we get 20 days a year, which is 4 weeks.

Mr. GROSS. Then it goes to 26 days?

Mr. ANDOLSEK. After 15 years. That is working days, 5 weeks and a day. There is ample provision under the present leave system for vacations and personal matters. I am sure that the Commission would not favorably recommend adopting your language.

Mr. WHITE. Let me ask this question: Can employees take their annual leave any time they want?

Mr. ANDOLSEK. The language in the law reads that the management has the right to give leave at the convenience of the Government. And I can't conceive—and you surprised me with the statement you made—that there would be anybody in the Federal Government who is a manager who would restrain a person from having annual leave to take care of funeral arrangements.

Mr. WHITE. Suppose we left in the part regarding death in the Armed Forces and make a provision where it was mandatory on the employer to allow the taking of annual leave under these circumstances for a spouse, son, daughter, or parent, so it would then come off the annual leave, but he would have to let them go.

Mr. ANDOLSEK. I would prefer to stay with our substitute language, and if the Congress would give us the authority to issue regulations defining "immediate family and special considerations," this should be in that category rather than a matter of law.

Mr. WHITE. You have never made any regulations up to now?

Mr. ANDOLSEK. We have never had the incidents. Things change as we go along. As Mr. Gross pointed out, in World War I we didn't find it necessary to go out with guidance on administrative leave, nor in World War II or Korea. Times have changed.

Mr. WHITE. I can understand your argument regarding the annual leave being adequate, but I would certainly like to see that it is made mandatory so that it would not be left to the discretion of the employer whether he was going to let anyone off to go to funerals.

Mr. ANDOLSEK. Under the provisions of the present legislation, it would be mandatory.

Mr. WHITE. You didn't say that before.

Mr. ANDOLSEK. Up to 3 days.

Mr. WHITE. You said "may" in here.

Mr. ANDOLSEK. That is in the regulation, but in the legislation it would be mandatory.

Mr. WHITE. Well, that is for the son or daughter. I am talking about the spouse or the parent.

Mr. ANDOLSEK. But we did suggest a change in the language. I even suggested the illustration of an aunt who raises an orphaned child.

Mr. WHITE. And your language would make it mandatory that he be allowed the time off?

Mr. ANDOLSEK. The legislation would. We don't have the authority at the Civil Service Commission to make it mandatory under administrative leave. But if the law passes as it is suggested in the amendment, then it would be mandatory.

Mr. WHITE. That is all I want to do.

Mr. HENDERSON. Mr. Gross?

Mr. GROSS. Mr. Andolsek, was administrative leave granted to Federal employees to attend the funeral of Martin Luther King?

Mr. ANDOLSEK. No, sir, the advice that we issued to the agencies was that the President has declared a national day of mourning, and those who wanted to pay their respects by attending the funeral for Dr. King or some religious ceremony or service could be excused if management saw fit to give them administrative leave. But it was not a general leave policy throughout the United States.

Mr. GROSS. Did many Federal employees take leave, do you know?

Mr. ANDOLSEK. All I can say is that in our agency it was very small; and for 1 hour they went to some nearby church to pay their respects.

Mr. GROSS. Was the same flexibility granted to Federal employees in the State of Alabama upon the death of Governor Wallace?

Mr. ANDOLSEK. In Alabama we made no change in our policy that the Government must continue to operate; the work goes on.

Mr. GROSS. Are you saying that the same flexibility was present in Alabama in connection with the King funeral.

Mr. ANDOLSEK. If the agency authorized administrative leave for religious purposes, I am sure we would have no objection.

Mr. GROSS. I am not talking about a religious purpose. You might put that construction on it. I am talking about compassion in both cases.

Mr. ANDOLSEK. You understand we did not authorize or even suggest to agencies that wholesale administrative leave be granted in either of the two instances you have stated. The policy of the Government is that the Government will continue. We have never closed down.

Mr. GROSS. Perhaps you didn't suggest it, but was that the result?

Mr. ANDOLSEK. I honestly don't know what the result was in Alabama. I have heard no criticisms of our policy. We had several phone calls requesting it, and we advised that Government business should continue as usual and there should be no granting of administrative leave. We told management, "no."

Mr. GROSS. No, where?

Mr. ANDOLSEK. In Alabama.

Mr. GROSS. But you didn't say no in the Memphis area, or rather the Georgia area? You didn't say no there; is that correct?

Mr. ANDOLSEK. That is not correct. Again, we did not change the guidelines that we gave to agencies on administrative leave. We said the Government must continue, and we did say then if employees

wanted to go to pay their respects at a religious ceremony of some kind, and if the manager could spare them, they could then authorize administrative leave, and we suggested an hour.

Mr. GROSS. Isn't it true that you said no in Alabama, that they could not take administrative leave to go to the funeral of Governor Wallace? Is this not true?

Mr. ANDOLSEK. No. We said we would not close down the Government like we do, for instance, on a national holiday where we shut down completely. There was a request that I answered from one of the agencies which asked if we would shut down Government because the State of Alabama declared a holiday, and I said that this was not the policy of the Commission, that in those instances where people wanted to go pay their respects and so forth as in previous cases, they could be authorized annual leave if the manager could let them go; but we would not recommend to the President to close down the entire activities of the Federal Government in Alabama or any other State where the Governor dies; nor have we ever done it anywhere, where a Senator or Congressman has passed away, where the congressional district may have declared a holiday. We have stayed pretty firm with the policy that the Government must continue.

Mr. GROSS. Would you give me a letter on this?

Mr. ANDOLSEK. Certainly.

Mr. GROSS. I would appreciate it; covering both situations.

Thank you very much, Mr. Chairman.

Mr. HENDERSON. Mr. Andolsek, in order to make the record perfectly clear, Mr. White indicated before he left that he was going to offer an amendment to the legislation to provide that annual leave be granted to an employee to allow him to attend the funeral or memorial service of an immediate relative who died under normal circumstances; not being restricted to a member of the Armed Forces under the provisions of the legislation we have under consideration.

It is my personal opinion that such a broadening of this language by the subcommittee ought to be carefully considered. It is my understanding that the Commission would oppose this broadening because it doesn't believe it is necessary, because under annual leave provisions there is ample authority for an employee to take annual leave for that purpose.

Well, let me say that I agree with you. I am surprised—the more I look at the Federal management system maybe I shouldn't be surprised—that an employee would not be given reasonable annual leave to attend funeral services.

Likewise, I expect we could find some cases in which employees would seek to abuse annual leave for this purpose, as they do many others.

I think if we are going to consider that, we ought to consider the entire spectrum of annual leave. I am not sure that you are personally familiar with it, but I have been in communication with the Commission with regard to a situation that occurred in the area of Federal employment, at Fort Bragg, N.C. During the ice storms this year, the employees were given notification over the radio that, due to icy highways and icy conditions, they should not report for work. However, some of them were refused annual leave when they came back to work.

Of course, this is a problem of management. There is ample authority, I believe, to handle these matters.

Mr. ANDOLSEK. There is ample authority.

Mr. HENDERSON. We can't very well write into law perfect management in every instance.

Mr. ANDOLSEK. Mr. Chairman, it is impossible to write into law snow conditions, icy conditions, hurricane conditions, and other catastrophes that happen. It is just impossible to write this into law. And as always we are dealing with human beings; it is not as easy to regulate or to advise or tell them how to do things as it would be to fix a machine.

Mr. HENDERSON. The main point we are considering here is whether Congress should declare, by legislation, that it is the official policy of the Federal Government as an employer to grant employees the right to have up to 3 days of administrative leave that would not be charged against their annual leave, for which they receive pay as if they were on the job, to arrange for and attend the funeral or memorial service for—to use your language—immediate members of their family.

Mr. ANDOLSEK. Who were killed in the Armed Forces.

Mr. HENDERSON. Right; who were killed in the Armed Forces.

Mr. ANDOLSEK. And there is a special obligation. For this reason we feel that the Government should and could show its compassion.

Mr. HENDERSON. I understood you earlier to say that this could cover Armed Forces that might be on riot duty, and I presume that this is subparagraph 2 of your proposed amendment; that is, operations by the Armed Forces involving armed conflict with a hostile force?

Mr. ANDOLSEK. Yes, sir.

Mr. HENDERSON. That leads me to a further question. Let's consider the case of a member of the Armed Forces in Europe, where at the present time they are not engaged in enemy action, or not engaged in armed conflict with a hostile force, or would not meet the third category, service with a friendly foreign force in armed conflict in which the United States is not a belligerent. Upon the passage of this law, would you envision that an employee would be given administrative leave up to 3 days for an immediate member of the family's death in Europe under an accident situation?

Mr. ANDOLSEK. No.

Mr. HENDERSON. I recall an instance in my own district in which one soldier was killed by another soldier in Europe. The 3 days' leave would not automatically be granted in such cases?

Mr. ANDOLSEK. No.

Mr. HENDERSON. I think we should appreciate that we are acting in a rather restrictive manner, but one which, by the very nature of the situation, involves the compassion of all of us.

Mr. ANDOLSEK. That is right.

Mr. HENDERSON. Thank you very much, Commissioner Andolsek. You always do a fine job, and we appreciate your coming this morning. It was very helpful for us to have you attend.

I am going to ask unanimous consent to insert communications that we have received; one from the National Postal Union, with regard to this legislation; and a letter from the National Association of Letter Carriers. Also, that the record be kept open for any other

communications that the staff may receive in connection with this legislation.

Before I adjourn this hearing, I would like to afford Mr. Johnson, chief counsel of the full committee, an opportunity to make any comments he might like to make on behalf of Chairman Dulski, in light of the testimony that has been given, or questions asked since the chairman's testimony.

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

For the record, I am Charles E. Johnson, chief counsel and staff director of the House Committee on Post Office and Civil Service.

Chairman Dulski yesterday authorized me to prepare for him a committee print of H.R. 13844 which contains all of the Civil Service Commission recommendations in Chairman Macy's official report, with one exception. It omits the language which would permit denial of the administrative leave where denial is determined to be necessary in emergency situations affecting the national interest. Mr. Dulski authorized this in the view that it is almost inconceivable that there would be any such national emergency as would overrule the compassionate purpose of the bill.

That is the only change he has made in the Civil Service Commission's recommendations.

He further advised me this morning that he would and will oppose in executive session the undue broadening of the ambit of the legislation above and beyond the basic purpose, which is compassionate leave in view of the moral obligation of the Government of the United States to members of the Armed Forces, and to their parents and immediate relatives.

Mr. HENDERSON. Mr. Johnson, in response to that, I would like to conclude the hearing by saying that I think it would be well for our report to contain a full explanation of the official policy of our Federal Government. Perhaps the Defense Department could best furnish to us a report of what I consider to be a most unusual operation during the Vietnam war. I have been absolutely amazed, and I think it is historic that our country has been able to fly the bodies of our men who have been killed in Vietnam back to this country within a very short time for a proper funeral. During these Vietnam years, we have seen that the official policy is for the family to be personally notified by members of the Armed Forces, and members of the Armed Forces are made available to attend the funerals.

I think that in the consideration of this legislation it would be well for our committee report to contain a statement showing that our Government has done a tremendous job; it has been compassionate. And that here we are taking another step—if we do, and I feel sure we will—to be a good employer, and to be compassionate of the families of the men. While the cases may be isolated, I think it would be helpful to the American public to have the manner in which we have acted recognized in the report.

Mr. ANDOLSEK. I am sure you meant also to mention that the Government authorizes the honor guards at the funerals.

Mr. HENDERSON. That is correct.

I would suggest, Mr. Johnson, that you and the Commissioner, in coordination with the proper authorities in the Defense Department, develop an authoritative statement for incorporation in the language of the committee report.

(The following letter was received in compliance with the above request:)

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 3, 1968.

HON. DAVID N. HENDERSON,
Chairman, Subcommittee on Manpower and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. HENDERSON: This is in reply to your letter requesting information regarding casualty notification procedures and Department of Defense policy relative to the prompt return of the remains of servicemen killed in Vietnam.

The Department of Defense has a responsibility to insure that the next of kin of servicemen who become casualties are notified of the occurrence as expeditiously as possible and in a humane, sympathetic, and understanding manner. To this end, the procedures of all four Military Services—Army, Navy, Air Force, and Marine Corps—require that immediate notification be made, personally whenever possible, in all casualty cases involving death, missing, or capture, or serious injury or illness. For Vietnam cases of death, missing in action, or capture the requirement for initial personal notification by a uniformed representative of the Service concerned is mandatory. In all cases where notification is required, the Services do give preference to a serviceman's express instructions in his Emergency Data Record or at the time he becomes a casualty that particular next of kin not be notified or that they be notified only through the agency of a sympathetic third party such as a family doctor or minister.

The Department of Defense is equally aware of the concern of the families who have lost loved ones in Vietnam and makes great efforts to return the bodies of these servicemen as expeditiously as possible. As soon as the remains have been recovered from the battlefield and identified, they are transported as rapidly as possible, usually by air, to a United States operated mortuary at either Saigon or DaNang. There, the remains are prepared for air shipment to the United States. Final preparations for burial are accomplished at the aerial port of arrival in the United States, and the remains are then transported by priority carrier to the location designated by the family. During transit from Vietnam to final destination the remains are accompanied by a uniformed escort whose duties include insuring that the remains are handled expeditiously and with respect. Though every effort is made to accomplish these steps as rapidly as possible, I am sure you would agree that speed should not be, and is not, emphasized at the expense of those measures designed to insure proper and respectful treatment and preparation of these honored dead.

A major consideration involved in this system of immediate return of the dead was the desire to spare families the protracted anguish of loss of a loved one and then return of the body months, or even years, later from an overseas burial site for final interment at home, as was the case in previous conflicts. In most cases the time involved from death in Vietnam to final delivery of the remains to the burial location designated by the family is ten days or less. I am sure you can appreciate, however, that factors beyond our control, such as difficulty in battlefield recovery of bodies, which must sometimes be done at considerable hazard to the recovery parties, and the need for positive identification of the remains, do occasionally protract this period.

I trust the above information is responsive to your inquiry. The opportunity to assist you in this matter is appreciated.

Sincerely,

WILLIAM W. BERG,
Major General, U.S. Air Force,
Deputy Assistant Secretary of Defense.

MR. ANDOLSEK. With reference to the one change that Mr. Johnson reported on the chairman's bill, we can live with this very easily. We don't know what the unforeseen circumstances might be, but we put it in this for a protective device just in case.

MR. HENDERSON. I am inclined to agree with the chairman, that it would be very difficult in these days, with all the efforts we are making to accommodate the families and to be compassionate with them, that we could anticipate a national emergency. If we did, I feel sure that the

Commission and the President could, even under such wartime or emergency authority, suspend the law.

Thank you very much, Mr. Johnson.

Thank you, Commissioner Andolsek.

Mr. ANDOLSEK. Thank you, Mr. Chairman.

Mr. HENDERSON. The subcommittee was adjourned.

(Whereupon, at 11:20 a.m., the subcommittee was adjourned, subject to the call of the Chair.)

(The following statements were received by the subcommittee for inclusion in the record.)

NATIONAL POSTAL UNION,
Washington, D.C., May 13, 1968.

HON. DAVID N. HENDERSON,
Chairman, Subcommittee on Manpower and Civil Service,
Washington, D.C.

DEAR CONGRESSMAN HENDERSON: This is with reference to H.R. 13844, introduced by Congressman Thaddeus J. Dulski, chairman of the House Post Office and Civil Service Committee, to grant time off for employees to arrange funerals of their children lost in military action.

We are deeply grateful to Congressman Dulski for sponsoring this meritorious legislation, which we sincerely believe is timely and necessary.

We attach hereto a copy of letter from the wife of a postal employee whose son was killed in Vietnam, and whose husband was required to take time off, charged to annual leave, in order to arrange burial for his son's body—which was returned from Vietnam. Needless to say, regulations existing on that date did not permit granting of administrative leave for such purposes.

As a result of the interest displayed in this situation by Congressman Dulski, which led to the introduction of H.R. 13844, the U.S. Civil Service Commission issued Federal Personnel Letter 630-14, under date of December 4, 1967, a copy of which is also attached hereto. This letter is simply a notification to all federal agencies that an employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the Armed Forces.

I am attaching hereto, also a copy of letter from the U.S. Civil Service Commission, dated March 11, 1968, which explains that the aforesaid Federal Personnel Letter does not have the force of a Commission regulation, and that federal agencies will determine their own procedures in this area.

It is our understanding that the Post Office Department has issued instructions that employees may be granted administrative leave not to exceed eight hours for such purposes. This is entirely inadequate in many instances.

Therefore, we strongly urge approval of H.R. 13844, which will allow federal employees reasonable time off, without charge to their annual or sick leave, when their sons or daughters in the Armed Forces lose their lives because of armed conflict with a hostile foreign force. We are firmly convinced that a statute, which will have general application in this area, is essential in lieu of the loosely applied, discretionary authority conferred by the U.S. Civil Service Commission guideline.

I sincerely appreciate your prompt attention to this legislation and look forward to a speedy, favorable report.

Sincerely yours,

DAVID SILVERGLEID, *President.*

Enclosures.

ROSEDALE, NEW YORK,
September 29, 1967.

DEAR MR. GOODMAN: My husband is a post office clerk at 90 Church St., N. Y. C. Last week my son's body was sent home from Vietnam and it was necessary for my husband to make the arrangements and take time off for the funeral. As you know this time is charged either to sick time or vacation time. It is bad enough having the shock of our son being killed and feeling the heartache without having to worry about how many days are used. I think it's a disgrace that time isn't allowed by the government for a death in the family, especially when the death came because my son was fighting for his country. I think it's about time the Union took some kind of action on this matter and in their next fight ask for this time.

Very truly yours,

Mrs. FREDERICK R. CARSON.

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF POLICIES AND STANDARDS,
Washington, D.C., March 11, 1968.

MR. SIDNEY A. GOODMAN,
President, National Postal Union,
Washington, D.C.

DEAR MR. GOODMAN: I have the copy of your letter of January 22, 1968, addressed to the Honorable Thaddeus J. Dulski.

Reference was made to the attached proposal of the Civil Service Commission (no attachment was received) to establish regulations "to permit an employee to be granted administrative leave to attend the funeral of an immediate member of his family killed in the line of duty in the Armed Forces of the United States." I assume you are referring to FPM Letter No. 630-14, which I have enclosed for your information.

With few exceptions, agencies determine administratively situations in which they will excuse employees from duty without charge to leave or loss of pay. This is what is meant by "administrative leave". The Commission does suggest situations which agencies may consider as appropriate reasons for excusing employees from duty without charge to leave or loss of pay, but the final decision rests with the agency.

FPM Letter No. 630-14 suggests that to attend the funeral of an immediate relative killed in the line of duty in the armed forces is a proper basis for excusing an employee from duty without charge to leave or loss of pay. The provision does not have the force of a Commission regulation, and we do not establish a specific maximum amount of time for which the employee can be excused. We assume that agencies, through administrative regulations, will place whatever conditions or restrictions on excusing an employee that the agency deems necessary.

Sincerely yours,

JOHN W. STEELE,
Chief, Program Systems and
Instructions Division.

Enclosure.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 4, 1967.

FPM Letter No. 630-14.

Subject: Absence and leave—Excused absence—Funerals.

Heads of Departments and Independent Establishments:

The following provision concerning excused absence for an employee to attend the funeral of an immediate member of his family killed in line of duty in the armed forces has been approved and will be published in a future revision of page 630-25 of the Federal Personnel Manual:

f. *Funeral of an immediate relative killed in line of duty in the armed forces:* An employee may be excused to attend the funeral of an immediate member of his family killed in line of duty in the armed forces.

The above is being inserted as an additional illustration of a circumstance in which agencies may consider it appropriate to excuse an absence without charge to leave or loss of pay. I urge agencies to adopt this policy.

By Direction of the Commission:

NICHOLAS J. OGANOVIC, *Executive Director.*

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D.C., May 10, 1968.

HON. DAVID HENDERSON,
Chairman, House Subcommittee on Manpower,
Washington, D.C.

DEAR CONGRESSMAN HENDERSON: We are writing relative to H.R. 13844 which shall be a subject of your subcommittee in the near future. Certainly, the National Association of Letter Carriers is completely in favor of this compassionate leave which was introduced by the chairman of the House Committee on Post Office and Civil Service on November 2, 1967.

H.R. 13844 would give postal and Federal employees necessary administrative leave without charge to leave time for the purpose of making arrangements and/or attending the funeral when a son or daughter dies in the service of the Nation as a result of armed conflict. This seems little enough for the Federal Government to do to help assuage the heartache and the anguish that occur when one's own flesh and blood makes the supreme sacrifice in defending the honor and safety of the Nation. In fact, it is difficult to imagine what kind of opposition could possibly be raised against this slight token, on the part of a grateful Government, of compassion.

It is the custom in most private industry to grant such compassionate leave whenever a member of an employee's immediate family dies, no matter what the circumstances of the death. H.R. 13844 will not go as far as that, but it will certainly achieve minimal standards of decent treatment toward grievously bereaved parents.

We thank you for this opportunity to present our views on this important and helpful legislation.

Very truly yours,

J. H. RADEMACHER,
Vice President.

UNITED FEDERATION OF POSTAL CLERKS,
Washington, D.C., May 14, 1968.

Hon. DAVID HENDERSON,
*Chairman, Subcommittee on Manpower and Civil Service,
Rayburn House Office Building,
Washington, D.C.*

DEAR MR. HENDERSON: I appreciate being advised that your committee is holding hearings on May 14, on H.R. 13844 which is to grant time off for Federal employees including our postal clerks to arrange funerals for their children lost in military action.

The United Federation of Postal Clerks supports this legislation, and we urge your committee to act favorably on it as soon as possible. It is our hope that this session of the 90th Congress will approve H.R. 13844, and the President will sign the legislation into law.

Thanks for your consideration on H.R. 13844.

Sincerely yours,

PATRICK J. NILAN,
Legislative Director.

STATEMENT OF THE GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the 35 unions affiliated with the council join in expressing their support for the pending bill.

We express our appreciation to Representative Thaddeus J. Dulski, chairman of the full Committee for sponsoring the proposal. The council's gratitude is extended to you and your colleagues also for scheduling this hearing.

This, we believe, is the virtue underscoring H.R. 13844—gratitude. By allowing parents of sons and daughters killed in armed conflict to arrange and attend funerals of their children without loss of leave, a grateful Government will show its appreciation of their sacrifice. It is tangible evidence of the respect citizens have displayed traditionally to those who have offered their lives for the Nation. In this instance, the feeling of the country is shown through a token of gratitude to the parents at a time of intense bereavement.

Enactment of the pending bill will serve also as an indication of sympathy by the Federal Government for the personal loss sustained by fathers and mothers of these courageous children. Permitting parents who are Federal employees to use a maximum of three days administrative leave to complete necessary funeral arrangements is a small tribute to the young men and women engaged in armed conflict to preserve the ideals which are part of our heritage.

The council strongly urges early, favorable action by the subcommittee on H.R. 13844.

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

The American Federation of Government Employees endorses the bill, H.R. 13844, which has for its purpose the granting of leave to Federal employees for the purpose of arranging and attending the funerals of sons or daughters killed in action with the Armed Forces of the United States overseas. They would be excused from duty without reduction in pay, service credit, performance rating, or annual or sick leave.

It is our view that this proposed legislation will serve not only a most worthy purpose but would assure uniformity of such a leave policy throughout the Federal service. Although the Civil Service Commission has recommended the application of uniform treatment of employees qualifying for leave under these circumstances, there is still no firm requirement that leave must be granted as it would be if it were provided by law.

If equal treatment is to be accorded all persons who have lost sons or daughters under such tragic circumstances, the only way to assure it is to make the granting of leave a requirement and not to leave it to administrative discretion. In fact it is but a small gesture of recognition of the sacrifice which has been made by parent and child.

Consideration might be given to broadening the application of the bill to include members of a family or close relatives in addition to parents. Such an extension of coverage would apply the benefits of the measure to persons who were not only related to the deceased but have in fact occupied the place of parents who may no longer be living.

Granting of paid funeral leave has become a somewhat common practice in private industry. Three days of such leave are provided in union contracts with many enterprises—among them such large companies as Armour & Co., Swift & Co., Campbell Soup, General Mills, Dupont, International Paper Co., Firestone, Goodyear, B. F. Goodrich, U.S. Rubber, Union Carbide, and International Harvester, to mention some of the companies that have adopted such a policy.

There is a liberal provision in the union contract between the Crane Co. and the United Steelworkers of America. Up to a maximum of 3 days paid leave is authorized for an employee bereaved by the death of a mother, father, sister, brother, spouse, son or daughter. The leave is to be paid for at the employee's regular straight time hourly rate, including cost-of-living additive.

Another example of how this leave is provided in a union agreement follows: "When death occurs in an employee's immediate family, i.e., spouse, parent, parent of a current spouse, child, brother or sister, the employee, on request, will be excused for any of the first three (3) normally scheduled working days (excluding Saturdays and Sundays) immediately following the date of death provided he attends the funeral."

We appreciate the opportunity, Mr. Chairman, for the AFGE to submit this statement concerning legislation that is humane and offers a means of lessening in some small measure the bereavement of those who are closest to the one who has sacrificed his or her life for our country.

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

Mr. Chairman and members of the committee; my name is Nathan T. Wolkomir. I am president of the National Federation of Federal Employees, which is the oldest and largest of all independent general unions of Federal employees. I am glad to have the opportunity to submit a statement to the committee in support of this proposed legislation.

The committee is considering at this time H.R. 13844, a bill to amend title 5, United States Code, to provide time off from duty without loss of pay or reduction in leave for employees of executive agencies to attend and make necessary arrangements in connection with the funerals of their sons or daughters in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces. The bill would excuse the employee from duty for a period of not to exceed 3 days. It would seem that in the exercise of administrative discretion the Government departments and agencies would excuse an employee under the circumstances as outlined in H.R. 13844, however, it is preferable to have the authority given by law rather than by the exercise of administrative discretion. Experience has taught that in situations such as mentioned in this bill the Government departments and agencies do not always exercise

administrative discretion in the same manner or uniformly. And in the circumstances set forth in H.R. 13844, it is important both from the standpoint of the employee concerned and the department or agency that such a delicate matter be handled appropriately.

I might add that recently one of our employees (the National Federation of Federal Employees) lost his son in Vietnam and he was granted full administrative leave rather than annual or sick leave to attend and make necessary arrangements in connection with the funeral of his son.

Legislation has been introduced in the 90th Congress to amend title 5, United States Code, to provide for 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. Our organization testified in favor of this legislation and the National Federation of Federal Employees supports the objectives of this bill now being considered by the committee.

It is noted that H.R. 13844 does not cover husbands or wives in the U.S. Armed Forces overseas who died in or as a result of armed conflict with a hostile foreign force or forces. The National Federation of Federal Employees feels that husbands and wives should be included in the proposed legislation. This is especially significant since Reserve units have been called up for service in Vietnam.

In the private sector administrative leave is liberally granted by many companies and firms to employees to attend and make necessary arrangements in connection with the funerals of their relatives irrespective of whether they died in or as a result of armed conflict. I feel that administrative leave should be granted under like circumstances to Federal employees whose sons or daughters and husbands or wives die from causes other than as a result of armed conflict with a hostile foreign force or forces. Certainly the Federal Government should do no less for its employees.

Mr. Chairman, we believe there is very general agreement that the purposes of this legislation are just and proper and reasonable. We are certain that only an oversight, and that neither neglect nor an unfeeling attitude, is the reason why such legislation actually is not already on the statute books. Therefore, we see in this legislation a long overdue opportunity for the Congress to make legislative provision for uniform action by the departments and agencies.

It should be noted also that, quite understandably, feelings are deeply and severely exacerbated when departments and agencies, whether through inadvertence or reluctance, fail to act reasonably in this area. Indeed, no situation can cause more troubled employee relations than one of this nature, and the results can be severely damaging to morale and to the public posture of a Federal agency.

Therefore, we feel very strongly that this whole matter should be settled legislatively, and uniformly, once and for all.

I am thankful to the committee for the opportunity to present our views on H.R. 13844.

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