CHANGE IN PAY STATUS OF TOBACCO GRADERS

HEARING

BEFORE THE

SUBCOMMITTEE ON EMPLOYEE BENEFITS

OF THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

ON

H.R. 9066

A BILL TO PROVIDE THAT TOBACCO GRADERS SHALL BE RETAINED IN A PAY STATUS FOR TEN MONTHS IN A CALENDAR YEAR AND FOR OTHER PURPOSES

APRIL 13, 1972

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CONTENTS

[92d Congress, First Session]

H.R. 9066

A BILL To provide that tobacco graders shall be retained in a pay status for ten months in a calendar year, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, employees of the Department of Agriculture occuping positions as Agricultural Commodity Grader, Tobacco, shall be retained in a pay status for at least ten months in a calendar year: *Provided,* That such employees may, when not otherwise performing duties grading tobacco, be assigned to other duties in the Department of Agriculture without loss of pay or other benefits; *And provided further,* That the availability of other duties to which such employees may be assigned during said ten month period shall not affect their right to pay and other benefits for the period during which they are not engaged in the grading of tobacco.

ADMINISTRATION REPORTS

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 6, 1972.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Civil Service Commission on H.R. 9066, a bill "To provide that tobacco graders shall be retained in a pay status for ten months in a calendar year, and for other purposes."

H.R. 9066 would require the Department of Agriculture to keep its tobacco graders in a pay status at least ten months a year. When these employees are not grading tobacco, the Department could reassign them to other work, if other work was available, but could not reduce their pay or benefits.

The Civil Service Commission is strongly opposed to the enactment of this bill.

The grading of tobacco, like the inspection of many other agricultural commodities, is clearly seasonal in nature, since the tobacco graders can perform their work only when the tobacco markets are open. Tobacco graders are hired as seasonal employees, and know that they will be furloughed when the tobacco season ends. We can see no reason why the Department of Agriculture should be required to keep these employees on the payroll when there is no work for them to perform.

Tobacco grading is only one of a number of Government functions where seasonal employees are utilized, due to the cyclical nature of the workload. In addition to the Department of Agriculture's other commodity inspection programs, we might cite such examples as the Internal Revenue Service, the Passport Office, and the National Park Service, all of which use seasonal employees to help handle peak work periods. There is no reason why tobacco graders should be singled out from all of the Government's other seasonal employees for this preferential treatment.

H.R. 9066 does provide that the Department of Agriculture could assign the tobacco graders to any other work that might be available when they are not grading tobacco, but it seems unlikely that suitable work could be found for any substantial number of them without numerous relocations to other areas of the country. Such relocations would be expensive for the Department and probably disruptive for the employees, especially since we understand that many of them have other occupations in which they are engaged in their off-season. We find the requirement that their pay be maintained regardless of the level of work to which they are reassigned particularly undesirable, since it is contrary to the most fundamental principles of sound pay administration.

The Office of Management and 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,

ROBERT E. HAMPTON, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 6, 1972.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the Committee's request for the views of this Office on H.R. 9066, "To provide that tobacco graders shall be retained in a pay status for ten months in a calendar year, and for other purposes."

The purpose of the bill is to require the Department of Agriculture to retain seasonally-employed tobacco graders in pay status for at least ten months in any calendar year, and to prohibit reduction in their pay or benefits, whether or not there is work for them to perform. In reports the Civil Service Commission and the Department of Agriculture are submitting on this bill, they state their reasons for strongly opposing such requirements and recommend against enactment of H.R. 9066.

We concur with the views expressed by the Civil Service Commission and the Department of Agriculture, and accordingly, strongly recommend against enactment of H.R. 9066.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 10, 1972.

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

DEAR MR. CHAIRMAN: We are pleased to provide a report on H.R. 9066, a bill "To provide that tobacco graders shall be retained in a pay status for ten months in a calendar year, and for other purposes."

This Department strongly recommends against enactment of H.R. 9066.

The Tobacco Inspection Act provides for free and mandatory grading of tobacco on all designated markets. Appropriated funds are provided by Congress to pay for this service. The tobacco inspectors' current periods of employment are for the duration of the marketing season for the different tobacco areas in which they work. The large majority of the inspectors grade on the flue-cured and burley markets and are referred to as cross-type inspectors. Most of the inspectors in this category receive between 6 and 7 months' employment each year. However, some of the inspectors who work in just one area receive only 2 to 4 months' employment.

Retaining all the inspectors in pay status for 10 months in each calendar year would increase the cost of providing these services about 50 percent, or $2 million per year.

The Department provides inspection, grading or classing services for a number of commodities for which the workload is seasonal. Examples are cotton, fruits and vegetables, and turkeys. Many of these employees have seasonal appointments and, therefore, the question of off-season employment is not confined to tobacco inspectors. Unfortunately, the peak periods of marketing and, thus, the need for inspectors mostly come at the same time of the year. A number of tobacco inspectors have supplemental jobs with other agencies in the Department, such as Agricultural Stabilization and Conservation Service and the Federal Crop Insurance Corporation. A few recently have been given supplemental employment in the Meat Inspection Program.

GS grade levels for off-season supplemental employment must be based on the job classification and not their regular duties as tobacco inspectors. For eample, a GS–11 Tobacco Inspection Supervisor who is highly skilled in grading tobacco would not be qualified to move in as a supervisor in the Meat Inspection Program. To maintain regular salaries under such circumstances would be disruptive.

A considerable number of tobacco inspectors are not interested in off-season work that would take them away from home. Only a limited number of jobs are available in the areas where the tobacco inspectors live and, thus, most would have to be assigned to jobs considerable distances away. Per diem or living allowance would greatly add to the cost of off-season assignments if this bill were enacted.

In view of the limited opportunities for other seasonal work in the Department, the statutory requirement that every tobacco inspector shall be paid for at least 10 months each year would mean that many would be paid when they had few, if any, productive duties. We would strongly object to such an arrangement.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD LYNG,
Acting Secretary.

CHANGE IN PAY STATUS OF TOBACCO GRADERS

THURSDAY, APRIL 13, 1972

House of Representatives,
Subcommittee on Employee Benefits,
Committee on Post Office and Civil Service,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m. in room 210, Cannon House Office Building, Hon. James M. Hanley (chairman of the subcommittee) presiding.

Mr. Hanley. Today we will hold a hearing on H.R. 9066. The bill was introduced by Congressman Walter Jones of North Carolina and several of his colleagues. H.R. 9066 would place tobacco graders in a pay status for at least 10 months per year. Currently tobacco graders are employed simply for from 2 to 7 months a year.

Our first witness this morning is the distinguished Representative from North Carolina, and my good friend, Walter Jones.

STATEMENT OF HON. WALTER B. JONES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. Jones. Thank you, Mr. Chairman.

Mr. Hanley. Walter, it is a pleasure to have you aboard this morning, and our meeting today culminates many, many previous discussions that we have had on this subject. So certainly for several years you have evidenced a great deal of interest in this, and I am confident that your testimony this morning will contribute immeasurably to the deliberations of the subcommittee.

Mr. Jones. Thank you, Mr. Chairman, for the kind remarks, and it is a pleasure to be here. Before I begin my written testimony, I would like to make one comment if it is in order.

I have before me the report from the Civil Service Commission, the Department of Agriculture, and the Bureau of Management and Budget, all of whom are opposing this legislation, which is not surprising, because it is their action a few years ago that caused the introduction of this bill.

I would be very surprised if they did not oppose this legislation. So with that, Mr. Chairman, I appreciate the opportunity to appear on behalf of H.R. 9066. This is a bill which certainly has no nationwide significance, yet is of extreme importance to some 250 or so employees of the U.S. Department of Agriculture, more specifically known as tobacco graders. Many of you are not familiar with the tobacco grading system but it is one which has meant the salvation of the tobacco farmers in some seven States.

77-181—72——2

It assures them an equitable estimate as to what the price of their product should be. It is one of the few agricultural commodities in which the farmer in the broadest sense does not have to ask the purchaser, "What will you pay me," for under this program a base price is set.

Regardless of your feelings on the controversial subject of tobacco, I think it is timely that I remind you that the commodity produces in excess of $7 billion a year in taxes at the municipal, State and Federal level. So any cost which might accompany this legislation which at the most would require only a few thousand dollars, would be infinitesimal as it relates to the tax revenue that is derived.

I am well aware of the Civil Service Commission's strong opposition to the enactment of this bill and further their statement that the "Internal Revenue Service, the Passport Office, and the National Park Service, all use seasonal employees to help handle peak work periods."

I hope that I can prove to you that the tobacco grader is a special species not to be found running at large.

A few years ago when I first moved into the tobacco section of eastern North Carolina, I asked a veteran tobacconist what constitutes a good tobacco grader or buyer, and his answer was "As soon as you find out, let me know." On the surface this sounds like a ridiculous statement, but what he was trying to tell me was that it is impossible to train one for this specialized service, the ability to recognize the different qualities of the leaf as it relates to desirable grades.

But this ability comes from a natural instinctiveness and is possessed by only a few. Therefore, the Civil Service Commission's comparison is not in my opinion a valid one. This, of course, casts no reflection whatsoever on the commodity inspectors in other fields, but again to merely emphasize that the work provided by the gentlemen I am attempting to assist is indeed highly specialized and in effect, tobacco graders and buyers for that matter, are born and not made.

Many of the men that this bill would benefit were recruited at a time a few years ago when they were guaranteed at least 9 month's employment. They have devoted their lives to this service, basing their economic standards on an expected income. This includes the payment on their homes, the education of their children, and the other necessities of life.

I think it is important to emphasize that with the exchange of large sums of money, with the purchase price being based on the decision of these graders, that we can agree it takes a man of strong integrity and character to function in this capacity.

Yet to my knowledge there has not been a major case of fraud or payoffs among this group. Here again, this responsibility for this particular job defies comparison from other type commodities.

All the major and individual tobacco buying companies in this Nation employ a staff of buyers who go on the warehouse floor and bid for the purchase of the product.

Again let me stress that this also takes a special talent which is recognized by private industry to the end that buyers are compensated on a year around basis, while performing a similar essential service as the tobacco grader, although they are actually working a partial season, in many cases, much less time than the graders.

So if this is practical and good for private enterprise I can only assume that the same should apply to a Government employee.

Finally, I submit to this committee that this bill is asking in effect the U.S. Department of Agriculture to honor past commitments not only to provide the gentlemen in question adequate compensation, but to enable the Department to attract replacements which within the next few years will be absolutely necessary.

I have already mentioned the tax revenue derived from the tobacco industry. In addition, I think it important that the committee consider that the United States exported $684 million in tobacco during the past year. The satisfaction of the domestic manufacturer as well as the exporter is due to a large degree on the job that these men, the tobacco graders, are performing.

In closing, let me emphasize that this bill does not provide an additional handout as such, but does require pay for 10 months out of the 12, with the Department having the right to utilize their services at any time in any other field when they are not engaged with the tobacco grading service.

I hope you will give serious consideration to correcting this existing inequity, which in my opinion, H.R. 9066 will do.

Mr. Chairman, thank you very much for the opportunity to appear here and if there are any questions I will attempt to answer them.

Mr. HANLEY. Thank you very much, Mr. Jones. In behalf of the subcommittee, we appreciate what can only be described as excellent testimony, and it certainly gets to the point.

You make reference to the fact that the tobacco grader was guaranteed at least 9 months of employment. Is that the case?

Mr. JONES. Mr. Chairman, as I understand it, and perhaps someone else can answer that more factually than I, the information I have back when the grading services support price came in and the grading was necessary, that they were recruited or employed by the USDA grading service and at that time came aboard with an agreement that they be paid 9 months out of the 12, which was apparently satisfactory to them.

Then, in about 1966 or 1967, I guess, the Bureau of Budget and Civil Service decided that perhaps this was not equitable, and that they should be put on a per diem basis.

Admittedly, somewhere in the interval the season has shortened. Perhaps it does not run quite the same length of time that it did. But notwithstanding the situation is with these gentlemen, that they cannot remain available to the grading service and perhaps seek some other employment. They can make no plans, because they may be in service 5 months, or 6, or even as short as 4.

But the point I am trying to make to this committee is the importance of the job that they perform. We are talking about hundreds of millions of dollars—we are not talking about a peck of potatoes, or a bushel of beans.

This is a very, very important commodity economically, and the whole program of supports, the whole program of the manufacturer being sure that he is buying what he is purchasing, or the exporter, rests on the decision of these gentlemen. That is what I am trying to get across here, that in my opinion it's very difficult to compare them with other commodities gradings, although I am sure others would argue otherwise.

That is the background of the 9 months as I understand it, and certainly it has in many cases caused an economic change of plans with these gentlemen. In some cases they probably have suffered hardship. I would not want to go quite that far with it.

I am sure some would say, "Well, why don't they claim unemployment insurance compensation?" These men are not the type who want to rely on that. They are able bodied, healthy, and I think they would like to be paid for their services.

Please bear in mind, and let me repeat again, the bill provides that the Department of Agriculture would have the right to use their services in any other area or governmental department during the time they are not grading tobacco.

Mr. HANLEY. Thank you.

Mr. White?

Mr. WHITE. Thank you very much, Mr. Chairman. I appreciate Mr. Jones' testimony, I will have to go to another meeting, but I am delighted that I was here to listen to your testimony.

Mr. JONES. Thank you, Mr. White.

Mr. WHITE. I would like to ask these questions. How many people are we talking about?

Mr. JONES. I had prepared my statement and I was a little low on my figure. I said in round figures 250. More correctly in round figures it will be 300.

Mr. WHITE. Are they presently on Civil Service?

Mr. JONES. Yes, they are at the present time, on a per diem basis.

Mr. WHITE. They presently are employed only 9 months of the year.

Mr. JONES. They are not guaranteed 9 months now at all. That was the original arrangement some years ago. But in the intervening years, General Services and the Bureau of Management and Budget decided they would not be guaranteed 9 months, but would be paid on a per diem basis.

That is what this is all about.

Mr. WHITE. Why not make them permanent employees of Civil Service, 12 months of the year? Would this be objectionable?

Mr. JONES. It certainly would not be.

Mr. WHITE. It seems to me this is an awfully unorganized way to employ people for an industry. With a full year of employment you know they are on call at any time for any purpose. I am sure that with the complexity of the agricultural scene in this country, they could be put to work if the Government and the Department knew they were 12-month employees.

Mr. JONES. I appreciate your taking that position.

Mr. WHITE. That would be satisfactory to you if it were determined that was one feasible way to cope with this problem?

Mr. JONES. Yes, sir.

Mr. WHITE. Thank you very much, Mr. Jones. I think you have presented an important bill. We should take care of every part of this country.

Mr. JONES. Thank you. I appreciate the remarks very much.

Thank you, Mr. Chairman.

Mr. HANLEY. Thank you very much, Mr. Jones.

I should say at this point that scheduled to appear was Congressman Tim Lee Carter, however, I am advised that due to a very serious flooding problem in Kentucky, his presence is required back there.

Therefore, he cannot be with us this morning. However, his testimony is printed, and it is here, and it will be incorporated into the record of this hearing.

(The statement referred to follows:)

STATEMENT OF HON. TIM LEE CARTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. Chairman, let me thank you first for allowing me to testify here today in favor of a bill which I think offers a measure of long-overdue recognition to some keen-eyed gentlemen of the Old South.

I refer, of course, to the tobacco graders who, since tobacco leaf was first introduced in this nation long ago as one of the most consistent and stable crops in our agrarian economy, have passed down countless rows of displayed leaf in judgment.

These are the men that determine the quality and marketability of tobacco, as an indication to the buyer of how much each lot of leaf is worth to him.

The grader profession is a respected and honored one in the South. Oftentimes, one generation after another has followed their fathers down those same lines of displayed leaf.

The sole requirements of a grader are the sharp eyes, keen sense of smell, and knowing hands needed to differentiate the ordinary from the best leaf, which, to the untrained eye, look the same.

In that sense, it is a supremely equalitarian calling. And it is one that has the same aura of the Old South and its traditions to it that the plantation houses and old men with sparkling white suits and genteel stetsons have.

Unfortunately, another modern general characteristic of this time-honored profession is not nearly so picturesque—poverty.

Tobacco graders are paid by the Department of Agriculture as long as there is tobacco to sell. Even for the graders who have worked their way to the top of their profession, this means they will be paid during about seven months of a year.

And those seven months are only for those graders at the height of their reputations, who work at the largest marketing operations. The graders who work mainly in one area in small operations, on the other hand, are paid only between two and four months in a year.

Either way, this means that persons employed in this most honorable and respected profession are faced with a choice: They must either clutter the labor market by trying to find at least one other full-time job, collect unemployment, or do their tobacco grading in rags and on an empty stomach.

Mr. Chairman, I believe that this measure before you today would at least partially remedy that narrow choice for tobacco graders, making this calling once again attractive to young people willing to keep it as part of the American scene.

This legislation would standardize the pay period for all tobacco graders, expanding it to 10 months. It would enable persons in this time-honored profession to sustain the same exalted feeling of virtual year-long self-support that workers in other, less established fields do.

And the measure would reduce the number of people on the streets looking for alternate employment and unemployment payments. The multitude of this nation's citizens who must bear the self-humiliation borne of welfare-living would also decline.

I urge this subcommittee in the strongest possible language to approve H.R. 9066. I believe the Department of Agriculture could easily devise some sort of activity related to the tobacco grader's main activities to keep him busy in the off season. I think that this legislation represents attention to the sort of detail in the nation's total employment picture that we cannot ignore.

Thank you.

Mr. HANLEY. I call upon Sylvester Pranger, Director, Office of Personnel, Department of Agriculture; accompanied by Jerome Miles, Director of Finance; and George Grange, Acting Administrator, Agricultural Marketing Service.

STATEMENT OF SYLVESTER PRANGER, DIRECTOR, OFFICE OF PERSONNEL, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JEROME MILES, DIRECTOR OF FINANCE, AND GEORGE GRANGE, ACTING ADMINISTRATOR, AGRICULTURAL MARKETING SERVICE

Mr. PRANGER. To my left is Jerome Miles, who is Director of the Office of Budget and Finance, and to my right is George Grange, who is Acting Administrator of the Agricultural Marketing Service, under whose jurisdiction the tobacco graders operate.

Mr. HANLEY. It is a pleasure to have you with us this morning.

Mr. PRANGER. Mr. Chairman, I appreciate the opportunity to appear today to present the views of the Department of Agriculture on H.R. 9066 to provide that tobacco graders be retained in a pay status for 10 months in a calendar year.

As stated in its formal report, previously submitted to the committee, the Department of Agriculture strongly recommends that this bill not be enacted.

The bill proposes that employees of the Department of Agriculture who are agricultural commodity graders—tobacco—be retained in a pay status for at least 10 months in a calendar year notwithstanding any other provisions of law.

Under the proposal these employees would, in effect, be guaranteed 10 months income at the pay rate they receive as tobacco graders, during which period they may be assigned other duties in the Department and if other duties are not available, they nonetheless would have a right to pay and other benefits.

It is our view that there are certain cogent reasons which militate against enactment of such legislation.

One of the fundamental concepts of the civil service system is the principle of equal pay for equal work. The provisions of this bill which provide that these employees may, when not otherwise performing duties grading tobacco, be assigned to other duties without loss of pay or other benefits is inconsistent with this concept.

Similarly this provision of the bill singles out tobacco graders for preferential pay, benefits, and rights to other work assignments not provided to other seasonal employees of the Tobacco Division, the Agricultural Marketing Service, the Department of Agriculture, or indeed other Federal departments and agencies under the Federal civil service system.

We cannot even estimate the number of other seasonal Federal employees who would be justified in petitioning the Congress for similar rights and benefits.

This bill does not consider the fact that these employees are in seasonal positions authorized under section 14 of the Tobacco Inspection Act of 1935, that their services are paid for out of appropriated funds for that specific purpose, that any other duties performed in other areas of work are of necessity different positions under separate appropriations.

It also fails to consider the fact that the Secretary of Agriculture does not set or control the marketing season. The opening and closing of each market is decided by the marketing association, board of trade, or State commissioner of agriculture.

Under the Tobacco Inspection Act, the Secretary of Agriculture is required to provide grading service through the employment of seasonal graders or by licensing such persons.

Other objections which should be considered in connection with this proposed legislation are as follows:

1. This bill has the potential of authorizing the expenditure of funds for service not received by the Government.

2. It is not clear how those employees who are offered other employment but decline such offer, or who have never and do not now desire to work in other occupations are to be treated.

For example, are they to be paid for 10 months even though they do not work that long and have no desire to work at other occupations? Is there any basis for paying these employees less than 10 months salary?

3. Tobacco graders know when they are hired that the work is seasonal. Even so, there is not a shortage of applicants for these positions. In recent years we have been able to use only about one-third of the applicants for these positions.

4. Past efforts to find supplemental positions for these employees have not been successful because there is limited use for their services elsewhere in the Department due to overlapping seasons, a need for full-time permanent employees in other positions, lack of funds, the location of other positions and their failure to apply for or accept positions available.

To summarize: The Department believes that there is no justification for a guarantee of 10 months pay to a particular group of employees whether or not there is work for them to perform, and whether or not they are qualified to perform duties other than those involved in the specific seasonal work for which they are hired.

Fundamental principles of equity involving all Federal employees are at issue. No basis exists for setting aside or obtaining exception to any provisions of law affecting the pay and benefits of Federal employees generally.

We believe enactment of this proposal would cast aside any incentive and make impossible any future efforts to achieve economy and efficiency in carrying out the provisions of the Tobacco Inspection Act of 1935.

I thank you for the privilege of appearing here today. I will be pleased to answer any questions.

Mr. HANLEY. Well, thank you, Mr. Pranger.

May I ask of you how many tobacco grading positions are there?

Mr. PRANGER. Yes, sir. In fiscal 1972 we will employ 391 graders. Of that number, 375 will very probably work less than the 10 months in grading tobacco, the remaining 16 will work 10 to 10½ months, sir.

Mr. HANLEY. What would be the average work period per year for tobacco graders?

Mr. PRANGER. If we compute it on the basis of all, it averages 5.8 months per man. There is a very wide range, however. Some work from 2 to 2½ months while others work up to 10 or 10½ months.

Mr. HANLEY. I understand at one time tobacco graders were paid for 10 months. Is this true?

Mr. PRANGER. It was a range, but let me answer in general. My understanding was that they were paid averaging anywhere, George, from 2½ up to 9 months. Is that about right?

Mr. GRANGE. Under the system that existed prior to 1963, Mr. Chairman, the period of time that the seasonal tobacco inspectors were paid varied, if I remember correctly, and I think I do, varied from 3½ months for those who worked Burley tobacco markets only, to a maximum of 10½ months for those inspectors that worked the markets in North Carolina, Virginia, South Carolina, et cetera, beginning in July, and then were transferred to the Burley markets, and then in late spring went on to the Maryland tobacco markets. This is the maximum tour of duty that exists, and such inspectors received the maximum period of time of 10½ months.

So the range, Mr. Chairman, to answer your question, was 3½ to 10½ months. Then, there were in-between periods of "encumbered time" for which they were assured they would receive this amount of pay regardless of whether there was work to be done.

The usual time ranged from 6 months for certain tours of duty to 9 months for other tours of duty. The 9 months that Congressman Jones referred to, Mr. Chairman, was a common period of time. I can understand how Mr. Jones would refer to 9 months as being a usual commitment on the part of the Department.

Mr. HANLEY. Why did the Agency adopt the present system?

Mr. PRANGER. George, you back me in this, also. My understanding is that there was a gradual shortening of the marketing seasons among other things, and in 1965, the basic question was whether we could continue to pay for periods of time when they did not work, and the decision was made that no, we could not.

Would you add to that, George?

Mr. GRANGE. Yes.

Mr. Chairman, the event that triggered a change on the part of the Department was an internal audit that was prepared by our Office of the Inspector General. The period covered by the audit itself was the year 1959, but the report was not printed and made available to us until about a year later.

This report showed that on the average, approximately 40 percent of the time that our seasonal tobacco inspectors were being paid was nonwork time—this did not include standby time on the markets, Mr. Chairman, but included only time when our men were back home at other jobs in practically all cases.

Many of our seasonal tobacco inspectors are tobacco farmers themselves, or have other jobs. Of course, they can't live on part-time or seasonal jobs.

But approximately 40 percent of the pay was being paid when there was no work to be done. As a result of that, starting in 1963, Mr. Chairman, for new recruits, the Agricultural Marketing Service reduced the period of "encumbered time" to use the word as we used it then.

This was for new recruits. In 1965, Mr. Chairman, as this report became more widely distributed and more widely known, the attention of the Secretary personally was attracted to this problem and the attention of the General Counsel's Office, and consultation was had with the Civil Service Commission and a decision was made that it was administratively improper and legally prohibited to continue this practice.

A notice was issued, Mr. Chairman, dated November 1, 1965—and I will always remember that date—stating that effective July 1, 1966,

a revised procedure would be adopted where the pay of our seasonal inspectors would be limited to the work itself, with only such additional periods of time required for training or other duties.

So since July 1, 1966, Mr. Chairman, we have been operating under the arrangement that Mr. Pranger outlined to you.

Mr. HANLEY. Back then was the General Accounting Office involved in that act?

Mr. GRANGE. No, Mr. Chairman, the matter of bringing this issue to decision was entirely internally within the Department of Agriculture, except for our consultation with the Civil Service Commission.

Mr. HANLEY. Your testimony indicates that presently there be three times the number of applicants for available openings?

Mr. PRANGER. That is the way it has been running, sir; over the past several years.

Mr. HANLEY. Initially an applicant is advised of the tenure, and he comes aboard with his eyes wide open?

Mr. GRANGE. Yes, sir.

Our instructions are very clear in this regard, Mr. Chairman. We have a civil service register for tobacco inspectors. We used to have separate registers for separate types of tobacco, but we have combined them in one civil service register now.

With the season work force of approximately 400 men, or 391, I believe Mr. Pranger said on board right at the moment, we have a turnover, a very small turnover, but a turnover of around 20 or 25 men per year through retirements, and deaths, and resignations, and so forth.

So we have been recruiting for the last few years 20 to 25 men from the top of the civil service register, and have been training them to fill in behind experienced inspectors as the attrition continues.

Mr. HANLEY. Do I understand correctly the cost factor associated with legislation of about $2 million a year?

Mr. PRANGER. It would, sir; if the people were not used on other assignments. Now, this is an extremely difficult thing to work out, because of the difficulty of finding assignments for them. We have gone through an extensive effort since the 1965 action internally within the Department in an attempt to locate other types of jobs that these people could work in during the off season.

So that would be the ultimate cost if none of those who worked less than 10 months were utilized in other positions.

Mr. HANLEY. That being the case, a rapid tabulation on my part here suggests that if there are only about 400 graders, that would come out to about $5,000 per grader.

Isn't this a rather high estimate?

Mr. PRANGER. Sir, we based that, and I can submit this for the record later, we broke it down by grade level from GS–5 up to GS–11, and on an average salary within that basis we can pretty well estimate the number in each grade level that will work this specific amount of months, and that is what it was based on.

The actual figure as we computed it using that approach was about $1,629,000 on salaries, plus benefits. Benefits would, once again, average about 8.4 percent, which is $136,850, which would be somewhat shy of $2 million. This is based on an assumption that they would not be utilized in other positions.

77–181—72——3

Mr. HANLEY. Off the top, it would seem to be a rather high estimate. The internal audit you referred to, could the committee be provided with a copy of it?

Mr. GRANGE. Yes, sir.

Mr. HANLEY. All right. That will be helpful to our deliberations.

The tobacco buyer, is he a real creature of the tobacco company, per se, or is there a middle factor there? Is the product purchased and then in turn sold to the industry, or is this buyer, for instance, he is actually the employee of the American Tobacco Co.

Mr. GRANGE. Mr. Chairman, we are speaking of auction market sales, where our inspection is performed, which represents 97 or 98 percent of all the tobacco grown in the United States, except for some production of cigar-type tobacco in Connecticut, Pennsylvania, and Wisconsin.

The grower makes a sale at the auction market. The buyer for the major companies such as American Tobacco Co. that you cited would have their own employee doing the buying.

In addition to the domestic buyers, as they are known, there are tobacco firms that specialize in buying tobacco, many of them for export.

In the case of some tobacco, Mr. Chairman, some 40 percent of it is exported. It is one of our good export items, so there is a significant quantity purchased for export.

One or two of the largest of the foreign companies have their own buyers, but they depend, usually, upon domestic buyers. They buy for the account of either a smaller domestic company or a foreign manufacturer.

Mr. HANLEY. Then the company buyer would be assigned to some other duty during the period of time that he would not actually be purchasing?

Mr. GRANGE. Generally speaking, as Congressman Jones points out, there is not a great deal for the tobacco leaf buyer to do in the off-season, any more than there is absolutely no work that we have in the Tobacco Division for our inspectors when the auction markets are not operating.

Mr. HANLEY. The companies employ their buyers on a 12-month basis?

Mr. GRANGE. I believe there is some variation in this practice, Mr. Chairman. We, of course, have made many inquiries because of this persistent problem that we have had, and in our consideration of it.

Whether they decide how much they should be paid and divide it by 12 and pay it year around, this is one way of reaching year around pay, but that does not necessarily mean they figure they were gainfully employed during that off period of time.

Mr. HANLEY. What type of supplemental work would be available to the tobacco grader? Someone mentioned that many of them have farms themselves, is that it?

In addition to that, what would other outlets be?

Mr. PRANGER. George, you lead the effort. Would you testify on this?

Mr. GRANGE. Yes. Many of the seasonal graders are farmers who have other self-employment in the agricultural towns where the bulk of our men come from in North Carolina, South Carolina, Kentucky, and Tennessee. In fact, in soliciting information as to their interest

and what kind of supplemental employment they would like, a good percentage of them have informed us that they don't want another job with the Department of Agriculture during the off-season because they have their own livelihood or method of getting their livelihood during the off-season.

Within the Department, Mr. Chairman, there are a few other grading assignments that we can offer to our seasonal tobacco inspectors. A specific example is asparagus grading in New Jersey, which is a spring job and finishes before July when we need the tobacco inspectors back.

We have been able to find some part-time work in our meat and poultry inspection assignments. Although that is not seasonal, we need part-time people available to call on in an emergency to fill in behind our regular inspectors. In the Agricultural Stabilization and Conservation Service they have certain seasonal employees, measuring acreage and this sort of thing.

Unfortunately, Mr. Chairman, practically all of these come about in summertime. Summer and early fall is the peak of agricultural production in this country and, therefore, that is the peak of the seasonal kind of work that we have.

So we are not able to have gainful, worthwhile off-season work to be performed for 400 tobacco inspectors.

We have located quite a few such jobs and, in fact, we have located some jobs that we have had no applicants for the jobs, Mr. Chairman.

Mr. HANLEY. For instance?

Mr. GRANGE. For instance, a job that is a considerable distance away from home. Some of the work in the Southwest or other areas is not attractive. This is understandable. I am not trying to imply criticism here. To leave your home and go a thousand miles away for a limited period of time is not very attractive for many people.

The type of work, Mr. Chairman, enters into it. Again, an experienced journeyman tobacco inspector is entitled to a GS–9 grade. If he is in a supervisory job, he is entitled to a higher grade. But in doing some different job for the Agricultural and Stabilization and Conservation Service, the pay is cut considerably, you see. This, of course, influences anyone in deciding whether or not there is some alternative private employment available locally that would be more attractive.

One thing I might mention to you, Mr. Chairman, as a very key point. Under the civil service regulations, the seasonal employee is credited with a maximum of 6 months toward retirement in addition to his actual employment, up to a maximum of 12 months creditable service out of a year.

In other words, if you work 4 months, you add on 6 months and you get credit for 10 months as far as retirement goes. So if you work a minimum of 6 months each year, then you do get full credit toward retirement. At the end of 25 years and 60 years of age, you would be eligible for full retirement.

We have "cross typed"—to use another word of ours—between Burley and Flue-cured tobacco, the main kinds of tobacco, to a much greater extent since 1966 than we did before 1966. We have been able to get for those who are interested in working during the summer and fall, a minimum of 6 month's employment.

Some are not, as I have said earlier, but for those interested we have been able to get the great bulk of our men up to at least 6 month's

employment. As I outlined this is a significant benefit, of course, because it permits them to qualify for full retirement.

So, in addition to looking for other jobs outside tobacco inspection, we have given much attention to cross-training and cross-utilization so that they can move out of the markets in the Flue-cured tobacco area and continue in the Burley area.

We have some gaps between Flue-cured and Burley markets at times, Mr. Chairman. As I said earlier, we do not control the opening or closing of the market.

In order to use our men during that period and still not have to furlough them, we have concentrated our training sessions during this in-between time, and so we have been able to with justification, retain our men on the payroll in between the Burley and Flue-cured marketing seasons.

I thought I should mention this 6-month standard, Mr. Chairman, because it is a very significant one.

Mr. HANLEY. You mentioned training, that the grader is well trained. Mr. Jones' testimony evidenced that the grader actually has to be born as a grader. Can you tell us to what extent does the Agency train the grader?

Mr. GRANGE. We have debated this matter many times, Mr. Chairman. Mr. Jones and I personally have had a number of discussions concerning this. I think you can generalize, Mr. Chairman, and say that out of the 6,000 or 7,000 graders, that we have in the Agricultural Marketing Service, that any one of them will tell you that the product that he grades is the most complex and most difficult one.

Tobacco grading is a tough job, more so than some of the others. I subscribe to that. It is highly subjective. I probably would compare the work of our meat graders in grading beef and our tobacco graders as being about on a par, as being as difficult, or more difficult than many of the others.

You have to carry to a large extent a visual image around in your head as to where you draw the line between different grades of tobacco and what kind of a grade you will assign.

With a high-priced product such as both beef and tobacco, the decision of the grader is a very critical one.

Mr. Chairman, the first year we do not try to get any productive work out of recruits. Our training is largely on the job. We have a good classroom training along with it. Most of them are tobacco men, of course. They are familiar with it, and in order to qualify on the register they have to have a number of years and familiarity in handling tobacco.

In the second year we begin to get limited work from them if they pass the test at the end of the first year and stay on. Then we get some limited production from them the second year, and then hopefully at the end of the second year and the second test, then they will be able to take their position as the third man on a grading crew.

Usually we have three graders going down the rows in the warehouses, plus the supervisor. We start them in as a full-fledged grader in the low man position, in the third year.

In an emergency, dependent upon their ability to learn, we have had to make use of second year men. We get awfully tight manpower-wise at certain times during the marketing season when peak sales

are going on, and a high percentage of the markets are open at the same time.

Mr. HANLEY. You have reflected on some of the civil service benefits of the graders. You have reflected on the retirement program. What other rights do they have under the civil service laws and regulations?

Mr. PRANGER. They have the same rights with regard to life insurance, the health benefits. Mr. Chairman, they actually receive a career appointment. It is a career appointment as a seasonal employee.

Mr. HANLEY. Let us put it this way, then. Their status is identical to any other Federal employee's?

Mr. PRANGER. Except it is a seasonal employment and they are furloughed at the end of the season, yes, sir.

Mr. HANLEY. I see. Reflecting on the suggestion offered by Congressman White with regard to the possibility of absorbing these 300 or so people into the agency on a 12-month basis assigning them duties other than tobacco grading per se, what is your comment on that possibility?

Mr. PRANGER. I would go back to what Mr. Grange has stated, on how difficult it is to find other types of employment for them. These are highly trained tobacco people. The problems we run into are twofold. One is the question of the interest of the tobacco inspector in terms of assuming another job. There are a lot of reasons, as Mr. Grange said, why they may not be interested.

It may be a matter of a job a long way from home, a job that he will have to start on at the lower rung of the ladder. In other words, we could not really justify taking a grade 9 or a grade 11 tobacco inspector and expect him to operate at that level in the meat inspection plant, for example. Let me run through some of the attempts that the Agency did make in terms of trying to find additional employment for these people, again back in 1965 and 1966.

Mr. Grange talked about cross typing. That has extended the work period. On nonsale days in the marketing season, we keep them on pay status, but we put them in training.

Beginning in 1966, we did make concerted efforts to find supplemental employment. In the 1966–67 season, for example, 292 out of the 440 inspectors on the rolls at that time indicated an interest in supplemental employment.

Offers were made to 263 of these, of which 131 accepted offers. The work did not necessarily pay the same. Under our current situation, if we utilized them in meat inspection, they may have to step back down to a grade 5. In 1970, we made further efforts. The Director of the Tobacco Division established a committee that conducted surveys and did everything he could to promote and find supplemental employment.

This was a cooperative effort between the Tobacco Division, the various agencies of the Department and the National Federation of Federal Employee's local union who represent the inspectors.

Employees were surveyed for their interest, in other work, rate of pay, and interest in traveling. Only 50 percent responded to the survey questionnaire.

A more specific example—I recall seeing a report, George, I believe of an effort in 1971, to locate possible employment in the meat and poultry inspection activity.

Forty graders were contacted, resulting in 12 selections for jobs in this area. Several of the 12 failed to report for duty. Some declined or worked only a short time. We ended up with six of them working in this area. The other factor that comes into this, and Mr. Grange did talk about this a little bit, is the fact that we do have, especially in the marketing service, a very significant seasonal activity in many areas.

We have currently, Mr. Chairman, on the USDA rolls, about 83,000 permanent full-time employees——

Mr. HANLEY. 83,000?

Mr. PRANGER. Yes. At the peak of the season, and this would be about July, the employment totals range up to about 115,000. In other words, these 32,000 additional that are hired during the summer season are largely seasonal employees.

Some examples, the Statistical Reporting Service uses about 2,000 enumerators during the summer season on the rolls.

The Federal Crop Insurance Corporation has about 2,800 insurance salesmen and loan adjustors that work primarily during the summer season. The Forest Service has about 9,000 fire fighters, lookouts, tree planters, and others most of whom work only during the summer season.

The Soil Conservation Service hires about 3,000 working on soil survey and other conservation projects. So we have a significant need for seasonal employees in the Department, but they are primarily used during the summer. So we have real difficulty in terms of finding a way of using the abilities of tobacco graders for other jobs.

Is that correct?

Mr. GRANGE. Yes.

Mr. HANLEY. Mr. Barton, do you have any questions?

Mr. BARTON. No.

Mr. HANLEY. I guess we have covered it quite well, and as a concluding question, is it true that Luckies taste good, like a cigarette should?

With that, thanks so much for the fine presentation here this morning. We thank you for yours efforts.

Mr. PRANGER. Thank you.

Mr. HANLEY. The next witness this morning is Mr. Irving I. Geller, general counsel, and Mr. George Margolies, staff counsel of the National Federation of Federal Employees. I believe with you this morning are Mr. Bunnie Blalock, Mr. John T. Griffin, and Mr. Curtis Lee.

Gentlemen, welcome to the committee.

STATEMENT OF IRVING I. GELLER, GENERAL COUNSEL, GEORGE H. MARGOLIES, STAFF COUNSEL, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY JOHN T. GRIFFIN, WILLIAMSTON, N.C.; CURTIS LEE, GREENVILLE, N.C.; AND BUNNIE BLALOCK, TIMBERLAKE, N.C., FEDERAL EMPLOYEES

Mr. GELLER. Thank you, Mr. Chairman. I would like to express the regret of Dr. Wolkomir and Mr. Castleberry in their inability to be here. They have a special interest in the plight of the tobacco inspector.

My name is Irving I. Geller, general counsel of the National Federation of Federal Employees, the pioneer Federal employee union and

the largest independent union in the Federal service, with over 50 years of service to the Federal employee.

The NFFE is glad to have the opportunity to submit its views on H.R. 9066, which has as its chief sponsor Representative Walter B. Jones, and we warmly applaud the introduction of the bill and recommend its passage before your committee.

I might digress and express our interest in a possible amendment that would assure employment for 12 months. I think it was a very worthwhile suggestion that Congressman White offered.

NFEE represents all of the tobacco inspectors employed in the Tobacco Division of the Consumer and Marketing Service in the Department of Agriculture. Some of these tobacco inspectors, who are also members of our local, are here to testify before your committee today, at your kind invitation.

Mr. Chairman, the Tobacco Inspectors Act of 1935 provides for the use of uniform standards of classification and inspection of tobacco for the protection of both tobacco producers and public interest. By this act, the Secretary of Agriculture was authorized to designate those auction markets where tobacco bought and sold at auction moves in commerce.

However, before the Secretary can make such a designation a referendum must be held whereas two-thirds of the growers who participated at the auction the preceding season must vote in favor of its designation.

This provision of the law has tended to give the private grower inordinate power to control the seasons of the industry and to determine when and where tobacco inspectors will be employed. This has caused haphazard scheduling of tobacco graders.

The law provides that the Secretary of Agriculture "shall have the power to appoint, suspend, remove, and fix the compensation for all * * * employees."

However, in practice, the industry dictates how long the season shall be and where the tobacco graders and inspectors must work. It is this inequity and the inherent abuse in such a system that compels the passage of H.R. 9066.

This bill allows for tobacco graders to be retained in a pay status for at least 10 months in a calendar year when not otherwise performing duties grading tobacco. H.R. 9066 provides these employees will be assigned to other duties in the Department of Agriculture without loss of pay or other benefits.

This is imperative in the light of the varying lengths of the growing seasons in the tobacco producing States. At present, the Department seeks to place these employees in other divisions of USDA, but cannot guarantee such supplemental employment.

This works an extreme hardship on these employees and their families when they are unsuccessful in gaining employment for the remainder of the year.

In a report of an Ad Hoc Committee on Supplemental Employment, appointed by the Director of the Tobacco Division, Consumer and Marketing Service, it was found that of the other 11 divisions, five offered fairly good prospects of supplemental employment, with the other six divisions offering very limited or no opportunities for supplemental seasonal employment.

The report was compiled during the week of November 2–6 of 1970, and therefore may be out of date concerning prospects of employment.

However, it does serve to show the unreliability of gaining supplemental employment for the months that one is not performing his duties as tobacco grader. H.R. 9066 would remove this uncertainty by guaranteeing employment for at least 10 months.

Passage of this bill would create a greater incentive for the Department of Agriculture in scheduling tobacco auctions which require the services of tobacco graders. It would cause the Secretary of the Department and his designates to encourage the orderly scheduling of auctions, thereby affording tobacco graders a measure of security through the creation of a more reliable work schedule.

Competent tobacco graders are not easily trained and obtained. The continuation of an employment policy which generates a continuing sense of insecurity among the employees is an invitation to a demoralized work force.

The practice in the Agency until a few years ago, 1966, was to give reasonable year around employment and the traditional 10-month employment cycle became a pattern of that Agency. It is our firm belief that a de facto breach of employment conditions occurred causing tobacco grader employees great losses in income and job security.

The NFFE believes that any gap in actual working time which is occasioned by tobacco industry practice can easily be filled with useful Department of Agriculture assignments in other elements in the Department.

To name a few of such activities would be appropriate. The consumer protection program requires employees to utilize inspectional duties; the State and county operations of ASCA requiring the inspection of alloted acreage is another inspectional activity; and the Office of the Inspector General has a variety of duties and obligations which could be performed by the tobacco graders in the off season.

It is essential that the employees function as the bill provides in their paramount job classification, that is, "Agricultural Commodity Grader, Tobacco," to assure preservation of their status in terms of pay, rank, and grade.

The present manner in which tobacco graders are employed, and which compels them to seek supplemental employment, raises other problems for consideration.

Many of these employees have Federal Employees Group Life Insurance. When an employee accepts a supplementary, but temporary, position at a lower grade and salary, his insurance continues in the amount covered by his regular employing agency.

The cost to the employee remains at a higher rate. Therefore, the tobacco grader finds himself having deducted larger amounts on this for his premium payments than his diminished salary can support.

Another problem arises concerning the status of retirement benefits when accepting a position of lower grade and salary. Retirement benefits are based on the employee's annual salary.

This is of importance particularly where an employee should suddenly become disabled and he is forced to retire on disability.

With foresightedness, Congressman Jones' bill provides that tobacco graders assuming other duties shall not suffer any loss of pay or other benefits. This provision should not be overlooked in your consideration

of this bill as it is necessary for these employees to reasonably provide for their families at all times, not just 5 months of the year.

Another characteristic of their present employment necessitates passage of H.R. 9066. When accepting employment at a lower grade, these employees invariably find themselves beginning at the first step rather than the top step.

This decision rests entirely with the agency that gives these employees supplementary employment. The quarantee of 10-months employment would make this concern moot.

The need for enactment of this legislation is the more so in light of existing law which allows the Secretary of Agriculture each year to change the method of compensating the tobacco inspectors, even though the change may result in diminished pay, where no agreement to continue past methods exists.

H.R. 9066 would provide some economic and employment security for these dedicated Federal employees upon whom we depend for this greatly consumed product, as more graphically described by Congressman Jones.

Again we express our thanks to you, Mr. Chairman, and the members of your subcommittee, for your action on this subject. The tobacco inspectors owe a deep debt of gratitude to Congressman Jones and his cosponsors for the introduction of H.R. 9066. At this time, I will be more than glad to answer any and all of your questions.

In particular, I would like to take very serious exception to many of the remarks made by the Director of Personnel for the Department of Agriculture, and specifically this effort to place employees in other employment has not been successful because it has not been treated enthusiastically, it makes job offers to people at substantially lower grades. I was quite interested in the observation that if a man works 6 months he gets his full retirement. Well, if he worked a full year, the Government would be saving money on that retirement expenditure.

That is an economy. I seriously doubt that the $2 million figure that Mr. Pranger suggested is an accurate one. In fact, I would urge that there might well be an economy in that the tobacco graders represent a group of talented men with a variety of skills who could very easily adapt to new assignments.

The continuing reference to seasonal employees is totally unfair and totally contrary to the facts Tobacco graders, historically, as was pointed out by the previous speakers, were assured a 9-month period of employment.

Now that is far from seasonal. Actually in our view there was a breach of employment. Many tobacco graders took the position on the theory that they were going to get 9 or 10 month's employment. This is not an asparagus inspector, whatever his grade is, who knows that when he takes the job that in fact it is seasonal.

This was a serious breach of an employment relationship. Private industry has long recognized the compelling need for providing year around employment. We are not suggesting that these gentlemen will sit home and collect pay for work that they do not do, but if the bill is passed and if the requirement is that they accept assignments, I am more than certain that the overwhelming majority of people will accept the job offers if they are assumed a continuation in their grade level, whether it be grade 9 or grade 10.

It will also reduce the considerable training and turn over that is occasioned by the hiring of other employees. I believe the agency furnished some further misleading information.

It spoke about the large number of applicants for the tobacco grader job. Well, there can be a large number of applicants. The question is, are they competent, are they qualified? Has there been a reduction in the requirement?

I am sure my colleagues who work as tobacco graders that his is a highly skilled job, and it seems to me that prudence would dictate that there be a kind of a freeze on hiring and thereby extend the work season for the other tobacco graders instead of trying to sponsor 2-month employment, or 4-month employment.

These are all contrary to good employee management relationships, and if the Government is to set an example and be a model for the private sector, I think, instead of moving in a direction that shortens the security of an employee it should be cognizant of the importance of extending his security, so that the Department does show itself in a very forward and progressive light.

I charge that there has been extreme negativism with regard to job opportunities elsewhere. I think the remark was made that there was a comparison of job grade level as between the meat inspector and the tobacco grader. I think it can equally be said that this is true in connection with poultry and meat inspection.

The Southeast where these gentlemen are from is a high producer of poultry, and I am sure that, based on reports that I have read, and I am sure the chairman has read, the inspection of meat and poultry is not always at the optimum level, to put it kindly, and there is a great need for talented inspectors and graders.

I think it is a rather simple—maybe I am exaggerating—but at least it is not a difficult transition from a tobacco grader.

Now, if he is told that in order to gain a 10 month or a year around employment he must accept a job in a reasonable locale, I think he can accomodate to that. But it has been my experience and we participated in these surveys and we have been—we have gone to the Federal Mediation and Conciliation Service in an effort to get jobs for the tobacco grader and those results have been negative.

I suggest that if the bill were passed, or some accommodation to the bill, that the Department would gain, the public would gain, and tobacco graders would have a decent sense of security.

At least they would have as much as they enjoyed when they first took the job and had the promise of a minimum of 9 month's employment.

Mr. HANLEY. Thank you, Mr. Geller.

You have suggested an effort to perhaps provide 12-month employment for the tobacco grader and perhaps the Agency might consider a freeze on new employment until such time as graders might be integrated into the system on a 12-month basis.

Beyond this, do you have any other suggestions?

Mr. GELLER. There could be coupled with that—I am aware of the vagaries of the tobacco season—there could be a greater effort on the part of the Secretary, and if it needs law changing, so be it, to have the season scheduled in a more orderly fashion so that there aren't these breaches.

I might also mention that in terms of money, I might point out to you, and I am not suggesting that one is proper or not, but the meat industry pays the cost of the salaries of the inspectors or graders and the tobacco industry does not.

The Department of Agriculture is performing a very useful service. This might be a form of recoupment to the Federal Government.

Mr. HANLEY. Do you know the reason why the Government is not reimbursed?

Mr. GELLER. I don't, Mr. Chairman. I think it is just the origin of the legislation. The act itself does not provide for it, whereas the act for inspection and grading—and I will stand corrected if it is just one—but at least one of those functions is paid for by the industry.

Mr. HANLEY. You have mentioned that the Secretary and to an extent the growers determine the season. I have been under the impression that the season would be controlled to some degree by extraneous factors such as the weather.

Is this true?

Mr. GELLER. Well, I don't profess to be an expert in tobacco grading.

Mr. HANLEY. Your testimony suggests that——

Mr. GELLER. I don't think it is essentially the weather, but the desires of the industry.

Mr. HANLEY. Would any of the graders like to comment on this or any other area related to the issues?

Mr. LEE. Thank you, Mr. Chairman.

The opening and closing of the markets is governed by the 38-man committee that are representatives of the Warehouse Association, growers and purchasing agents. They set the opening and closing so that they have a reasonable flow of tobacco that can be handled during this time.

Seasons do play a part in the opening of given markets. Weather conditions, dry weather sometimes postpones the opening, and makes it later. In an extremely good growing season, it would be earlier. Consequently, it is flexible.

If we have in Flue-cured, we use the term two different districts, Flue-cured and Burley, we start out in Georgia and Florida. Should they have a real good growing season in Georgia and Florida, they want an early opening. Should Burley have an extremely dry and difficult growing season, they may want a late opening.

Consequently, you have a gap in between, but this is controlled by weather conditions, yes, sir, as well as this 38-man committee of which the Department of Agriculture has no control over.

Mr. HANLEY. Are there certain months where there is not any work for graders?

Mr. LEE. Not from the time we are returned to duty until we go off, and there may be 2 or 3 days or a week sometimes, but this is about the extent of it.

Mr. HANLEY. Then there is not any particular month that you are totally out of business?

Mr. LEE. There is from January until July, yes, sir.

Mr. HANLEY. That was my question.

Mr. LEE. Yes, sir; from January until July.

Mr. HANLEY. In the months January through July apparently there is little or no work.

Mr. LEE. It should be January through June, Mr. Chairman. January through June.

There are only two little areas, one in the cigar area, and one in Maryland during the time when it utilizes just a few employees, I believe. They use an estimate of 12 or 13 in Maryland and two or three in the cigar type.

Mr. HANLEY. You have heard the discussion with regard to the possibility of a 12-month tenure. What would your idea be of options that might be available for another activity for a grader in the months that are nonproductive?

Mr. LEE. Mr. Chairman, I think if it were offered to the employees, 90 percent would be in favor. There is now in each county, as Mr. Geller has mentioned, an activity with ASCS of inspecting or measuring the allotted crops. I think that each county could utilize within the county every man, every tobacco inspector in that county with ASCS. You have Federal crop insurance, which is desperately in need of part-time employees, but our employees, it is intermittent work. They may work 2 days and be off a week. A man with a family has to provide for his family. He cannot take a job for 2 days and be out of work for a week.

Consequently, he has to look for full-time employment if he can find it. In many, many cases, ablebodied men cannot find employment, as embarrassing as it may be, and they have to depend on unemployment compensation, due to the fact of no work available.

First of all, we never know, except maybe 30 days in advance, as to when our services will be needed. Just last year and the year before, we did get the Department to consent to notify us 30 days in advance when our services would be needed.

Up until this, it might be 3 days, 4 days in advance that you were notified to report. Well, if you have a job with another employer, he would like some assurance as to the time that you would be available to him.

We have nothing we can tell him.

Mr. HANLEY. Where is your home area?

Mr. LEE. Greenville, N.C., sir.

Mr. HANLEY. What do you do aside from tobacco grading?

Mr. LEE. At the present time, sir, I am working with a seed company as a sales representative. Prior to 1966, I worked with ASCS in the off season. But their work was so intermittent that I had to seek, after this cut, I could no longer depend on ASCS; I had to seek another employment, and after about 5 years, I did locate this job with McNary Seed Co.

Mr. HANLEY. In your case, now, where in your geographical area could the Department of Agriculture employ you in an occupation other than that of tobacco grader?

Mr. LEE. ASCS in my home county is in desperate need of reporters.

Mr. HANLEY. This would be a full-time activity for the duration of your availability away from tobacco?

Mr. LEE. If they knew in advance they were going to have x number of men available to them who were full-time employees of the Department of Agriculture, they would not need to go out and solicit part-time help. We could just transfer then from one agency to the other and they could utilize our services, yes, sir.

Mr. HANLEY. I see.

Mr. LEE. Soil Conservation also there in the county is desperately in need of help. But they give a man a 90-day appointment as a GS–4, and a tobacco inspector with a GS–9 rating going into a GS–4 position, should he become disabled and have to take retirement as a GS–4, financially, he just can't afford to take the position.

Mr. HANLEY. I see.

Do any other gentlemen care to offer an observation or make a comment?

Mr. GELLER. Mr. Griffin would like to.

Mr. GRIFFIN. Mr. Chairman, I have a job description testimony I would like to present.

I am John T. Griffin from Williamston, N.C. In the beginning, let me say thank you for affording me this privilege to even testify before you. Gentlemen, I am a journeyman tobacco inspector or grader, whichever you choose to be appropriate.

My job is a very highly skilled job, and at this time I would like to describe it to you. My duty as a tobacco grader is to sample a lot of baskets of tobacco to determine its value. First, I have to determine what part of the stalk the leaves were on prior to their being removed from the stalk, top, middle, or bottom.

Second, I have to determine the maturity of these leaves. Third, I have to determine the percentage of injury, the percentage of waste to the leaves. Fourth, the color of the leaves. This determines the grade that is applied to the tobacco to determine the value that is placed on the grade that is established by commodity credit corporation.

Gentlemen, this is done by sight and touch. We have approximately 162 grades in the Flue-cured area. We have approximately 105 grades in the Burley tobacco area. We have approximately 75 grades for dark fired and 63 for Maryland.

I begin my duties approximately the last week in July in Georgia, and gentlemen, the warehouses in Georgia are hot. There are days when the humidity is really in those low-roofed warehouses.

I have seen a thermometer and I give you my word, hanging on a post in the warehouse register 107°. Gentlemen, I know I have witnessed this several times and numerous times at 100° plus.

Gentlemen, we have four men, three graders and one head grader, on the market that I work in Georgia to inspect and apply the grades on tobacco up to 2,500 baskets per day.

That is type 14. For type 12, which is eastern North Carolina, we have only three men and one of them a head grader to apply the grades on up to 2,500 baskets of tobacco a day.

When the type 12 markets are over, I am sent to type 31, or Burley, where I apply the same methods of grading, only different grades on the tobacco.

In the Burley district, the weather conditions are to the extremes. Otherwise, down to 10° to 16° below zero in the wintertime. Gentlemen, none of these warehouses are air conditioned in the summer nor heated in the fall and winter. These are not all the duties I perform. I have to carry a large amount of public relations, for I am a representative of the U.S. Department of Agriculture, Tobacco Division and I have to render all the services that are possible to keep all happy in the line of duty.

I have to be patient with the impatient, sympathetic with the unfortunate, and explain to the producer why the grades were applied to his tobacco, whether he be mad or glad.

I also have to work in conjunction with the producer, warehouseman, buyer, processor and answer a lot of questions of the consumers.

Gentlemen, this is why I think this is a highly skilled job and that our pay should be extended to a longer period of time to comply with private industry. Gentlemen, a lot of our most qualified men are at retirement age, and there is no reason for them to stay with the service to help we younger men out when their retirement pay is as much as their salary would be if they worked.

If this bill is passed, we can recruit more men qualified for this skill. When we approach one of the men now that we know would make us a qualified man, he says, "You have nothing to offer."

We would appreciate your due consideration of this bill and may it pass on the floors of Congress of this great Nation, and we thank you very much for the opportunity of this testimony, and I will be glad to answer any questions.

Mr. HANLEY. We would like to thank you, Mr. Griffin, for your very excellent statement and through it you have provided this committee with a better background, better insight with regard to the function of a tobacco grader and the situations and circumstances which he finds himself in.

So you have certainly through it made a valuable contribution to our deliberations and we are most grateful to you.

I will pose to you a question similar to the one I posed to Mr. Curtis Lee. In your particular area, now, what other functions could you provide for the Department of Agriculture which might allow them to bring you aboard on a 12-month basis?

Mr. GRIFFIN. Sir, I am working with WAE, Federal Crop Insurance, grade 5, and this work is not—there is no way of overtime in this work. Gentlemen, last week to perform my duties to the Federal Crop Insurance Corporation, I performed 67 hours of work to get the job done.

We have a certain period of 90 days which May 1 will terminate the settling date. I could be well fitted in this category, ASCS, Martin County ASCS, needs reporters. Soil Conservation are needing people there.

In my area, the opportunity is open, but if I am killed on the way from Washington City to my residence at the rate of pay that I am getting with WAE in a grade 5, it will be terminated, but my benefits to my wife will be terminated by the GS–5, rather than the 9 rating, and I have contributed more in the GS–9 rating, sir.

Mr. HANLEY. Is this the way you usually do each year in your off-season months?

Mr. GRIFFITH. Sir, I have a 21-acre farm. My allotments are very low. I cannot live on that 21-acre farm. There is no way.

I am determining to sell it. If I could get additional employment—I love to fiddle around the farm on Saturday, sir. I really do. It does something to get this mental strain off, but I can't, so I have placed everything that I do into the feed grain program and whatever anybody would offer me to handle the rest of it.

The Tobacco Division, sir, I have been in tobacco for 30 years, and it was brought forth at one time at a meeting that we were discussing

the possibilities of why couldn't we be in this other position, and we have had people to tell us, "Well, why don't you quit?"

Where can a man earn what was promised when he came to work with this Agency, a period of 9 months, and he takes it for 10 years at age 34, and then 10 years later they say, "We cannot do it."

Where can a man 44 years of age today that has been trained and been in tobacco for 30 years, get his employment? That is my feeling, sir.

Mr. HANLEY. Again, thank you, Mr. Griffin. Are there any other comments or observations, gentlemen?

Mr. LEE. Mr. Chairman, I have a few comments I would like to make. It has been said this morning that the Department can only use about a third of the men that are on the waiting list, on the register. Mr. Chairman, last year I think my figures are correct, in the Burley districts they went out to recruit 25 new employees to fill vacancies. In 2 or 3 months, round figures, they located by running ads in the papers and on the radio, anyway to entice people to come in. They finally managed to get 10 to agree to take the job, and when they reported, four reported.

That is out of 25. Yet we only can take a third. I can't understand this. Secondly, last year or the year before last it is now, our Director stood before a group of men and stated "Men, I have three bodies on every sale." The men that we are getting today we are recruiting and employing men 50 and 60 years of age to undertake the duties that Mr. Griffin has described to you.

They are not physically able to endure this heat and this cold weather. Last year alone, we had six to die during the marketing season from heart attacks. We think overexertion, overstrain, due to lack of men, manpower, contributes to that. We had 10 others who had severe attacks, who are permanently damaged for life, either by heart attack or by stroke.

Gentlemen, out of 320 journeymen graders, well, when you have 16 to start to have either heart attacks or strokes and either die or be permanently injured, this is a pretty high percentage.

Part of this, we feel, is coming about due to the fact that the Department cannot recruit competent men to take the place of the men who are going out, and within the next 3 years if there is not a change made we will lose 50 percent, roughly 50 percent of these employees who were employed back in 1945 and 1946, right after World War II, when they had this 9-month term of employment offered to entice men from the tobacco industry.

Many of our men who have been with the service 10 and 15 and 20 years came from other tobacco industries. They came into the Department with a guarantee of 9 months employment or the equivalent in salary.

This they believed in. We had fought for our country as soldiers on the battlefield. It was something we believed in. Then the Government promises us 9 months employment or the equivalent in salary and then 20 years later when many of these same men have reached the age that no other employer wants them, they say, "Fellows, we can only pay you for the days you work."

If a man is on the Burley market and he returns home from the Burley assignment and he arrives home at 3 o'clock, he has to place himself in annual leave for 1 hour.

Mr. HANLEY. You make a good observation, Mr. Lee. Are there other comments?

Mr. GELLER. We appreciate being here.

Mr. HANLEY. Again on behalf of the committee, our appreciation for your attendance here this morning. I know this was not easy for you to travel here to be with us.

But what you have said, what you have said to the committee provides it with a contribution that hopefully will help us in our deliberations, and ultimately, hopefully, it will resolve the problem you have.

Again, I would be remiss if I did not comment on the outstanding efforts of your Member of Congress, Walter Jones, who has brought this issue to the forefront, and has encouraged support of his legislation from a number of other Members of Congress.

So he has championed your cause and has certainly provided reasonable merit for your position.

With that, thank you so much for being with us.

Mr. GELLER. Thank you, sir.

Mr. HANLEY. The committee will now stand adjourned.

(Whereupon, at 11:17 a.m., the subcommittee recessed, subject to call of the Chair.)

(The material which follows was received by the subcommittee for inclusion in the record:)

REIDSVILLE, N.C., *April 6, 1972.*

Mr. CURTIS LEE,
Secretary of Local 1555,
Greenville, N.C.

DEAR CURTIS: I am writing you in regards to "Bill H.R. 9066", introduced by Congressman Jones.

I accepted employment with the government June, 1946 with a guaranteee of nine (9) months to work in flue cured and burley, and if I wanted to do demonstration work, I was guaranteed ten (10) months. I worked under these terms of employment until July 1, 1966. At this time, I was notified I would get paid for seasonal work only, which is approximately 6½ months a year. I had too much seniority as a civil service employee to resign. My age would make it difficult to find a new position.

This 4-month cut in salary has worked an extreme financial hardship on me. I find it hard to maintain a reasonable standard of living in fear of losing my home.

After having served 3½ years in the Armed Services, fighting for our country, I find it hard to believe that our United States Government would treat any man, particularly our veterans of World War II and the Korean War in this manner. As you are aware, the majority of our tobacco inspectors are "Vets"!

I would greatly appreciate any help our Representatives could give us.

Very truly yours,

LEWIS T. MOORE.

GLASGOW, KY., *April 10, 1972.*

Mr. CURTIS LEE,
Greenville, N.C.

DEAR MR. LEE: When my husband, W. T. Church, was employed some 11 or 12 years ago by the Dept. of Agriculture, C&MS, Tobacco Division, as a tobacco inspector, he was hired with the understanding that he would have 9 months pay period out of the year. As you well know a few years ago, the policy was changed whereby an employee was paid for only the time actually worked. This has really created a hardship for W. T. as he has his family to support, and a child to send to college. It must be harder for those who have more children.

W. T. has tried to give his best to the agency, and I am sure he has done a very acceptable job. At his age, 47, it would be very difficult for him to go into another field, not to speak of leave and retirement benefits that would not be available to him when he is of age. W. T. went into the work on a career basis and has worked very hard, to have to cope with such a drastic change.

I feel that something could be done to change this situation, and that the men could be returned to a guaranteed 10 months. I am writing to you, an officer representing the Tobacco Inspectors, and asking that everything possible be done to return the workers to at least 10 months work.

If you need our help in any way, please advise.

Sincerely,

FRANCES CHURCH
Mrs. W. T. Church.

ROXBORO, N.C., *April 5, 1972.*

W. CURTIS LEE,
Greenville, N.C.

DEAR SIR: I started to work with the U.S.D.A. Tobacco Division on July 27, 1952 with a promise of, at least, eight months pay per year until retirement at 30 years. I worked with that much pay and supplemented the rest of the year with U.S.D.A. as Assistant Compliance Supervisor with A.S.C.S. to make a full 12 months pay. In 1966 without choice, I was cut by the Tobacco Division to four and one half months pay and by A.S.C.S. clear out of that job. I was left with a very bad situation.

I then bought a Coal Yard which is very hard and dirty work. The miners went on strike so much and coal went so high that I was almost forced out of business. So in September, 1971, I sold, or nearly gave away, my coal yard at a $2,000 loss to keep from going broke.

I have two boys, one 17 years old and the other is 14 years old. One will go to Appalachian State University this fall, if possible. Two weeks ago, I went to the Welfare Department to see if I could get any financial help for his education. I do not know what I will do when time comes to send the other boy to college.

With the help of the "Good Lord" and all the other people, I hope to make it somehow.

So, you see what a financial problem this cut has put me in. All help will be appreciated.

Yours truly,

THOMAS S. ADCOCK.

WILSON, N.C.

To the Committee concerned with the bill H.R. 9066:

We tobacco inspectors are very keenly interested in H.R. 9066, the bill which would keep us in pay status ten months per year. We desperately need this additional employment.

Our situation is a bit unusual and unique. Most of us were hired years ago and promised nine months or longer employment per year. We have devoted the best of our working years to the inspection service counting on the service to live up to its promises. Suddenly and with almost no warning, we were cut to actual days on the market, which in many cases is not even six months. This sudden cut in time of employment has created many great hardships for us inspectors and our families. We have obligations such as house payments and education of children which we have to meet and which we fully expected to be able to meet until our time of employment was so abruptly cut.

Since we are asked to be available for tobacco inspection work each season at the time we are needed, we inspectors feel that it is only fair that we be given additional employment after the tobacco inspection season ends.

We are not asking that we be given something for nothing. All we are asking is additional employment each year with the USDA which we need quite desperately. To assure this we urge your strong recommendation, approval, and support of H.R. 9066.

Respectfully yours,

JUNIOR HIGH.

MARCH 31, 1972.

Mr. CURTIS LEE,
Sec. NFFE 1555.

DEAR MR. LEE: I am writing in behalf of the bill that will give remedial action to the hardship case of the Tobacco Inspectors. Since I was recruited on an incumbered time basis in 1951, for a period of nine months, regardless of the marketing season's length, I find out 16 years later that my pay was reduced about one third of this amount without any alternative to make a living for my family with a very short notice. I have given my best years to the inspection

service and consider myself hooked without opportunity until my retirement, which will be at the earliest possible date if some change isn't made. I deeply feel that the government owes me an opportunity to make a living for my family, and to keep their promise to the way I was recruited.

We have explored every avenue possible and all of management tells us that action by our Congress is the only possible way we can expect any relief. I hope and trust that this bill will pass the proper committee and the entire Congress. It is not a bill asking something for nothing, but instead, it will give our management ways and means to use the services of dedicated government employees, and for us to keep the trust in our Government we have always had.

Sincerely,

LACY C. CASTLEBERRY.

BETHEL, OHIO, *April 10, 1972.*

Hon. WALTER E. POWELL,
U.S. House of Representatives, Washington, D.C.

DEAR SIR: In 1946 at age 32 I quit a steady job with a tobacco company to work on a seasonal basis with the Tobacco Division, U.S. Department of Agriculture, on their express promise of nine months pay, and an implied promise that I would have enough freedom to continue my small farm operations. I considered this a legal and binding contract.

In 1966, at age 52, various political and departmental changes in the Tobacco Division resulted in a reduction to six months employment, with additional administrative and personnel restrictions on unencumbered time, making it impossible for me to carry on a farming operation.

This action has cost me on average about $3000.00 per year during a period of continuing inflation and rising living costs, at an age when another job or supplemental employment is most unlikely.

The support price program on tobacco has been responsible for raising the standard of living for the small tobacco farmer from poverty to relative affluence, and has meant much to the rural economy of the tobacco producing regions. It is my personal belief that this is a good program, and that if this program is to be continued it must be administered by dedicated, competent people. Such people cannot be recruited for, and will not remain in a situation which demands of them dedication and competence, while rewarding them with pay cuts and petty restrictions.

It is now generally acknowledged that unless improvements are made soon, the services provided by the Department of Agriculture to the nation's tobacco industry will be substandard and unacceptable.

Yours truly,

PAUL J. ESSEX,
Agri. Comm. Grdr., Supervisor, GS–11.

WINTERVILLE, N.C.

To the Committee concerned with H.R. Bill 9066.

We, the Government tobacco inspectors, are very interested in H.R. Bill 9066 which, if passed into law, will increase our pay status to 10 months per year. The additional time of employment is much needed by us.

From my personal standpoint, I started working with the inspection service in August, 1946 after serving 4 years in the armed services. At that time, I had offers from two tobacco companies for employment. I chose instead to be a Federal inspector because the government made me a better offer and provided me with 9 months employment per year. After approximately 20 years of such employment, my pay time was reduced by 1/3 and in some cases other inspectors were cut more.

During the time of my 9 months employment, I committed myself to certain obligations which I could have met if it were not for the time cut. Also, I started raising my family which I knew I could educate with my 9 months employment salary. When I really needed this time to put my two daughters through college (they are enrolled now), I had to borrow money right and left. I have almost over-extended my credit. Also, my son will be ready to enter college in two years.

I once thought that what people in the Federal Government told me, I could believe, but no more. I have nearly lost all faith in them.

I am not asking for anything that I am not willing to work for; instead, I am seeking additional employment with U.S.D.A. which I desperately need in order to meet my previous obligations that I made before the time cut.

On behalf of my fellow tobacco inspectors and myself, I urge your consideration, your support, and your approval of H.R. Bill 9066. Thank you.

Respectfully yours,

VANCE T. COREY, Jr.

FLUE CURED INSPECTORS MUTUAL ASSOCIATION,
Durham, N.C., June 6, 1946.

To: All Members of Flue Cured Inspectors Mutual Assn.

DEAR FELLOW MEMBERS: I wish to advise that Mr. S. W. Daniel and myself have just returned from a trip to Washington, D.C. and that on June 4, 1946 we had the pleasure of attending a meeting with Messrs. C. E. Gage; J. E. Thigpen; M. I. Dunn and Carol B. Hill; at which time we discussed the problems confronting the Flue Cured Inspectors as well as all members of this Association and also discussed in detail the recommendations made to our officials of the Tobacco Branch P.M.A. as of letter dated November 12, 1945; and amended as of letter dated March 14, 1946; with reference to more working time for the Inspectors or the equivalent in salaries; also certain changes in the present per diem allowances.

Mr. Daniel and myself were authorized by Mr. C. E. Gage and Mr. M. I. Dunn to advise the members of this Association that the following changes had been provided for and would be effective as of July 1, 1946.

That all Inspectors having a rating of Assistant or better who worked in as many as two types of Flue Cured Tobacco would receive a minimum of eight (8) months work or the equivalent in salary, plus an increase of fourteen per cent (14%) of his present salary, effective as of July 1, 1946.

That all Inspectors having a rating of Assistant or better who worked in as many as two types of Flue Cured Tobacco and one type of Burley or Fire Cured Tobacco would receive a minimum of nine (9) months work or the equivalent in salary; plus an increase of fourteen per cent (14%) of his present salary, effective as of July 1, 1946.

That all market Supervisors who worked in as many as two types of Flue Cured Tobacco would receive a minimum of nine (9) months work or the equivalent in salary; plus an increase of fourteen per cent (14%) of his present salary, effective as of July 1, 1946.

That all Junior and Junior Trainees who worked in as many as two types of Flue Cured tobacco would receive a minimum of six (6) months work or the equivalent in salary; plus an increase of fourteen per cent (14%) of his present salary, effective as of July 1, 1946.

We were also authorized by Mr. Gage and Mr. Dunn to inform all members that there would be a substantial increase in the present per diem allowances; the exact amount of which we would be advised not later than July 1, 1946.

The above changes in salaries and per diem allowances are based on the expectation of grading all markets of all the Flue Cured types in addition to grading all sales that will be restored on the various markets which were curtailed during the war as an emergency measure; which will of course mean a decided increase in the required personnel, as well as a considerable increase in the amount of funds necessary to do this work. Therefore, our officials in Washington feel that this is as far as the present appropriation will allow them to go at this time.

Your Committee realizes the fact that, literally, this does not comply with all of the recommendations in full which were made as of letter dated November 12, 1945; but when the fourteen per cent increase in salary is taken into consideration, together with the increase in working time, all employees will be benefited much more financially than they would have been had the salary rate remained the same and all the requested changes been granted in full.

Your committee hopes very much that the above proposed changes will be acceptable to all members, as we earnestly feel that we have made a move in the right direction, the first of which has been made in the Flue Cured district in several years, and with the combined efforts and cooperation of each and every member we are confident that within a very short period of time we can boast of an organization second to none that will be envied by the entire tobacco trade.

With kindest personal regards from each and every member of your Executive Committee, I remain

Very truly yours,

ARTHUR C. NOELL, *Secretary-Treasurer.*

STATEMENT OF HON. L. H. FOUNTAIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Gentlemen, today I would like to state for the record my reasons for supporting H.R. 9066, a bill pertaining to several aspects of the employment status of a small, but important, dedicated and competent, group of civil servants. H.R. 9066, if successfully enacted into law, would extend fuller employment opportunities to between three and four hundred federal employees by increasing employment stability and opportunity for career advancement. It is my hope, and similarly the hope of other supporters of H.R. 9066, that this Committee will give full and favorable consideration to this bill.

Specifically, the enactment of H.R. 9066 would provide fuller annual employment opportunities for about 375 Civil Service employees of the Agricultural Marketing Service of the United States Department of Agriculture. These employees are classified as Agricultural Commodity Graders (Tobacco) and they provide a vital service to a multimillion dollar industry. The tobacco industry in the United States currently makes a combined revenue contribution in excess of fifteen billion dollars to the United States Treasury and the treasuries of the fifty states and numerous local jurisdictions as well.

Agricultural Commodity Graders for tobacco inspect and certify lots of tobacco according to United States standards and perform related duties under the Tobacco Inspection Act. All are Civil Service employees. The work is seasonal and the typical federal tobacco grader is employed and compensated for an average of about six months each year.

It is primarily this seasonal aspect of the tobacco grader's job that H.R. 9066 seeks to rectify. Presently, the tobacco grader is not guaranteed an annual period of employment to permit the earning of an income adequate for the needs of the average American family. Under the present seasonal employment arrangement, a typical tobacco grader receives an average pre-tax annual income of $3600 and, please make note, many receive incomes below this $3600 level.

If enacted, H.R. 9066 would provide for these tobacco graders to be retained in a pay status for a minimum of ten months in a calendar year with the provision that when not grading tobacco they be assigned to other duties within the Department of Agriculture. Therefore, the enactment of H.R. 9066 would guarantee these civil servants nearly a full year of employment and push their average pre-tax annual income to around $8,000. In addition, these employees for the first time would be more fully eligible for the complete range of Civil Service employee benefits such as sick and annual leave, hospitalization plans, and insurance coverage.

The traditional considerations of Congress in dealing with the salaries, benefits, employment status and working conditions of Civil Service employees have been twofold: (1) Congress should be fair, just, and always seeking to extend equality of opportunity when legislating for employees of the United States government; and (2) Congress should always be seeking to attain and maintain a high level of morale and competence among federal employees in order to assure maximum levels of efficient and equitable service to the public. The enactment of H.R. 9066 would reaffirm the confidence that all federal civil servants and the public they serve have in the wisdom of Congress to uphold these two aforementioned noble principles. These principles reflect on a tradition of a just, fair, equitable and enduring relationship between the Congress, the Civil Service, and the public—a relationship of which all parties can be proud. By approving H.R. 9066 the Congress can demonstrate its continued adherence to the finest traditions of America's ethical principles of justice, equality of opportunity for the few as well as the many, and the highest sense of fair play.

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