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RECLASSIFICATION AND PAY OF UNITED STATES DEPUTY MARSHALS

GOVERNMENT

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THE KANSAS STATE UNIVERSITY



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HEARING

BEFORE THE

SELECT COMMITTEE ON EMPLOYEE BENEFITS

OF THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

ON

H.R. 13895 and similar bills

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE FOR THE RECLASSIFICATION OF POSITIONS OF DEPUTY UNITED STATES MARSHAL, AND FOR OTHER PURPOSES

JUNE 27, 1972

Serial No. 92-45

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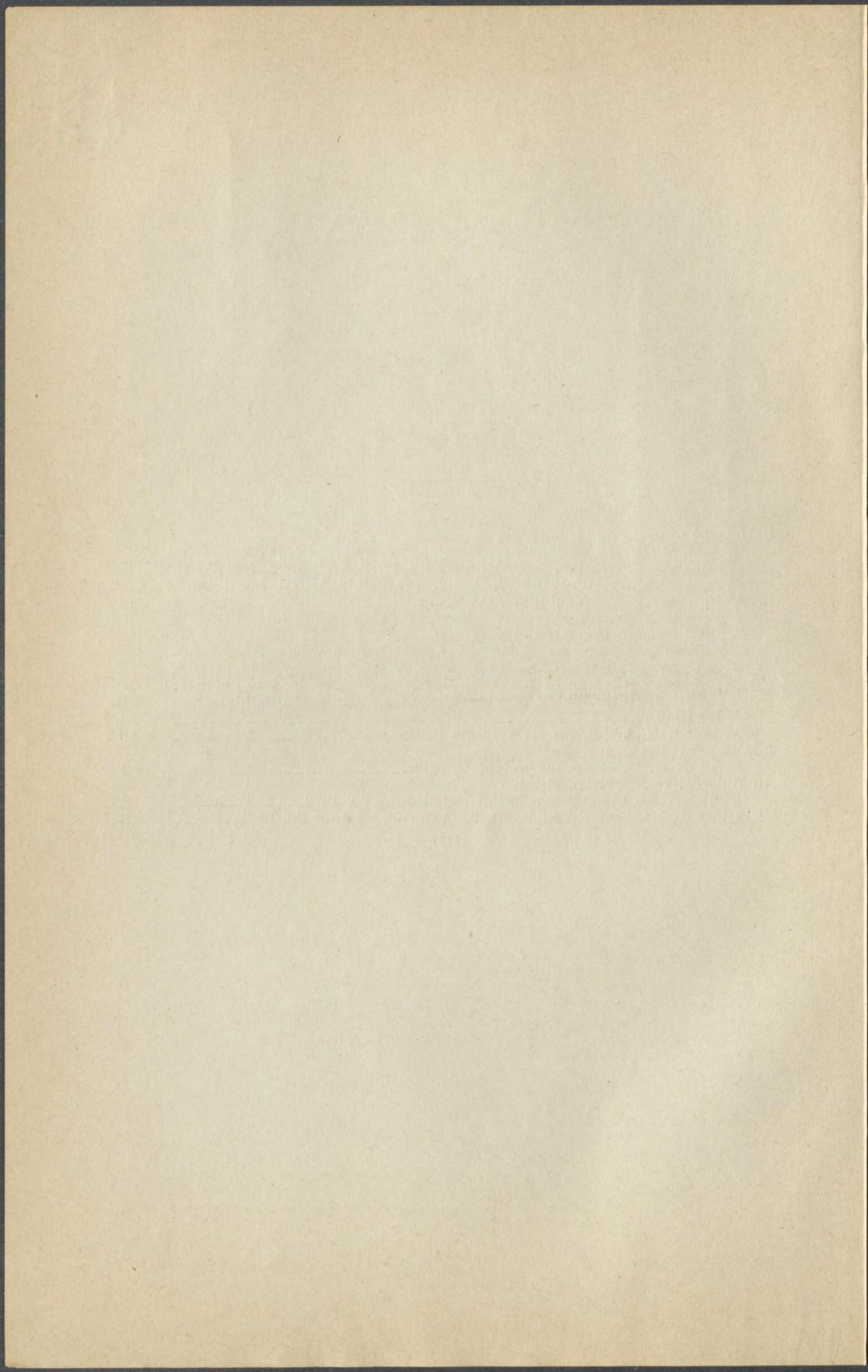
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RICHARD A. BARTON, *Staff Assistant*, Room 207, Cannon Building—Ext. 56295

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RECLASSIFICATION AND PAY OF U.S. DEPUTY MARSHALS

TUESDAY, JUNE 27, 1972

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

The subcommittee met, pursuant to notice, in room 321, Cannon House Office Building, Hon. William O. Mills, (acting chairman) presiding.

Mr. MILLS. I just received notice that the House will go into session today at 11, so we will move along with our hearing this morning.

Today we will conduct a hearing on H.R. 13895 and other bills related to the classification and pay of deputy marshals.

During the course of the hearing we hope to establish the working conditions and duties and responsibilities of deputy marshals insofar as they relate to pay. We also hope that the witnesses will relate the work of the deputy marshals to other law enforcement agents, both within and outside the Government.

In addition, we are hopeful that the Civil Service Commission will carefully outline the implications of its recently announced plan to conduct an indepth study of protective occupations.

At this point in the record, we will insert a copy of H.R. 13895, and the administration reports received from the Civil Service Commission and the Office of Management and Budget.

(The items referred to follow :)

H.R. 13895, 92D CONGRESS, 2D SESSION

A Bill To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(c) All positions of deputy United States marshal are classified, in accordance with regulations which the Civil Service Commission shall prescribe, at GS-7, GS-9, and GS-11. Each employee holding any such position shall receive the rate of basic pay of that step of the GS grade in which his position is placed which—

“(1) is not less than step 3 nor more than step 7 of such GS grade; and
“(2) is determined for such employee by the appropriate authority on the basis of the following factors—

“(A) The employee's general performance of his duties as a deputy United States marshal;

“(B) the number of years of service of the employee as a deputy United States marshal; and

“(C) the ability of the employee to accept responsibilities as a deputy United States marshal.”.

SEC. 2. Effective on the effective date of this section, the initial classifications, and the initial adjustments of rates of basic pay pursuant to such initial classifications, of employees to whom the amendment made by the first section of this Act applies, shall be as follows:

(1) INITIAL CLASSIFICATIONS.—Employees and positions classified, immediately before the effective date of this section, at—

- (A) GS-6, shall be classified at GS-7;
- (B) GS-7 or GS-8, shall be classified at GS-9; and
- (C) GS-9, shall be classified at GS-11.

(2) INITIAL ADJUSTMENTS OF RATES OF BASIC PAY PURSUANT TO INITIAL CLASSIFICATIONS.—Each employee subject to the initial classification provided by paragraph (1) of this section shall receive the rate of basic pay of that step of the GS grade at which his position is initially classified under such paragraph which—

- (A) is not less than step 3 nor more than step 7 of such GS grade; and
- (B) is determined for such employee by the appropriate authority on the basis of the following factors—
 - (i) the employee's general performance of his duties as a deputy United States marshal;
 - (ii) the number of years of service of the employee as a deputy United States marshal; and
 - (iii) the ability of the employee to accept responsibilities as a deputy United States marshal.

SEC. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 26, 1972.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Civil Service Commission on H.R. 8890, a bill "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes." This report also applies to H.R. 13895, an identical bill that is also before your committee.

These bills would require that positions of deputy United States marshal be classified at General Schedule grades GS-7, GS-9, or GS-11, and that each employee in one of these positions have his pay fixed at a rate between the third and the seventh rate of his grade, depending on (1) his general performance of his duties as a deputy United States marshal, (2) the number of years of his service as a deputy United States marshal, and (3) his ability to accept responsibilities as a deputy United States marshal. The bills would also require that deputy United States marshal positions now classified at GS-6 be reclassified at GS-7, positions now at GS-7 and GS-8 be reclassified at GS-9, and positions now at GS-9 be reclassified at GS-11. Present incumbents of these positions would have their pay rates adjusted within their new grades to a rate between the third and seventh rates of their grades in accordance with the 3 factors set forth above.

The Civil Service Commission is strongly opposed to these bills, since their enactment would be contrary to the most fundamental principles of sound pay administration.

Under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, the General Schedule classification and pay system provides for the equitable compensation of more than 1.2 million Federal employees, including deputy United States marshals and employees in other law enforcement occupations with responsibilities similar to those of deputy United States marshals. Under this system, the positions of employees are placed in appropriate grade levels on the basis of the difficulty and responsibility of the work, and the qualifications the employees need to be able to perform the work. In order to provide equal pay for equal work within the General Schedule system, positions throughout the Government are classified in accordance with position classification standards issued by the Civil Service Commission after careful study of each Federal occupation.

These classification standards enable agencies to relate the duties and responsibilities of each particular position to the statutory grade level definitions in section 5104 of title 5, and ensure that employees who are performing work of the same level of difficulty and responsibility will be in the same grade level, regardless of their occupation. Bills such as H.R. 8890 and H.R. 13895, which would classify positions by statute rather than by an evaluation of the work in relation to other kinds of work and in relation to the statutory grade level definitions, defeat this basic principle. This sort of preferential legislation, inflating the grades of small groups of employees such as the deputy United States marshals, is unfair to all the other General Schedule employees (including many other law enforcement employees, such as correctional officers, criminal investigators, and border patrol agents) whose positions would continue to be classified in accordance with proper classification principles.

The use of the General Schedule within-grade rate range proposed by these bills is also, in our view, highly objectionable. As part of the basic structure of the General Schedule system, each grade (through GS-15) has 10 within-grade pay rates, and employees are advanced through this rate range in accordance with an established schedule of waiting periods. In order to be advanced from one within-grade rate to another, an employee's work must be determined to be of an acceptable level of competence, but if an employee is denied a within-grade step-increase he has the right of appeal to the Civil Service Commission. The General Schedule within-grade system also provides for the granting of additional within-grade step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned.

H.R. 8890 and H.R. 13895 would replace this system for deputy United States marshals, using only the third through the seventh rates of GS-7, GS-9, and GS-11. An employee would no longer have to be considered for a within-grade advancement at any specified intervals, nor would he be able to appeal the denial of a within-grade advancement to the Civil Service Commission. Instead, he would be placed in a rate, or moved from rate to rate, by a determination by "the appropriate authority" on the basis of three factors: his general performance of his duties as a deputy United States marshal, the number of years of his service as a deputy United States marshal, and his ability to accept responsibilities as a deputy United States marshal. There is no indication in the bill who "the appropriate authority" would be or what the distinction is between the first and the third of these factors. Even despite these objections, however, we simply see no need for this variation from the established General Schedule within-grade system.

In summary, we know of no special circumstances relating to deputy United States marshals that would justify the establishment of what would amount to a special, and highly preferential, classification and pay system for this group of employees. Changes in the work and responsibilities of deputy United States marshals can be adequately recognized within the framework of the General Schedule system. Furthermore, we believe the enactment of such a preferential system would immediately open the way for demands from many other groups of General Schedule employees for similar preferential treatment.

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,

(Signed) ROBERT E. HAMPTON,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 26, 1972.

HON. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service, House of Representatives,
207 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. 8890, "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes."

The purpose of this bill is to upgrade the position of deputy United States marshal by prescribing statutory grade levels which are one and two grades above present classifications for such work. In addition, the bill would abolish

present time-in-grade restrictions for such positions; and would prescribe a special pay range for deputy marshal positions limited to the third through seventh steps of the higher grades specified in the bill.

In a report the Civil Service Commission is submitting, the Commission states its reasons for strongly opposing enactment of H.R. 8890 and H.R. 13895, an identical bill. The Commission states that it knows of no special circumstances to justify establishment of the proposed, highly preferential classification and pay system for this select group of employees.

We concur with the views expressed by the Civil Service Commission and, accordingly, strongly recommend against enactment of H.R. 8890.

Sincerely,

WILFRED H. ROMMEL,

Assistant Director for Legislative Reference.

Mr. MILLS. Our first witness is Mr. Glen E. Pommerening, Deputy Assistant Attorney General for Administration, Department of Justice.

Mr. Pommerening, will you take the chair, please.

STATEMENT OF GLEN E. POMMERENING, DEPUTY ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, DEPARTMENT OF JUSTICE, ACCOMPANIED BY DONALD HILL, ASSOCIATE DIRECTOR OF THE U.S. MARSHALS SERVICE, AND KENNETH J. STALLO, DIRECTOR, OFFICE OF PERSONNEL AND TRAINING, ADMINISTRATIVE DIVISION

Mr. POMMERENING. Thank you, Mr. Mills, for the opportunity to testify this morning on H.R. 13895.

I have with me and I would like to introduce to you at this time Mr. Donald Hill, who is Associate Director of the U.S. Marshals Service and Mr. Kenneth Stallo, who is the Department's Director of Personnel and Training.

Mr. MILLS. Would you like the two gentlemen to accompany you at the table?

Mr. POMMERENING. I do not think that will be necessary. If the committee has some questions later on which they would be best able to address themselves to, they will be available.

The Department of Justice opposes this legislation as a matter of principle, as it has opposed a number of similar bills introduced over the years. The bill is unnecessary, discriminatory, and adverse to effective personnel management.

Positions of deputy U.S. marshals are subject to the general schedule position classification and pay plan established by the Congress in chapter 51 of title 5 of the United States Code for the vast majority of Government employees. This plan is designed to provide sound and equitable grade and pay relationships among general schedule positions throughout the Federal service. Pursuant to existing law the Department of Justice is required to grade the preponderance of its positions, including those of deputy marshals, in accordance with Government-wide standards issued by the Civil Service Commission, which take into account the proper relationships between deputy marshal positions and others both within and without the Department of Justice.

The standards define the different grades of occupations in terms of the duties and responsibilities of the positions and the qualifications required by the duties and responsibilities. Positions consisting of more difficult and responsible duties and requiring higher levels of qualifications command higher grades, while those consisting of less difficult and responsible duties and requiring lower levels of qualifications are placed in lower grades.

H.R. 13895 would classify positions by statute rather than by evaluation of the work under the plan just described. This is discriminatory to all other general schedule employees, including other law enforcement personnel.

Standards for major occupations are reviewed periodically and, when the Civil Service Commission determines that it is warranted, revised to recognize significant changes in the nature and level of the work. This process includes comparisons of the grades of the occupation under review with those of other occupations to insure proper alinement among them.

There are more than 170 white-collar occupations represented in the Department's workforce, and I consider sound and equitable grade and pay relationships among them to be prerequisite to an effective personnel management program. For example, there are more than 3,000 correctional officers in the Bureau of Prisons and around 1,600 border patrol agents in the Immigration and Naturalization Service, in addition to the approximately 1,500 deputies in the U.S. Marshals Service who are the subject of H.R. 13895.

Each of these groups has a full working level of GS-8 and a senior working level of GS-9. It is my firm conviction that if evidence dictates that the grade pattern for deputy marshals should be changed, the change should be made in accordance with the system established by Congress and administered by the Civil Service Commission and agencies.

As the result of numerous changes in the work of the Marshals Service, it is possible that some positions may warrant higher grades than are now assigned to them. We have the authority and responsibility to reevaluate individual positions and, in fact, are in the process of doing so. In connection with this, the Civil Service Commission is making some clarifying changes in the standard which will enable the Department to continue to give appropriate recognition to changes that occur in the work of deputy marshals.

If H.R. 13895 were to be enacted, the Department would be required to reclassify to GS-7 all deputy marshal positions then in GS-6; to reclassify to GS-9 all deputy marshal positions then in GS-7 or GS-8; and to reclassify to GS-11 deputy marshal positions then in GS-9. While section 1 would require this to be accomplished in accordance with Civil Service Commission regulations, it appears to deny the Commission the authority to fix standards, through job evaluation processes, which might be used to determine the relative worth of the positions in the context of the Government-wide general schedule system.

I fear that this might result in malalignment of deputy marshal positions with other positions in the Department. There is the further danger, of course, that if positions of deputy marshal were to be classified by statute, inconsistent with the general position classification

policies established by the Congress, the precedent will have been fixed for other variations on the Government-wide system.

H.R. 13895 provides that the rate of basic pay of a deputy marshal shall be fixed at not less than step 3 nor more than step 7 of the grade in which his position is classified. These provisions, also, are contrary to provisions of existing law of general application and would result in inequities.

Congress has provided that each of grades GS-1 through GS-15 has a 10-rate pay range. The general schedule system provides for advancement of employees through these rates in accordance with an established schedule. H.R. 13895 would set up a different system for deputy marshals which uses only five of the 10 rates and, apparently, different rules for determining the basic pay rates of individual employees.

The general pay fixing rules, set out in section 5334 of title 5 of the United States Code, provide, for example, that upon promotion an employee is entitled to the lowest rate in the higher grade which exceeds his existing rate by not less than two step increments of the grade from which promoted. Under H.R. 13895, a deputy marshal promoted to GS-9 from GS-8, rate 1, would be entitled to rate 3 of GS-9. Under existing law, he would be entitled to a lower rate of GS-9, that is, rate 1. On the other hand, a deputy marshal promoted to GS-9 from GS-8, rate 10, would be entitled to a higher rate of GS-9, the ninth rate, under existing law, than that provided by the proposed law, that is, rate 7.

In summary, then, while the Department is dedicated to bringing about improvements in all aspects of personnel management affecting deputy marshals, it believes firmly that they should be accomplished through the administrative authorities and procedures established by existing public policy, rather than by legislation such as H.R. 13895.

Thank you, Mr. Chairman. I would be happy to respond to any questions or to have Mr. Stallo or Mr. Hill comment on anything that you raise.

Mr. MILLS. Thank you, Mr. Pommerening, for certainly an excellent statement.

I wonder if for the record you would briefly describe the duties, the normal duties of a deputy marshal.

Mr. POMMERENING. I think Mr. Hill would be more appropriate to answer that.

Mr. HILL. When talking about duties of the deputy marshal, first we should probably mention the duties that have been inherent in the position for many, many years.

Some of these duties include the handling of prisoners. All persons arrested for a Federal offense are placed in the custody of the U.S. marshal pending commitment. The marshal is responsible for handling these prisoners for any court appearance or trial. If the prisoner is sentenced, the marshal is responsible for transporting him to the institution, and also for moving him in response to a writ of habeas corpus from various institutions when he comes back to the court for additional prosecution or for testifying.

Other duties are the execution of Federal warrants. They serve other types of criminal process as well, including subpoenas.

They serve all types of civil process and that runs the gamut from an ordinary summons and complaint through orders to show cause and on to more complex seizures. Some of the seizures culminate in sales which deputies participate in.

In addition to the handling of prisoners and serving of process, the deputies are responsible also for court security work.

Court security is a new program in which we have gone far beyond our normal duties and for which we are getting sophisticated equipment. Court security is becoming a specialty in itself. The fact is that is one of our new programs, that much emphasis and much money is being spent on.

Another major new program is witness security. We have been in that for several years. I should label it as personal security, because under personal security we have witness security, we have judicial security, and then we have other special assignments of a varying nature.

The protection of key witnesses in major criminal cases is taking up more and more of our deputy time each year.

We also have a special operations group that is specially trained for any type of civil disturbance involving Federal property of exclusive jurisdiction. Then of course we have the other special program we are involved in to a considerable degree, the anti-air piracy program, and here we are involved in ground surveillance, not as air marshals.

Mr. MILLS. Do marshals become involved in serious criminal investigation?

Mr. HILL. Deputy marshals do not have any primary investigative duties, by that I mean where they are actually doing the investigation, where they will testify in court and the case is prepared for the U.S. Attorney.

Our investigations would involve warrants of arrest, and fugitives.

Mr. MILLS. How would you compare the job of a deputy marshal with, say, the Metropolitan Police with respect to the personal danger that is connected with the job?

Mr. HILL. I think it would compare equally. The danger to a deputy marshal comes from several of his duties—the witness program, the protection program, the air piracy program, and of course deputy marshals are handling groups of prisoners every day into the courts and normally there is no restraining equipment used in the courts.

There is always the danger of an ambush. I think that everybody is aware of the recent—

Mr. MILLS. You would consider the job of deputy marshal as a hazardous occupation?

Mr. HILL (continuing). I most certainly would. Prisoners are restrained while being transported, but there is always a potential danger there. There is hardly any aspect of the job that doesn't present danger—even on a routine service of a civil process there have been deputy marshals shot and assaulted.

Mr. MILLS. Do you have an idea of the frequency of injury to deputy marshals? You have 1,500 in the service, is that correct?

Mr. HILL. That is correct. Deputy marshals, I think there are 1,526. I am sorry, as far as assaults or injuries, I do not have those statistics with me. In approximately the last year there have been five deputies who have lost their lives in the line of duty.

Mr. MILLS. Do you have any idea how that compares with other police departments percentage-wise?

Mr. HILL. I would think that would compare with a metropolitan police department of the same size. I am sure it would. I am quite certain that the injuries that we have had, although I do not have specific figures, are in about the same ratio as a metropolitan police department of the same size.

Mr. MILLS. Do marshals receive hazardous pay or accelerated retirement as a result of their hazardous duty?

Mr. HILL. Yes, they do. We are under what we call the 50-20 retirement, 20 years of hazardous law enforcement and we have to be 50 years of age.

Mr. MILLS. If you are hiring marshals at GS-4, have you changed the job description at that level or qualifications standard?

Mr. HILL. No, sir; we have not.

Most of the deputy marshals that have been brought in at the GS-4 and GS-5 level have been under the veterans adjustment program.

Of course if a young veteran has not had a year of law enforcement experience, we have to bring him in as a 4. We try to train them as thoroughly as possible, but the demands of the service sometimes cause young deputies to be used on assignments for which we would ordinarily use more experienced men.

Mr. MILLS. Do you feel GS-9 is an adequate level for the senior marshal?

Mr. HILL. You are speaking of the journeyman level.

Mr. MILLS. Yes.

Mr. HILL. I would say that at the present time a GS-9 journeyman level would be a realistic level. I would have to defer to a personnel study in comparison with some of the other occupations which is going on now, but I certainly would support a GS-9 journeyman level.

Mr. MILLS. Are marshals normally required to stay away from home for extended periods of time in line with their work?

Mr. HILL. That is correct. In this personal security program especially. We never know where a witness or a personal security assignment is going to occur, and we cannot place them where we would like to. It involves bringing marshals in on a rotation basis for these assignments.

We normally have been bringing them in for a 3-week assignment. We feel for economy reasons we have to keep him for about 3 weeks if we are going to fly him in. But there is considerable travel away from home in prisoner transportation, although that does not involve as extended periods as the witness security program.

Mr. MILLS. You have laid a great deal of emphasis on Civil Service Commission's standards. If you do not agree with the classification by law, do you feel that the duties and responsibilities of marshals would want a change in the standards to upgrade them?

Mr. POMMERENING. Mr. Chairman, we feel that the present standards which the Commission has promulgated, and under which we have classified some positions in GS-9, might be unduly restrictive. Mr. Stallo and the staff are working with the Commission to make the standards more flexible so that through the process of evaluating what the deputies are actually doing it will be possible to move more of them from the GS-8 level to the GS-9 level.

Mr. MILLS. Of the 1,500 deputies, can you give me a reasonable breakdown of how many are in each of the GS categories?

Mr. POMMERENING. Yes, Mr. Chairman. I can give you an exact breakdown. If you would like, I will submit that for the record.

Mr. MILLS. If you will, it will be made a part of the record.

(The following information was furnished:)

GRADE DISTRIBUTION OF DEPUTY MARSHALS

Grade	Oct. 31, 1967		Oct. 31, 1968		June 13, 1972		Percent of nonsupervisory
	Number	Percent of total	Number	Percent of total	Number	Percent of total	
Nonsupervisory:							
GS-4	1	(1)	4	(1)	43	3.00	3
GS-5	1	(1)	4	(1)	91	6.00	7
GS-6	27	4	63	8.50	409	27.00	31
GS-7	347	50	37	5.00	283	18.50	21
GS-8	204	29	412	56.00	236	15.50	18
GS-9			89	12.00	260	17.00	20
Subtotal	580		609		1,322		100
Supervisory:							
GS-9	40	6	40	5.50	30	2.00	
GS-10	37	5	35	5.00	80	5.00	
GS-11	30	4	30	4.00	63	4.00	
GS-12	10	1	24	3.00	25	2.00	
GS-13					6	(1)	
Grand total	697	100	738	100	2,156	100	

¹ Less than 1 percent.

² In addition to the full-time workforce there are 383 WAE employees who are used primarily to transport prisoners and serve civil process. (98 GS-4; 61 GS-5; 127 GS-6; and 97 GS-7).

Note: The larger proportion of deputies in lower grades in 1972 is attributable to hiring additional deputies in GS-4, 5, and 6 in connection with the substantial expansion of the U.S. Marshals Service to meet added responsibilities. The larger number of deputies in GS-9 in 1972 is attributable to the increase in special assignments and the recognition of special assignment work at grade GS-9.

Mr. MILLS. What is the rate of turnover with marshals? Do you lose them to other law enforcement agency groups, or are you able to retain marshals as marshals in general?

Mr. POMMERENING. I will defer to Mr. Hill as to the reason for the turnover, but our experience has been that the turnover average is about 6 percent a year. This figure is uniform nationwide with very slight variations.

For instance, in a major office such as the District of Columbia, it is 6 percent also which is the national average.

Mr. MILLS. How does this compare with other law enforcement groups within the Federal Government? Do you have an idea?

Mr. POMMERENING. It is about the same within our Department in relation to the Immigration Service, and Bureau of Prisons, I believe that the FBI experience runs about the same.

We will submit this sheet for you, Mr. Chairman. Would you like some information from it verbally now?

Mr. MILLS. You can just generally give me a breakdown. Are most of them above the center grade—

Mr. POMMERENING. As of June 13 of this year, in the nonsupervisory deputy marshal positions, 260 or 20 percent of the nonsupervisory marshals were in GS-9; 236 or 18 percent of the nonsupervisory marshals were in GS-8; 283 or 21 percent of the nonsupervisory marshals were in GS-7; 409 or 31 percent of nonsupervisory marshals were in GS-6; and 91 or 7 percent were in GS-5.

There are 43 or 3 percent in GS-4. That is a total of 1,322 employees; which in analyzing that would be 59 percent of these positions at GS-7 and above.

It is of interest that on October 31, 1967, there were no marshals in GS-9, and a year later in October 1968, there were only 89 marshals in GS-9, compared to 260 now classified as GS-9.

Mr. MILLS. Since 1968, you have moved from 89 to 260?

Mr. POMMERENING. That is correct.

Mr. MILLS. You mentioned in your statement that you felt that some were perhaps classified incorrectly. Do you have an idea how many would be involved?

Mr. POMMERENING. I would not be able to give you a precise figure, Mr. Chairman. I think if we are successful working with the Commission in modifying these standards that there will be a rather significant increase in this 260 figure.

Mr. MILLS. Is there a wide variance in duties depending on location of the marshals? For example, would a marshal in Oklahoma have an entirely different situation with respect to his work as compared to the marshal in the District of Columbia?

Mr. POMMERENING. Well, there is a fundamental difference between the offices. The Office of U.S. Marshal in the District of Columbia, as you know, serves all process, including the process that would be served by State officials in Oklahoma. In other words, it operates much as a sheriff's office would in Oklahoma or another State.

Mr. MILLS. Do you believe the duties of the marshals in the District of Columbia to be more hazardous or less hazardous than the duties of marshals in other locations?

Mr. POMMERENING. I would defer to Mr. Hill on that question, Mr. Chairman.

Mr. HILL. In all candor, I would have to say it was more hazardous than the average marshal's office in other parts of the United States.

Mr. MILLS. Are they rated accordingly?

Mr. HILL. No, sir.

Mr. MILLS. They are not?

Mr. HILL. No, sir.

Mr. MILLS. Mr. Pommerening and Mr. Hill, thank you again for an excellent statement.

Do you have anything else you would like to say for the record?

Mr. POMMERENING. No, Mr. Mills. Thank you for your courteous attention. We will be happy to come back any time you would like to see us.

Mr. MILLS. Thank you very much.

Our next witness this morning is Mr. Raymond Jacobson, Director, Bureau of Policies and Standards, U.S. Civil Service Commission.

Mr. Jacobson, if you would wait just a moment, I would like to recognize State Senator Charles Waddell from Virginia, who has a statement in support of the marshals, which he would like to place in the record of this hearing.

Senator Waddell, welcome to the committee. Do you have a verbal statement?

STATEMENT OF HON. CHARLES WADDELL, VIRGINIA STATE SENATOR

Mr. WADDELL. I have just a few comments. I have a letter to submit for the record.

Mr. MILLS. You may proceed.

Mr. WADDELL. Mr. Chairman, I do apologize for being late for the hearing today. I had hoped to be here at 10 o'clock and be among the

first to testify. I wanted to point out that it was very shocking to learn of the low starting scale for our deputy marshals. I believe Chairman Hanley mentioned this when I was here to testify for the Dulles and Washington Airport Police a couple of weeks ago.

As a member of the Virginia Senate, I do represent many of these employees, since Dulles Airport is virtually in the center of my senatorial district in northern Virginia.

Deputy U.S. marshals are frequently called on to analyze potentially dangerous situations and are asked to render a professional decision very quickly which could affect human life and property. I also am employed by a major airline at Dulles Airport and I feel that professional people should be paid wages which permit the employee and his or her family to live in dignity.

I do appreciate the opportunity of appearing before your subcommittee today, Chairman Mills, and request that this letter be inserted as a part of the official record.

Thank you.

Mr. MILLS. Thank you, Senator Waddell. The letter will be inserted. We appreciate your statement.

(The letter referred to follows:)

COMMONWEALTH OF VIRGINIA SENATE,
June 27, 1972.

Mr. JAMES M. HANLEY,

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

DEAR MR. CHAIRMAN: It would be appreciated if you would bring to the attention of the Sub-Committee my strong feeling and support of the need for rectifying the pay situation of the Deputy U.S. Marshals as is indicated in HR 13895. In my work, both as a Senator of the Commonwealth of Virginia and as an employee of a major airline at the Dulles International Airport, I am frequently in contact with the Deputy U.S. Marshals and know only too well of their serious problems.

Their duties are wide spread including the execution of lawful writs, processes and orders of the United States; their power as a sheriff; their authorization to make arrests and carry firearms; to deal with concertations, domestic violence; conspiracys, etc., their assistance in the provision of airport security against hijacking and air piracy and many, many other such duties.

I feel it regrettable that there is even an attempt to employ Special Deputy U.S. Marshals at such low grades as GS-5 or even GS-4. I believe that the regular entrance grade of GS-6 should be appropriately adjusted upward in order that the Deputy U.S. Marshals can recruit and will be adequately paid for their work.

I hereby request that this letter be made part of the official record.

Sincerely yours,

CHARLES WADDELL,
State Senator.

Mr. MILLS. Mr. Jacobson, I am sorry to have interrupted you, sir. You may proceed.

**STATEMENT OF RAYMOND JACOBSON, DIRECTOR, BUREAU OF
POLICIES AND STANDARDS, U.S. CIVIL SERVICE COMMISSION**

Mr. JACOBSON. Mr. Mills, I am happy to be here to give the Civil Service Commission's views on H.R. 13895.

The Commission's report strongly opposing this legislation has been submitted to your committee. If it has not been inserted in the record of this hearing, I would like to request that that be done at this time. That report also relates to H.R. 8890, an identical bill now before the

committee. The Commission is also reporting on separately H.R. 14446, a bill with a similar purpose, and our objections in principle to H.R. 13895 would apply to H.R. 14446 as well.

Mr. Chairman, deputy U.S. marshals are only one of many groups of Federal employees whose positions are under the general schedule classification and pay system. This system now covers some 1.2 million employees in a wide variety of white-collar occupations, including many in law enforcement work similar to that of the deputy marshals. Under existing law, the appropriate general schedule grade for each position is required to be determined by the Agency in which it is located on the basis of the level of difficulty, responsibility, and qualification requirements of the work involved and in conformance with standards published by the Civil Service Commission. The law itself includes grade definitions which the Commission must follow in the preparation of standards to insure consistency among the various occupations to which the general schedule applies.

Action like that proposed in H.R. 13895, which prescribes the GS grade for particular positions, is totally inconsistent with the statutory provisions and procedures governing grade determinations under the general schedule. By placing positions of deputy U.S. marshals in higher grades than are appropriate under the Commission's standards, this legislation will create inequities among employees not only within the Department of Justice but throughout the Government. Its approval will inevitably encourage other groups of employees to petition Congress for similar treatment.

In addition to raising the grades for the deputy U.S. marshals, H.R. 13895 establishes special rate ranges within which they will be paid and new conditions under which they will be advanced within those ranges. Instead of the normal 10-rate range established for most general schedule grades, the bill provides that only rates 3 through 7 for a particular grade will be used for deputy U.S. marshals. This in the range for a particular grade will be used for deputy U.S. marshals. This means, for example, that in place of the normal 10-rate range for GS-7 with a spread of \$2,718 ranging from a minimum of \$9,053 to a maximum of \$11,771, there would be a 5-rate range for GS-7 deputy U.S. marshals with a spread of only \$1,208 ranging from a minimum of \$9,657 to a maximum of \$10,865. Furthermore, general schedule employees become eligible for periodic within grade increases when they complete prescribed periods of service at an acceptable level of competence. In contrast, H.R. 13895 provides that each deputy U.S. marshal will be placed in a rate and moved from rate to rate as determined by "the appropriate authority" (unidentified) on the basis of three factors:

- (1) his general performance of his duties as a deputy marshal.
- (2) the number of years of his service as a deputy marshal, and
- (3) his ability to accept responsibilities as a deputy marshal.

Mr. Chairman, no action such as that proposed by H.R. 13895 should be taken. It is of prime importance that equitable treatment be afforded to all employees in protective services occupations.

The grades and salaries for deputy U.S. marshals should be appropriately determined under the established statutory provisions and procedures that are applicable to other employees in general schedule positions. We have studied this occupation thoroughly within the con-

text of the statutory definitions of the general schedule grades, and we feel the grades proposed by H.R. 13895 cannot be supported.

In October 1967, the Civil Service Commission issued new classification and qualification standards for the deputy marshal occupation. These standards were the result of an extensive study of the occupation that included visits to representative work sites to interview and observe deputy marshals at work.

The classification standard for this occupation identifies grade levels GS-7 and GS-8 as full working levels for trained deputy marshals and GS-9 as an advanced nonsupervisory level for specially trained employees who are given sensitive law enforcement assignments. Grade GS-6 has been the usual entry grade at which the Agency hires trainees. The standard also makes possible hiring of persons with less experience at grades GS-4 and 5. I want to emphasize that the GS-4 and GS-5 hiring levels are intended specifically to make possible appointment of returning veterans who have the potential ability to do this work but who do not have specific law enforcement experience.

The grade levels in the deputy marshal occupation are based on a thorough study of the work and careful comparison with the grade levels in related occupations and with the grade-level definitions in the law that governs position classification in the Federal service. Specifically, we compared the grade levels of deputy marshals with other law enforcement occupations in the Federal service, such as border patrol agents, correctional officers, and Federal criminal investigators. The Commission has also carefully studied each of these other occupations.

This bill would raise the full working level of deputy U.S. marshal positions to grade GS-11. Most of the nonsupervisory employees are now at grade GS-8 or GS-9. We feel these are the appropriate grades for deputy U.S. marshal positions when compared with border patrol agents, correctional officers, and other law enforcement occupations. These occupations have similar levels of duties and responsibilities, and it would be wrong to change the grade structure of the deputy U.S. marshal occupation as proposed in this bill.

The Department of Justice brought to our attention some changes that have been made in the work of deputy U.S. marshals since the standard was published in 1967. At the time the standard was established, the Commission and the Department anticipated the occupation would continue to change as time went by, though we could not predict all of the changes that might take place.

We built into the standard provisions that would enable the Department to recognize changes as they occur. More recently, to facilitate recognition of changes in the work patterns and responsibilities of deputy U.S. marshals, we have worked with the Department of Justice in making some editorial adjustments to the standard. With these clarifying changes in the standard, we feel the Department will continue to be able to recognize changes that occur in the work of these important employees.

Thus, we believe that within the existing classification system, the presently assigned grades provide adequate recognition for the work of deputy U.S. marshals. No legislation should be enacted to set the grade levels of the positions.

I would only add, Mr. Chairman, if I may, that the standards, which are relatively brief, provide a rather thorough description of the duties

and responsibilities that are performed, and were summarized here by the witnesses for the Justice Department.

They make it clear that this is important and difficult and responsible law enforcement work. I do not want anything that I have said in my statement to indicate we feel these jobs are not important and significant jobs. We feel they are.

We think, however, that the important thing is that they be properly related grade levelwise with other also quite important jobs in the law enforcement field in the Federal Government. We have many such jobs. In the interest of equity to all employees in the Federal service, we feel it is not proper to pick out one occupation and to deal with that separately from all of these very closely related occupations.

That is all, Mr. Chairman. I will be happy to answer questions.

Mr. MILLS. Thank you, Mr. Jacobson, for an important statement. I am not sure if I should direct this question to you or not.

Do you know if there is a great number of people desiring deputy marshal positions, or do we have positions that we are unable to fill because of the lack of qualified people?

Mr. JACOBSON. I can of course provide much more specific data on this for the record. I do not have it with me. However, since these jobs are civil service jobs, we do have the responsibility for conducting the examinations, through which the jobs are filled.

I would indicate in general, Mr. Mills that the growth of this occupation since 1967 from about 800 employees at that time to about something over 1,500 at this time is an indication that it has not been essentially very difficult to attract people to the occupation.

I would add also that the information provided by the previous witness, indicating a turnover rate, nationally as well as in the District of Columbia, of approximately 6 percent reflects an extremely modest turnover. It is one with which most private employers would feel themselves highly blessed.

I know that we do not have registers of eligibles for these jobs who are interested in this kind of employment and who are well qualified, particularly with the large number of young men returning from service in Vietnam.

We have, I think, a good many people who are very well qualified that enter into training for these jobs.

Mr. MILLS. In other words, to the best of your knowledge there is no shortage?

Mr. JACOBSON. That would be a short answer, but I have one other piece of evidence. The law provides that when a department has difficulty in recruiting well qualified people for any particular class of positions, any particular job in the Federal service, they have the responsibility to come to the Civil Service Commission and to request a special rate within the grade for recruitment purposes. Such requests come to us all the time from various departments and agencies. Such a request has never been received from the Department of Justice, which is another indication to me that they have not had serious difficulty in their recruitment processes.

Mr. MILLS. Do you plan to begin your study of protective occupations in the near future?

Mr. JACOBSON. We do not have a specific plan at this time in terms of being able to give you a specific date, Mr. Mills.

As you know from previous testimony in another matter last week, we have a series of matters and concerns which we intend to initiate studies on. This, as we indicated before, is one of our higher priority concerns. I would have to give you an answer which I hope I would be able to qualify once we can firm up our plans and make sure we have the resources, but I would hope that we would begin the study of all protective occupations in the relatively near future, hopefully within the next month or two.

I would hate to be pinned down any more precisely than that.

Mr. MILLS. Do you anticipate that the results of the special occupational studies may be a separate pay and classification system for those occupations?

Mr. JACOBSON. I hesitate to predict the results of a study we have not made. However, it is obvious to us that one of the reasons we ought to make this study is that the protective and enforcement types of jobs are frequently compensated in a different manner by other employers than through the type of system we have under the general schedule.

Therefore, certainly a possible outcome is a different approach to job classification and pay for this group of jobs. For example, the comparisons that you explored in your questions to the Justice Department representatives with the Metropolitan Police force—obviously the Metropolitan Police force is not paid under the general schedule, nor is the Park Police force, nor are police forces of all cities and States throughout the country. Yet in many ways, some of the work performed by deputy marshals can be compared, as was indicated, to a sheriff's office or, in some cases, to a police force.

We do feel that has to be looked at. It may well be that a result of that study would be legislation recommending a separate type of pay treatment and classification treatment for protective jobs generally. This does not, I believe, single out marshals to be treated uniquely, however.

Mr. MILLS. Is there room in your marshal standard for a GS-11 nonsupervisory position, or does the flexibility to which you refer apply primarily to moving to the GS-9 level?

Mr. JACOBSON. There is certainly no description in our present standard for a nonsupervisory position above GS-9. I would find it very difficult to read that kind of flexibility into it.

Basically the standard provides for GS-7, GS-8, and GS-9, as I indicated in my testimony, for the nonsupervisory jobs, GS-9 being for the jobs that have the greatest responsibility.

Mr. MILLS. You addressed yourself briefly to this question in your statement. Does the Commission ever find in updating standards that some occupations require rearranging in relation to other occupations because of the shift in occupational emphasis in the society at large?

Do you agree that protective occupations have undergone a similar upgrading in the society at large and that this change should be ultimately recognized by Commission standards?

Mr. JACOBSON. Obviously in looking at occupations, as we do continuously over the years, we do notice change. Change comes at an uneven rate. Certain occupations change more rapidly and more fundamentally than others, as the social conditions they reflect change. I would indicate that the action taken by the Commission—and I would

be glad to document this for the record because I am speaking somewhat from memory—over the last 8 or 10 years regarding jobs such as deputy marshals had resulted in a very substantial upgrading of this occupation.

It was not very many years ago—and again I have to go back into the records and document it—it was not very many years ago when the normal working grade for deputy U.S. marshal I believe, subject to correction, was GS-6. As indicated by the data given to you, many of them are grades 7, 8, and 9—260 indicated as nonsupervisory jobs at grade 9, whereas only 5 years ago in 1967 there were virtually no nonsupervisory grade 9's.

Therefore, I think there has already been a good deal of recognition of change, of more responsible jobs, a more professional force, better training and, generally, a more difficult, assignment. This has resulted in very significant upgrading of this occupation. It has not remained static.

Mr. MILLS. Mr. Jacobson, I have no further questions. Again thank you for an excellent statement.

Do you have any further comments for the record?

Mr. JACOBSON. No, sir. I appreciate the opportunity to be here.

Mr. MILLS. Our next witness is Mr. John F. Griner, national president, American Federal of Government Employees. He is to be accompanied, I believe, by Mr. Sadler, legislative representative, and Mr. James Lynch, assistant legislative representative.

Mr. Griner, welcome this morning.

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, ACCOMPANIED BY CARL K. SADLER, LEGISLATIVE REPRESENTATIVE, AND GEORGE KELLY, PRESIDENT, AFGE LOCAL 2272, U.S. MARSHALS, WASHINGTON, D.C.

Mr. GRINER. Thank you, Congressman. I am being accompanied by Mr. Sadler and Mr. George Kelly who is the president of our local for U.S. deputy marshals here in the city.

Mr. MILLS. You may proceed, Mr. Griner.

Mr. GRINER. Mr. Chairman, I was sort of disappointed that the gentleman from the Civil Service Commission had to leave right away. I had hoped he would hear some of the things that I have to say concerning their system.

The American Federation of Government Employees is grateful for this opportunity to appear today and testify in behalf of H.R. 13895. This bill would bring some measure of justice to the approximately 1,900 Federal employees who serve as deputy U.S. marshals. These employees are underpaid by proper pay standards. Present regulations classify them at GS-6, 7, 8, and 9. H.R. 13895 would correctly reclassify their position to GS-7, 9, and 11. Such a move is long overdue and I urge the Congress to take the necessary steps to correct this situation.

It is now also clear that the Congress is the only hope of these dedicated employees. The Civil Service Commission has offered no relief and the Department of Justice, the Agency involved, in response to the President's program to reduce the average grade levels regressed by

hiring of deputy marshals at the GS-4 and GS-5 level under the veterans' readjustment program. The deputy marshals need to be upgraded, not downgraded.

I might say at this point they have taken advantage of our veterans who I consider to be some of the most qualified people we have coming on, and actually starting them at GS-4. I do not see much incentive in that.

The range of duties required of a deputy marshal include guarding Congressmen as well as other important political figures, including witnesses testifying before congressional committees, and heads of departments and agencies of the Federal Government; serving civil and criminal processes issued under authority of the United States; making arrests; transporting prisoners; seizing and disposing of property under court order; maintaining order in Federal courtrooms; organizing and managing security details for the protection of key figures involved in court cases and preparing vouchers, reports and correspondence.

The deputy marshals have been called upon repeatedly to perform emergency services, especially when local and Federal protective services were in danger of being overwhelmed. Because of their great skill in handling potentially explosive situations, they were used by the Federal authorities in connection with the integration of schools, the march on the Pentagon in 1967 and other mass marches and demonstrations in this past decade. During these periods, they still had to discharge their other duties as well. Consequently, the deputy marshals were almost generally understaffed; however, they discharged their duties in exemplary fashion.

They are required to carry firearms and be proficient in their use. Performance of their duties involves personal risk, exposure to severe weather conditions, considerable travel and arduous physical exertion. Often the deputy marshal must carry out these hazardous duties over extended periods of time, at irregular hours; and he must provide his own transportation, when it is necessary for him to go by automobile.

It is clear that the sum total of the qualifications required of a deputy marshal is more than the addition of individual tasks. The deputy marshal deals with potentially explosive situations, involving human conduct. Many people can learn to shoot guns and wrestle demonstrators. The deputy marshal's job is not primarily to handle situations where such actions are needed. It is more to prevent such situations from arising and this requires mature judgment and insight.

At present to qualify for a GS-6 level deputy marshal a candidate must have 2 years of general experience which demonstrate ability to deal effectively with people under hazardous conditions in a courteous and tactful manner. In addition he is required to have 2 years of specialized experience, including responsible police or law enforcement experience. Educational requirements may be substituted for experience requirements. It would require completion of a 4-year course of study above the high school level plus 1 year of graduate study or the requirements for a master's degree as a substitute for all the experience requirements. Or, alternatively, legal study representing the successful completion of all course work for a LL.B. degree will meet all requirements.

As with all of our law enforcement officials, the deputy marshals have seen not only their workload increased in the last few years but the level of and incidence of danger have also increased.

The Organized Crime Control Act of 1970 increased the number of persons to whom the marshals must furnish personal protection. In order to protect the lives of Government witnesses, the marshals utilize complex and specialized communication, weaponry and surveillance systems. Their accomplishments are indicated by the number of witnesses kept from harm as well as the number of persons implicated in criminal situations who have become Government informants and witnesses because of the safety offered them by the marshals.

Recent attacks and threats against the courts have resulted in an upsurge in the responsibility of the deputy marshals in court security. They must safeguard Federal judges and court buildings. Here again, they must be able to, and do, use the best that modern technology and knowhow have to offer to protect the Federal judiciary.

The development of airplane hijacking has added new dimensions to the duties of deputy marshals. A side benefit of the air piracy program has brought them into contraband seizure efforts. Since the inception of the air piracy effort the marshals' service has:

1. Prevented at least 23 hijacking attempts.
2. Made a total of 2,385 arrests (including 258 for concealed firearms, 223 for concealed knives and 671 arrests for violation of narcotics laws).
3. Seized \$15,896,860 worth of narcotics.
4. Seized \$1,588,928.73 in U.S. currency and recoveries.

The deputy marshals, at times, supplement other enforcement and investigative agencies such as the FBI, the Bureau of Narcotics and Dangerous Drugs and the Secret Service. It is not unusual for a deputy marshal to be called on duty at any time of the day or night or to be called to far places for substantial lengths of time on little notice. They are killed and injured in the pursuit of duty. In 1971—that is the last complete year that we have—five deputy marshals lost their lives in carrying out their missions. We had here in Washington itself an example of the risks deputy marshals take.

The Washington newspapers carried lengthy reports about the death in the line of duty of Deputy Marshal Norman E. Sheriff, who had escorted a Federal prisoner to a burial and was himself ambushed and killed during the funeral services. There is, therefore, no question about the dedication of these law enforcement officers. There is no question at all that they perform valuable service to their country at great risk to themselves. I do not have the figures from the FBI, but I will venture to say that during 1971 that there were not more than five FBI agents killed; and the FBI has backup protection, as you know, where these people go at it alone.

The least that they can expect in return for their contribution is a just rate of pay. Unfortunately, they are not getting this. They are not receiving a salary comparable to their fellow law enforcement officers in the municipalities of this country. A GS-6, step 1, presently earns \$8,153 per annum. Two years ago, in June 1970, the minimum salary of a police private in the Fairfax County, Va. Police Department was \$8,604. In June 1970, a first year patrolman in Cleveland, Ohio, made \$9,062. In the Pontiac, Mich. Police Department, a patrolman made a

minimum of \$9,300 in June 1970. A New York City police patrolman's minimum salary was \$9,499 2 years ago. These are but a few examples from local jurisdictions. There are many other similar ones. It can be assumed that these figures have increased in the past 2 years and the gap between the pay of the U.S. deputy marshal and that of his counterpart elsewhere in this country has grown even wider.

I have heard a press report on a New York City policemen. They were offered an entrance salary of \$11,200, effective January 1, 1973, and a range up to \$14,300 after a few years of service. Yet, they have turned that down in their new negotiations.

I also have some other reports here that I would be glad to leave with the committee for their study to see how a law enforcement officer of the U.S. Government—

Mr. MILLS. Would you like those inserted in the record at this point?

Mr. GRINER (continuing). I think I would, if you do not mind, in other words, for future study.

Mr. MILLS. They may be placed in the record at the end of today's proceedings.

Mr. GRINER. These reports show that in some studies a sanitation worker gets about the same rate of pay as the U.S. deputy marshals do throughout the country.

For purposes of further comparison, it is also interesting to note that the House District of Columbia Committee has already reported out for floor action H.R. 15580, providing an entry salary rate for Washington, D.C. police privates of \$10,000 a year, or the equivalent of a GS-8. H.R. 15580 also provides a police pay schedule under which a District of Columbia police private can earn \$14,400 per annum. This is approximately equal to a GS-11, step 4. While we are on that, I think the Civil Service Commission representative left an impression here that most of the deputy U.S. marshals are grade GS-9, if they have been with the program for some time. There are in fact very few grade GS-9's.

We have employees in the U.S. deputy marshal's service with as much as 18 years of service that are not grade 9's. Seventy-five percent of the employees who are now qualified for grade 9's have not received them.

They tell you, they do not want to create inequities. If that is not already an inequity, I do not know what you call it.

The Civil Service Commission has no trouble whatsoever in finding ways and means to upgrade the jobs that they want to upgrade. But the jobs that they do not want to upgrade, such as this one, and the jobs that the agencies are against upgrading, they can find every excuse in God's green earth to keep them from being upgraded.

So-called standards of the Commission are written in such language as will permit the Commission all the flexibility that is needed in order to upgrade this deputy U.S. marshal job if they wanted to upgrade them, and we would not be here this morning if the Commission had given serious independent thought of upgrading the jobs.

I might say at this point that we do not like to legislate grades for jobs any more than the Commission does. But whenever we reach that point where there is no alternative, but to come to the Congress of the United States and ask them to do justice to the employees of the Federal Government, then certainly we do not hesitate to do it.

Mr. Congressman, we have always found you to be fair in matters of this nature. You approach it with understanding.

I do not see how we can expect to continue to attract and retain qualified, capable employees to the marshal's service if this situation is not changed. It is more important than ever that we have law enforcement officers and organizations of high quality. Today, we can little afford to allow the deputy marshal service to deteriorate.

Passage of H.R. 13895 is definitely in the national interest. It is required in the name of justice—the qualifications, duties and hazards they face in the line of duty make the deputy marshals more than eligible for the grades specified in this bill. I am afraid if this overdue, equitable change is not granted soon, the quality of the deputy marshal service will rapidly deteriorate, because the deputy marshal will leave to take better paying positions with local and State governments and with private enterprise.

I also note the Commission says we only have about a 6-percent turnover. That is not the normal turnover within the Federal Government today.

In other words, I think this is being controlled more by supply and demand rather than equity. We have several million people out of work. We have young people coming out of school every day, and they are being taken advantage of because they have no employment opportunities and they must accept any positions in which to make a living.

I might say that a grade GS-4 man or woman cannot make a decent living.

Mr. Chairman, I personally want to thank this committee for permitting me to appear before it.

Here is a scrapbook [indicating]. It goes back several years. There is an item here all the way back to September 27, 1864, another right on up to the present time.

Mr. MILLS. Are these stories of acts of deputy marshals?

Mr. GRINER. That is right. In other words, we have the number of deaths in 1971, but we are unable to obtain from any source the number of people that were injured in line with duty.

To me, Mr. Congressman, this job could be compared to an FBI agent in a lot of respects, yet the average grade of an FBI agent as I understand it is about a GS-13. The entrance grade is a grade 12. They go from 12's, 13's, 14's, and 15's.

Certainly we do not say it is the same in every respect; and you cannot compare them on all four's with it, but we do not have any trouble getting an increase in grade for the FBI.

In 1936 I was offered a position in the FBI as a grade GS-9. At that time a grade 11 was journeyman grade. There has been a lot of changes in the grade system since that time, a lot of updating. But the deputy U.S. marshals have not been updated.

Yes; they have been updated to some extent, but they have not been upgraded to the extent that would eliminate the inequities and would give them just compensation for the knowledge, the skills and the hazardous duty which they must perform.

Thank you again, sir.

Mr. MILLS. Thank you, Mr. Griner, for a statement of considerable substance.

The committee appreciates your appearance and appreciates your statement. I have several questions.

It has been stated that marshals have a grade structure similar to equally responsible law enforcement positions elsewhere in the Federal Government.

Do you agree? You mentioned the FBI. But how about other law enforcement positions within the Government?

Mr. GRINER. To the best of my recollection, the narcotics agent journeyman grade is a grade 11. They are not as hazardous as this. I said to the best of my recollection. Is that about right?

Mr. KELLY. As I understand the Bureau of Narcotics hires some people at grade 5 and some people at grade 7. They may proceed through the journeyman level of GS-12, as I understand it.

Mr. GRINER. Of course this does not compare with the FBI as I pointed out. The customs inspectors are supposed to have—they have allocations for approximately 600 GS-11's and theirs is not based altogether on hazard. Immigration, those people who must be armed—investigators and people of that nature—they go up to GS-12.

The Border Patrol at the present time is a grade 9—they do not have the responsibilities that these people have. In other words, theirs is a law enforcement position. These people have responsibilities over and above that.

The Treasury Department people, the Secret Service people, for instance, actually start at grade 5, but they go through progressive grade increase into journeymen of grade 12, and some of them are 13's and a few 14's are among them.

Mr. MILLS. Do you feel the marshals should be treated differently?

Mr. GRINER. No, sir. All I am asking for the marshals is equity. I think the Commission has it within its power and the Department of Justice has it within its power to do equity, but they have refused to do it. They have refused to budge from their position.

I do not know why whenever we find it necessary to come to Congress and say to Congress that we cannot get equity, with respect to a classification, the Commission counters with the old saying, we cannot afford to do it because if we do it for the marshals, you will have more and more people coming to Congress and asking for adjustments.

I think it is a good thing for the Commission to know that Congress would make the adjustments if they did not, and if they refused to do it and do equity for other people.

Mr. MILLS. Are you opposed to the Veterans' Readjustment Act which allows veterans to become marshals though they may not fulfill the formal qualification requirements?

Mr. GRINER. No, sir. I am 100 percent for it. But I think they ought to treat them right. In other words, I do not see any reason why they should bring them in at a grade 4.

They should get a grade 5, for instance, and let them get their training and experience and move on up the ladder. Anything we can do for our veterans, I am for it. In fact I am supposed to be on the President's Committee for the Placement of Veterans.

I might say there has never been a single meeting held of that committee.

Mr. MILLS. Do you generally favor the proposal to create a separate

pay and grade structure for protective occupations which would more accurately reflect similar systems outside the Federal Government?

Mr. GRINER. No, sir. I think we can do it within our own system that we have at the present time.

Mr. MILLS. Do you feel we are presently understaffed with deputy marshals?

Mr. GRINER. Yes, sir; definitely.

Mr. MILLS. Do you have figures to support that, sir?

Mr. GRINER. A great percentage of the deputy marshals work long hours overtime. If there was a sufficient number of deputy marshals to take care of the work, then these extra hours, which I call "blood money," would not be necessary and the cost would be somewhere approximately the same.

Mr. MILLS. Would that not cut down on the annual take home pay of deputy marshals?

Mr. GRINER. It would at the present time; yes. I do not think a person should have to work extra hours over and above his 40 hours a week in order to make a decent living.

But if he cannot make a decent living, he must work those extra hours and he must moonlight in some cases.

Of course deputy marshals do not have time to moonlight.

Mr. MILLS. Mr. Griner, we have had a quorum call. Do you have any further statement to make for the record?

Mr. GRINER. Mr. Kelly just informed me that the clerks that work in the courtrooms and the stenographers that work in them are presently rated at 7's, 9's, and 11's. Certainly this does not seem reasonable to me.

Again I would like to point out to you, they say that GS-9's is top level. Yet 75 percent of the people, deputy U.S. marshals, who are now qualified for GS-9's are still only GS-8 or lower level.

Mr. MILLS. Thank you very much, Mr. Griner, and Mr. Sadler and Mr. Kelly.

We appreciate your appearance here.

I now declare the committee adjourned, subject to call of the Chair. (Whereupon at 11:24 a.m., the subcommittee was adjourned subject to the call of the Chair.)

(The attachments to Mr. Griner's statement are as follows:)

PATROLMEN'S BENEVOLENT ASSOCIATION OF THE CITY OF NEW YORK, REGULAR MEETING OF DELEGATES, FEBRUARY 8, 1972

PRESIDENT'S REPORT

1. Salary—During the life of the agreement, the basic salary for First Grade Patrolmen will rise for \$12,150 to \$14,300, an increase of 17.7%. With night differential going from 5% to 10%, the increase for a First Grade Patrolman will rise to 21.2%. Holiday pay computed on the new scale brings the total increase to about 22%.

[Amounts in dollars]

	Dec. 31, 1970	Jan. 1, 1971	July 1, 1971	Apr. 1, 1972	Jan. 1, 1973
Grade:					
1st.....	12,150	12,300	12,800	13,550	14,300
2d.....	11,471	11,621	12,200	12,975	13,750
3d.....	10,920	11,070	11,600	12,400	13,200
4th.....	10,699	10,849	11,349	12,099	12,849
Entering salary.....		10,699	10,850	11,000	11,200

2. Longevity increments will be reflected as follows in the salaries of First Grade Patrolmen :

[Amounts in dollars]

Service completed	Jan. 1, 1971	July 1, 1971	Apr. 1, 1972	Jan. 1, 1973
Years:				
5.....	12,400	12,900	13,650	14,400
10.....	12,500	13,000	13,750	14,500
15.....	12,600	13,100	13,850	14,600
20.....	12,700	13,200	13,950	14,700

3. Night differential will be increased from 5% to 10%, retroactive to January 1, 1971.

4. The annual uniform allowance will be increased to \$200 beginning July 1, 1971.

5. The City's annual Health and Welfare contribution will be increased to \$220 per member as of January 1, 1971, and \$250 per member as of January 1, 1972.

6. The value of eleven paid holidays increases by approximately \$90 per year per member.

7. The City's present Annuity Fund contribution of \$261 per year will continue.

8. The City will provide \$25,000 life insurance coverage for line-of-duty deaths, retroactive to January 1, 1971.

9. The City and the Union have agreed on legislation making the Heart Bill permanent. All other pension matters will be submitted by the Office of Collective Bargaining as per impasse panel recommendations.

10. Members will continue to receive one personal leave per year.

11. The existing vacation schedule, which grants 20 days per year to members with less than three years service and 27 days per year thereafter based on a quota of 12%, will be continued. In addition, the quota on individual vacation days has been increased to 2%. Individual vacation days may be picked individually at the time of the vacation picks, and they will be treated as regular vacation picks.

12. Paychecks will be delivered to commands by 3 P.M. on Thursday.

13. Overtime will be computed monthly and paid within six weeks.

14. The City will continue dues check-off and agrees to agency shop when enabling legislation has been passed.

15. Union delegates will be assigned to the second platoon on the monthly meeting day.

16. The Policemen's Bill of Rights will be written into the contract.

17. Semi-private hospital rooms will be provided for line-of-duty injuries.

18. The Department will continue to provide safety helmets.

19. A procedure for appeals from the decisions of the Medical Board has been established.

20. Equal special time off (as for King and Kennedy funerals, etc.)

21. Unlimited sick leave with full pay continues.

22. Military leave and death-in-family leave continue.

23. "White shield" detectives continue to receive compensation as determined by the arbitrator's award of September 8, 1971.

24. TPF and SES receive portal-to-portal pay. Hours for the TPF will be 5 P.M. to 5 A.M.

25. Rescheduling up to maximum of two hours will be permitted on St. Patrick's Day, Thanksgiving Day, and New Year's Eve, provided that seven days advance notice be given the rescheduled members.

26. The beneficiary of a member who has died while in the employment of the City will receive all unused annual leave to a maximum of 54 days, plus all unused leave for Memorial Day, Independence Day, Veterans' Day, and personal leave days.

27. Members will have the right to retain questions from promotional examinations.

28. The City will hold members harmless for liability arising from authorized use of personal vehicles for official business.

29. The Union and the City have agreed on a grievance procedure which provides outside arbitration as the final step.

30. The term of the agreement will be 30 months: January 1, 1971 to June 30, 1973.

Grade:	<i>Deputy U.S. Marshals—Hourly Rates</i>	<i>Amount</i>
G.S. 4-1	-----	\$3.15
G.S. 5-1	-----	3.52
G.S. 6-1	-----	3.92
G.S. 7-1	-----	4.35
G.S. 8-1	-----	4.81
G.S. 9-1	-----	5.31

[From the Washington Post, Sept. 25, 1971]

U.S. MARSHAL SLAIN IN GUN BATTLE OUTSIDE CHURCH

(By Carl Bernstein and Alfred E. Lewis, Washington Post staff writers)

A deputy U.S. marshal, assigned to guard a prisoner attending the funeral of his father, was killed here yesterday in a curbside gun battle that erupted after the inmate's brother freed him from a crowded church.

The father, his prisoner-son and the brother all had recently been convicted here of crimes ranging from pandering to bank robbery to murder, according to court records.

"Somehow the brother got the drop on three marshals in the back of the church, took their guns and took the prisoner away," reported a homicide detective. "Everybody else was screaming and diving under the pews."

A fourth deputy marshal, Norman E. Sheriff, was killed moments later as he exchanged gunfire with the brothers outside the Florida Avenue Baptist Church at 623 Florida Ave., NW.

Although both brothers also were shot in the exchange they managed to commandeered a car from a motorist at 5th and U Streets NW. As they fled from the intersection, a Washington policeman fired two shots at the automobile, detectives said.

The policeman, who is assigned routinely to guard the nearby home of Mayor Walter E. Washington, said he ran toward the church when he heard several shots. Alerted by the owner of the car, the officer began firing at the auto from close range when the driver pulled a gun, police said.

The car then sped off and subsequently led police on a wild chase that ended more than two miles away.

Ironically, their captors were unaware of the shooting of the marshal. They had chased the car because it went through a radar trap at more than 60 miles an hour.

Police identified the prisoner under guard at the funeral as Randolph J. Green, 24 years of age.

On July 25, 1969, he was sentenced to 20 years in the Lewisburg (Pa.) Federal Penitentiary for the armed robbery of an Arlington bank on Dec. 27 of the previous year. He was admitted to D.C. General Hospital yesterday with bullet wounds in both arms and both legs.

His brother, Lavance Green, 23, was treated at the same hospital for a bullet wound in one arm.

According to police and officials of the D.C. corrections department, Lavance Green was found guilty on Sept. 10, 1968, of narcotics, vagrancy and petty larceny. He was sentenced to an indefinite term at the Lorton Youth Center.

On Feb. 25, 1970, the officials reported, Lavance Green was paroled from Lorton an released. On July 21 of this year he was arrested for attempted procuring, found guilty and placed on probation for a year, according to the corrections department.

Four days ago, a spokesman said, the department sought a warrant for his arrest on charges of parole violation—"presumably related to the procuring charge," a spokesman said.

At 7:35 p.m. yesterday, Lavance Green was arraigned in U.S. District court here on a charge of killing a federal officer in the performance of his duty—a category of first degree murder.

The suspect, who was ordered held without bond by U.S. Magistrate Lawrence S. Margolis, was guarded in the courtroom by more than a dozen deputy U.S. marshals. Throughout the proceedings Green sat silently with his head, resting on his arms. A bandage on his right wrist covered a bullet wound.

Yesterday's escape attempt occurred during the funeral of Leonard F. Drew, 52, identified on court records as the father of Randolph J. Green. Corrections department records on Lavance Green list his father as "unknown." Friends attending the funeral said Drew was Lavance Green's stepfather.

Drew, according to the department of corrections, was convicted of second degree murder in 1967 and began serving a 7- to 21-year sentence at Lorton on Jan. 26, 1968.

Three weeks ago, a department spokesman said, Drew was released on furlough because he was suffering from terminal cancer. He died Sunday.

Police said Drew also had been sentenced to a 6- to 12-year term for murder in 1940 and was subsequently pardoned.

Homicide detectives and witnesses gave the following account of yesterday's shooting an events surrounding the gun battle.

On Wednesday, Randolph Green was transferred from Lewisburg to the D.C. Jail preparatory to attending his father's funeral.

The prisoner's first request to travel to the ceremonies had been turned down, according to a spokesman for the U.S. Bureau of Prisons, because of Green's previous escape attempt. "In order to qualify for a furlough, a man must be in minimum custody status and Green was not," the spokesman said.

When it was determined that a deputy U.S. marshal was making a previously scheduled trip from Lewisburg to Washington on Wednesday, Green's request was reconsidered and granted, the spokesman said.

"Every effort is made to help an individual attend the funeral of a member of his immediately family," he added.

Shortly after noon yesterday, Randolph Green was driven to the funeral in a car owned by one of the four deputy U.S. marshals assigned to guard him.

Among the 200 or more persons attending the funeral service, police said, was Drew's former wife, Lillian Green, the mother of Randolph and Lavance Green.

During the service, police said, the prisoner sat in the rear pew. Neither police nor the U.S. marshal's office would disclose whether all four deputies sat with him inside or if some of the men were stationed elsewhere.

Shortly before the end of the service, homicide detectives said, Marshal Sheriff went outside the church, "apparently because he saw something suspicious."

What Sheriff observed, according to Wayne B. Colburn, director of the U.S. marshal's service of the Justice Department, was a man thought to be the prisoner's brother who was kneeling at Drew's coffin and who then quickly left the church.

"He came back," said Colburn. "Our man did not."

While Sheriff was outside, police reported, Lavance Green slipped back into the church unobserved, a pistol in his hand.

Pointing the gun, he went to the pew where his handcuffed brother and three marshals were sitting. He ordered the marshals to raise their hands, and he took their guns, all of which were recovered later in the getaway car, police said.

As Lavance freed his brother, the mourners began to panic.

"I started to scream and got down on the floor," one woman attending the funeral said. "I thought it was a robbery. There were these men in brown suits with their hands up and another man with a gun. It happened while the minister was praying."

The Rev. Robert L. Rollins, pastor of the church said: "We were getting ready to review the remains. There was a lot of running around in the back of the church. I looked up and three or four people had their hands up. One man was standing, waving a gun at them. Everybody fell down between the pews. I hid behind the chancel. Then they ran out the door."

Outside, the brothers encountered Marshal Sheriff, investigators said. An undetermined number of shots were fired from both sides as passerby and motorists scurried for cover. The time was 1:25 p.m.

Meanwhile, the three disarmed deputies ran from the church to find the brothers gone and "our man mortally wounded," according to Colburn.

Police officer Ralph LeBlanc was the next to arrive on the scene. He told a reporter he found the deputy marshal lying unconscious in a pool of blood, shot in the chest.

"He was sprawled out on his back, almost in the gutter," LeBlanc said.

Next to Sheriff lay the deputy's pistol, its chafed leather holster balanced atop the end of the barrel. At least two unspent rounds were visible in the chamber of the pistol. Several feet from the pistol were the deputy's black-rimmed glasses and a copy of Elijah Muhammad's book, "A Message to the Black Man in America." It could not be determined last night if the book belonged to the marshal or one of the Green brothers.

Immediately after the deputy was shot, police said, the brothers stopped a green 1960 Oldsmobile at gunpoint at 5th and U.

"They came running at me with two guns and telling me to get out of here," the driver told a reporter. "That's what I did." Then he stopped the policeman from Mayor Washington's house, who began firing as the auto sped off.

From 5th and U, police said, the car sped east, apparently to North Capitol Street. When it reached the 2600 block of North Capitol, it passed through a speed trap manned by a police cruiser and three motorcyclemen. They took off in pursuit as the Oldsmobile went through three red lights at more than 60 miles an hour.

After passing Michigan Avenue, the brothers exited west onto Irving Street and sped past the Washington Hospital Center, then Warder Street.

The pursuing officers, some with their guns drawn, pulled the car over to the side of the street in the 600 block of Irving, police said.

Moments later, after they noted that the occupants were bleeding from gun wounds, they learned from the police dispatcher of the marshal's shooting.

[From the Washington Star, Sept. 28, 1971]

FINAL HOMAGE PAID TO SLAIN MARSHAL

(By David Holmberg)

With police sirens wailing in the distance as the service began, the funeral of slain deputy U.S. Marshal Norman E. Sheriff was held today in a Southeast church.

An overflow crowd of about 350, divided almost evenly between black and white, packed the Fountain Memorial Baptist Church, 2214 Naylor Road SE, for the funeral of the 40-year-old black marshal who was shot to death on the steps of a Northwest church last Friday.

A funeral cortege of nearly 200 cars rolled up to the brown and white brick church as an honor guard of District police officers stood at attention outside.

FLAG-DRAPED CASKET

The flag-draped casket was carried into the church by nine of Sheriff's fellow marshals, including U.S. Marshal for the District Anthony Papa, Wayne B. Colburn, director of the U.S. marshal's service, and F. E. Vandegrift, chief deputy U.S. marshal.

The face of Sheriff's German-born widow, Erika, was wet with tears behind her black veil as she walked into the church.

Another woman collapsed in tears on the church steps as the casket was carried in, and had to be helped into the church.

The 45-minute service began with Deputy Marshal Richard West acknowledging cards and telegrams which he said had come in from throughout the country in response to Sheriff's death. West also noted the presence of several dignitaries, including U.S. District Judge Raymond Walsh and Deputy U.S. Atty. Gen. Richard Kleindienst.

The Rev. Raymond J. Miller, a guest minister, read a brief biography of Sheriff. The reading, too, was punctuated by the sound of sirens.

MUFFLED SOBBING

Mrs. R. G. Hemphill, the wife of the church's pastor, then sang the hymn, "How Great Thou Art." There was muffled sobbing during the hymn from friends and neighbors of Sheriff, who was respected on the Southeast street where he had lived for about three years.

Sheriff, who one friend said "made this neighborhood as safe as it is," was killed when he attempted to stop the escape of a black prisoner who had been brought to the Florida Avenue Baptist church to attend the funeral of his father.

LeVance Green, 23, a brother of the prisoner, has been charged with first-degree murder in the case, along with the prisoner, Randolph Joseph Green, 24, who had been serving 20 years for bank robbery at Lewisburg, Pa., federal penitentiary.

Following the hymn, Hemphill, who is white, slowly read the 23rd Psalm, and said that it "is so hard to grasp the loss of such a friend, especially a friend so broad and tall."

"I thank you, Norman Sheriff, for letting me be your friend," Hemphill said.

Hemphill did not deliver a eulogy, nor did he mention the manner in which Sheriff died.

There were tears in the eyes of one of the U.S. marshals serving as a pall-bearer as he helped bear the casket out of the church. Once more the honor guard stood at attention. And a siren sounded somewhere in the city.



