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EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

GOVERNMENT
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HEARING

BEFORE THE

SUBCOMMITTEE ON

POWER AND CIVIL SERVICE

OF THE

COMMITTEE ON

OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 6334

A BILL TO PROVIDE FOR THE UNIFORM APPLICATION OF
THE POSITION CLASSIFICATION AND GENERAL SCHEDULE
PAY RATE PROVISIONS OF TITLE 5, UNITED STATES CODE, TO
CERTAIN EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

JUNE 26, 1973

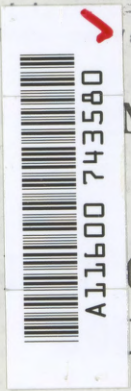
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H. R. 6334

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1973

Mr. HENDERSON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide for the uniform application of the position classification and General Schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5102 (b) of title 5, United States Code, is
4 amended by striking out the period at the end thereof and
5 inserting in lieu thereof “, including positions in local boards
6 and appeal boards within the Selective Service System and
7 employees occupying those positions.”.

8 SEC. 2. The rate of basic pay of each employee in a
9 position under a local board or appeal board of the Selective

1 Service System on and immediately prior to the effective
2 date of this Act shall be adjusted, as of such effective date,
3 under the provisions of section 5334 (d) of title 5, United
4 States Code.

5 SEC. 3. Section 10 (b) (4) of the Military Selective
6 Service Act (50 App. U.S.C. 460 (b) (4)) is amended
7 by—

8 (1) striking out “the Classification Act of 1949,
9 as amended, the compensation” and inserting in lieu
10 thereof “the provisions of chapter 51 and subchapter
11 III of chapter 53, United States Code, relating to clas-
12 sification and General Schedule pay rates, the basic
13 pay”;

14 (2) striking out “: *Provided*, That the compen-
15 sation of employees of local boards and appeal boards
16 may be fixed without regard to the Classification Act
17 of 1949, as amended: *Provided further*, That” and in-
18 serting in lieu thereof “, however,”; and

19 (3) striking out “: *Provided further*, That an
20 employee of a local board having supervisory duties
21 with respect to other employees of one or more local
22 boards shall be designated as the ‘executive secre-
23 tary’ of the local board or boards: *And provided further*,
24 That the term of employment of such ‘executive sec-
25 retary’ in such position shall in no case exceed ten

1 years except when reappointed:" and inserting in lieu
2 thereof a semicolon.

3 SEC. 4. This Act shall take effect not later than the
4 beginning of the first pay period which begins on or after
5 the ninetieth day following the date of the enactment of this
6 Act.

EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

TUESDAY, JUNE 26, 1973

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

The subcommittee met at 10:15 a.m., in room 210, Cannon House Office Building, Hon. David N. Henderson (chairman of the subcommittee) presiding.

Mr. HENDERSON. The subcommittee will come to order.

On March 29 of this year, I introduced H.R. 6334, for the purpose of extending the classification pay system of title 5, U.S.C., to the positions occupied by employees of the selective service local boards and appeal boards for the Selective Service System. Also included in this bill is a proposal to repeal the statutory "10-year limitation" on the appointments of supervisory personnel of the selective service boards. In discussion with the selective service officials and the Civil Service Commission staffs, I have been advised that, except for pay and classification purposes, these employees are administered under the provisions of title 5 in a similar manner as are all other career competitive status employees of the executive departments. While they are not under title 5, U.S.C. for classification and pay purposes, for the past 5 years they have been administratively accorded the same rates of pay, classification grades, and step rates as other employees of the competitive service.

As the Agency moves into this new phase of reduced operations, at the same time maintaining the structure to insure a ready standby status for any future emergency, it seems most appropriate that we provide these employees the same status and tenure enjoyed by all other career competitive status employees of the executive departments.

This morning we are pleased to have appearing before the subcommittee the Director of the Selective Service System, Mr. Byron V. Pepitone, Mr. Ray Jacobson of the Civil Service Commission, Dr. Nate T. Wolkomir, president of the National Federation of Federal Employees, Mr. James Lynch for the American Federation of Government Employees, and other staff members of their respective agencies and organizations.

Mr. Pepitone will be our first witness today.

STATEMENT OF BYRON V. PEPITONE, DIRECTOR, SELECTIVE SERVICE SYSTEM, ACCOMPANIED BY SAMUEL R. SHAW, LEGISLATION AND LIAISON OFFICER, AND RAYMOND WISNIEWSKI, MANPOWER ADMINISTRATOR

Mr. HENDERSON. It is a pleasure to welcome you and to commend you for your interest in the legislation before us. Thank you, sir.

Mr. PEPITONE. Thank you very much, and thank you as well for the opportunity to appear before you and the distinguished members of this subcommittee to present our views on H.R. 6334.

Before I start, may I introduce my colleagues for the record, Mr. Sam Shaw on my left, who is my legislative officer, and Mr. Ray Wisniewski, on my right, our Manpower Administrator for Selective Service.

Mr. HENDERSON. Mr. Pepitone, perhaps it would also be appropriate at this time for me to note that the members of the subcommittee have been furnished a copy of your biography. It is certainly indeed impressive. Without objection, I will ask unanimous consent that it be inserted into the record at this point.

[The material follows:]

BIOGRAPHY OF BYRON V. PEPITONE, DIRECTOR OF SELECTIVE SERVICE

Mr. Byron V. Pepitone was sworn in as Director of Selective Service on April 2, 1973. From May 1972 to April 1973 he had served as Acting Director, and from April 1970 to May 1972 as Deputy Director to Dr. Curtis W. Tarr.

Prior to 1970, Mr. Pepitone served as Military Executive Assistant to the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

In 1970, Mr. Pepitone retired from the USAF as a Colonel. He is a graduate of the Army Command and General Staff College, Air Command and Staff College, Air University, and NATO Defense College. He served in the Eighth Air Force in Europe during World War II and subsequently with the Air University, Supreme Headquarters Allied Powers Europe (SHAPE), Headquarters United States Air Force, the Air Force Communication Service and the Office of the Secretary of the Air Force.

Mr. Pepitone has been awarded the Distinguished Service Medal, the Legion of Merit with two Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, and the Air Force Commendation Medal. He also has received the Distinguished Service Award of the Selective Service System.

Mr. Pepitone was born in New Brunswick, New Jersey, in 1918. He is married to the former Marolynn M. Mills. The Pepitones have two sons: Byron V. II, and James S.

Mr. PEPITONE. Thank you, sir.

Speaking for the System, I believe this proposed legislation will enhance the status and improve the opportunities of the selective service local board and appeal board employees by bringing them fully into the Federal family. I believe also that this measure will greatly enhance the ability of the System to recruit compensated local board and appeal board personnel in time of national emergency should the need arise.

The Selective Service System is currently undergoing a major reorganization and reduction in force as we move into a standby system of operation. This is necessary with the end of induction authority on July 1, 1973. We will, however, continue to register and classify young men as prescribed in the Military Selective Service Act. Local boards will continue to operate in 925 administrative sites throughout the country.

Our standby system requires 4,340 compensated employees of which 3,244—more than 75 percent—are the dedicated, experienced local board and appeal board workers whose status we are discussing here today. They are mostly women with salary scales comparable to the General Schedule GS-4 to GS-7. The remainder of our civilian employees are covered by the General Schedule. These people are located in the 56 State headquarters, the six regional service centers, and the national headquarters.

The employees of selective service local boards and appeal boards are presently compensated under an administrative pay system and are not subject to the position classification and General Schedule pay rate provisions of title 5 of the United States Code. In 1968 the decision was made that they would be paid at rates which were comparable to the General Schedule pay rates, by administrative action.

In 1971 we took additional actions to bring the local board and appeal board employees closer to General Schedule pay practices. To the maximum extent possible, policies, regulations and procedures applicable to the classified personnel in accordance with title 5 and the Federal Personnel Manual have been designated through our administrative issuances to be applicable to all our local board and appeal board personnel.

By administrative action we have prescribed that our local board and appeal board personnel must meet qualifications, in general, for their jobs, similar to those currently required for General Schedule personnel. Their job descriptions and qualifications under our administrative pay plan are as nearly like those used for General Schedule personnel as we have been able to prescribe. Local board and appeal board employees presently have the same entitlements to retirement benefits, insurance benefits, health benefits and severance pay as do other Federal employees. We provide the same reduction in force procedures, adverse action procedures, promotion considerations and limitations of the Whitten amendment, as well as all personnel and financial restrictions and benefits accorded our General Schedule personnel.

Unfortunately, our local board and appeal board employees are not now entitled to the same appeal rights as General Schedule employees with respect to within-grade denials, pay adjustment and salary retention under reduction in force and classification appeals, nor are they entitled by law to the statutory pay increases. To give them these rights now requires that the Director of Selective Service make an administrative determination if these employees are to receive the same pay increases.

Since the General Schedule designation cannot now be assigned, local board and appeal board employees are very much concerned that they are often not considered to be in the same status as other Federal employees, even though both are in the competitive civil service. The ability of our personnel to transfer to other Government agencies is impaired because of a general lack of understanding of the current status of selective service local board and appeal board positions by our employees and personnel managers in other Federal agencies and departments. This matter is especially critical at this time when we are undergoing a major reduction in force and many of our employees are seeking positions with other Federal agencies. For a con-

siderable time this situation has also proved to be an impediment in recruiting and retaining competent staff, particularly in urban areas where other Federal employees are concentrated.

H.R. 6334 would facilitate effective personnel administration of this major segment of our employees, comprising more than 75 percent of the selective service total. Coverage under the General Schedule, with application of its position classification and pay increases would enable us to standardize the benefits and status of all employees within this Agency.

As I indicated at the outset, of great importance would be the ability of the System to recruit personnel rapidly in the event mobilization would require an expansion of the System from its standby structure. Presently, lack of uniformity and standardization between Selective Service and other Federal agencies promotes delay and confusion, and creates a reluctance on the part of many potential employees to sever their connection with other agencies which they believe provide protection which the SG Selective Service structure cannot offer.

In summary, enactment of this legislation would place selective service local board and appeal board employees on the same basis with other Government employees doing work of equal skill and complexity. It also promises to bolster the morale of this major segment of the selective service compensated work force. These employees, mostly women serving in lower grades, are dedicated and experienced workers and they should not be denied the same benefits that other Federal employees doing similar "white collar" work enjoy. This change will not increase the cost of operating the System, and it will greatly enhance our ability to expand the System should a national emergency require such action. I urge your favorable consideration of this proposed legislation.

Mr. Chairman, this concludes my statement. I shall be pleased to answer any of your questions.

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

As I listened to you very clear, concise statement, I reflected on the long period of time that I have been involved and concerned with regard to the status of these employees and I think on the point that you make, the majority of these employees are women. I really wonder how we withheld and withstood their pressures, both at the national headquarters and in the Congress. If I recited that history and I am sure that you are even more familiar with the early history than I am—it would take all morning. If I were going to speak to the majority of your employees, I would have to say, "You have come a long way, baby." We have come a long way—and without commenting further, let me say that the one point that you do make, perhaps the entire statement could go to this, that it is most timely that the Congress now take this action.

So, it will be my pleasure to do everything I possibly can, as soon as we can, to get the legislation enacted into law.

Now, you mention that the standby system requires 4,340 compensated employees—and that approximately 3,200 of that group of the local board and appeal board workers will be affected by the proposed legislation.

Earlier in the year, you provided the subcommittee, at my request, information regarding plans for the Selective Service System, as you move into the beginning phase of the standby system of operation.

First, could you briefly summarize for the record the current status of those plans, including a statement of the number of employees that are to be separated and the time phases.

Mr. PEPTONE. Yes, sir. I would be delighted to do so.

The letter that you speak of, sir, was the February 15 letter which I sent. It indicated that by the end of this calendar year, we would have reduced our work force from 7,200 to 4,340.

We have established for ourselves two specific interim goals to arrive at the 4,340. We had hoped to be in the neighborhood of 6,200 by the end of June, and then midway, between June and December, to take another major reduction.

Our status as of today is that we are proceeding ahead of schedule, and there have been several things which have enabled us to do this.

In the first place, the forthcoming additional 6.1 percent that people will accrue by virtue of being on the retired roles before the first of July have caused some of our people to seek early retirement.

We have made extensive efforts and I wish for the record to compliment the Civil Service Commission and certainly the Social Security Administration for helping us in our efforts to find other Federal employment for our people, so we could ease the impact of the reduction.

At this point in time, we are proceeding, I think, very well.

It was unfortunate, I think, that during the Friday, June 22, afternoon's discussion on our appropriation by the House we find that rather than having sufficient moneys to pay the 4,340 people that we thought we would, our budget will be \$7.5 million less than we asked for.

Since in Selective Service, as you know better than I, 90 percent of our dollars go for payroll, it's not unreasonable for me to equate that \$7.5 million additional reduction to people with 90 percent of it in direct payroll costs.

In the event the \$7.5 million reduction in the House is sustained in the Senate, it's conceivable that my letter to you of the 15th of February will need to be revised and the 4,340 figure decreased by approximately 800 additional people in order for us to live within the budget.

Now, it's not a foregone conclusion that this is the approach we will take. History tells me that the first year for Selective Service, when it has not had to live with the need for a supplemental appropriation, was last year. We might very well take the calculated risk that we could gain some supplemental appropriation later and try to retain the structure.

In my testimony on the 27th of February, before the House Subcommittee on Appropriations, Chairman Boland questioned me seriously and at length about the degree and the extent of our effort in identifying 4,340 as the essential number of people with which to operate the 925 sites.

I told the chairman at that time, and I still believe it, that we have scrutinized our requirements rigidly. The fact it will cost us \$55 million to operate next year is, in part, because of the need for 4,340 people. But, in part, as well, because we did not know until January, that we

were going to cease induction then, when in fact, we had planned to continue induction through June.

So, to some extent, in the forthcoming fiscal year, we will be bearing one-time termination cost on many people, which inflates our costs somewhat.

I hope that helps.

Mr. HENDERSON. The response is very helpful to us. I was on the floor last Friday and was concerned that I was not prepared, at that point, to get into the colloquy and the arguments, because I realized that the personnel costs are in large part—a percentage as high as you mentioned. But I realized that this legislation before us was also highlighting one of the things that was happening. At the time you are making efforts to find other positions for those employees being removed you are required to move records into the relocated offices and arrange leases in some instances while continuing to pay rent while you are relocating the offices.

That is a one-time operation.

I hope that we will find some way, some relief. I hope, if you do not, that you would find that, during the rest of the year, your experience would not be as traumatic as we might think.

Now, again, let me—you may have already answered this, but let me touch again, what is your time schedule for completing this change-over to the new posture?

Mr. PEPITONE. December 15, 1973. We hope to be in 925 local board sites and down to 4,340 people by that date.

Mr. HENDERSON. That is again subject to budgetary problems, I presume.

Mr. PEPITONE. Yes, sir; and subject to the budgetary problem, it's conceivable that the 4,340 might not have to be reduced, if I can accelerate the schedule. It gets to be a problem of monthly expenditure; and the later in the fiscal year you reduce, you know, the less you have in the latter part.

Mr. HENDERSON. Well, my last question would relate to any problems that you have encountered in the phase down. I think it's been as orderly as it possibly could be, under the circumstances.

The problems that you encountered, minimizing the effect on workers concerned, I might ask you specifically, are you included under the early retirement legislation that this branch of Congress took the lead on and the President just signed?

Mr. PEPITONE. Within a very short period of time after the President's signature on that bill, the Civil Service Commission permitted our Agency to be identified as one subject to the general reduction in force provisions of the bill.

Mr. HENDERSON. Do you find this to be a helpful tool?

Mr. PEPITONE. It's almost too early, I think, perhaps, for me to answer.

What I did was to advise every employee, who had a potential right, recognizing that it was not my place to urge them, but taking the position that I bore the responsibility to acquaint them with their rights under the subject.

I expect that there will be some gain to us in trying to minimize the turbulence, as a result of this.

Mr. HENDERSON. Well, that legislation is under the jurisdiction of the Retirement Subcommittee, but I am sure that the full committee,

chairman and staff, will be delighted to hear from you. And, if you would like to send a report, at my request, we certainly will make it available to the full committee because I think that we would want to know how it did work because you are right in an emergency situation which I think that legislation was basically designed to assist you in meeting.

Perhaps with your experience, even though the numbers are going to be relatively small, you could show what it means to those individuals affected, that perhaps it could be of real importance to them, and we would be delighted to have a report from you.

Mr. CLAY.

Mr. CLAY. Thank you very much.

I just have a few questions. One is: If this legislation is enacted, what effect, if any, would it have on the employees, the 2,860 or the 3,660 depending on the budget—what effect would it have on these employees in terms of being forced out of the Service?

Mr. PEPITONE. There is no direct effect, sir, with respect to forcing them out. The effect is on the other side. It breaks itself neatly into two parts: The first is more psychological than real, because the individuals who would then be included under the General Schedule would feel that they are more a part of the Federal family.

The more real side of the effect is that they would have an ability to move to other Federal agencies, which currently only comes about as a result of great explanation that they are really members of the Federal competitive service.

In a longer term, of great benefit to the System and other employees, if we ever did have an emergency and have to expand this System, we could use the full range of services of the Civil Service Commission for the employment of potential individuals who could help us.

Presently, people not accorded General Schedule inclusion are reluctant to join us.

We have difficulties in that regard.

Mr. CLAY. Well, presently, the 2,800 people who will be forced out—I will not use the term “forced out,”—will be laid off, they don’t have any special privileges in terms of filling other vacancies in the Federal Government?

Mr. PEPITONE. Oh, yes, they do, sir.

Many of them are going right now to the Social Security Administration.

Mr. CLAY. And they are given preference?

Mr. PEPITONE. Yes. I have been in contact with every other Federal agency seeking people, acquainting them with our circumstances and urging their assistance in placement and with the Civil Service Commission, who have done a very fine job.

Mr. CLAY. In a recent letter to the chairman of the Post Office and Civil Service Committee, regarding this bill, you recommended that the words “not later than” be deleted from line 3, page 3 of the bill.

Mr. PEPITONE. Yes.

Mr. CLAY. Is there some indication that implementation earlier than the 90 days following the date of enactment would not be feasible? Or could you give us a little background and rationale for this recommendation?

Mr. PEPITONE. I think perhaps it is a case of having the bill to become effective at the earliest possible date, after its passage, as opposed to picking a fixed date in time.

The sooner we can accord the privilege to our people, the easier is their reassignment to another Agency.

Each and every case now, where we go through the routine of explaining to administrators in other Federal agencies, that this is really the same kind of a person, a member of the career Civil Service, you should not be alarmed that this SG categorization is a strange type of classification. It would just facilitate it.

Mr. CLAY. In other words, you are saying that the "not later than" would prohibit or inhibit your ability to move faster?

Mr. PEPITONE. As I understand it—and I will defer to my colleague on my left here, in this regard—it would just merely provide a delay we do not need. If we could have an effective date immediately upon passage. Is that not right?

Mr. SHAW. Yes.

Mr. CLAY. Are we saying the same thing?

Mr. HENDERSON. I am having some problems with that, too.

It seems that section would read:

This Act shall take effect the beginning of the first pay period which begins on or after the 90th day following the date of the enactment of the Act.

The language, as it is in the bill, reads:

This Act shall take effect not later than the beginning of the first pay period which begins on or after the 90th day following the date of enactment of this Act.

As I would interpret the language of the bill in its present form, you could implement it at any time, as quickly as you could, but you must implement it not later than the first pay period which begins after the 90th day.

Mr. CLAY. All right.

Mr. PEPITONE. We have no quarrel with that.

Mr. HENDERSON. From your response, it would be your position that the bill should not be amended in order that you could implement it as soon as possible and you could implement it not later than the first pay period after 90 days.

Mr. PEPITONE. That's correct, sir. It would be my intention to do so.

Mr. HENDERSON. Very good.

Thank you, Mr. Clay. That was very helpful.

Mr. CLAY. I have one other question. In the February 15 letter to the chairman, in your summary, the last page, where it says, "Local board members," you say:

The need remains for these uncompensated officials to classify registrants. Members will continue to reflect the ethnic and economic characteristics of the area over which they have jurisdiction.

Is the law now specific in terms of residency of those who are serving on these boards?

Is it a requirement that they must be a resident of the geographical area which they serve?

Mr. PEPITONE. Yes, sir. The law is quite specific. Section 10(b) (3) not only spells out to us the area in which they must live, but it also

charges the Director and the State Governors with providing a true representation with respect to the population of the board that it represents in terms of racial, ethnic background.

Mr. CLAY. Does the law spell out any penalties for those who violate that section of the law?

Mr. PEPITONE. There is an interesting, somewhat long history about cases wherein there have been challenges. Individual registrants have challenged the composition of a board in cases where classifications did not suit them.

As I recall, in just broad and nonlegal terms, the finding that I remember was by a judge, I believe in Texas, who determined the classification was valid and that even through a representative was serving on that board after he had moved from the county of concern, it did not invalidate the board.

I know of no penalty per se for violation, but I know of no existing violations either.

Mr. CLAY. You know of none?

Mr. PEPITONE. That's right. As a matter of fact, after the 1971 amendment to the law, section 10(b)(3), when it was modified as it has been modified, we have had a very, very drastic change in the local board membership.

The age has been reduced, the tenure of people now having been fixed by law has brought many of the old members to retire. We have virtually a new structure in the last 2 years.

Mr. CLAY. What is the policy now when a person moves from one area to outside of an area? Is he automatically dismissed from that board or is he forced to resign? What is the policy?

Mr. PEPITONE. There are several things. The first part of the policy is that we prohibit him from serving further on the board when he removes himself from its jurisdiction.

It has been my policy and will continue to be that, if he has exhibited interest in serving on the board in the first instance, we like to keep him as a noncompensated employee of the system. Consequently, I offer him a position as adviser to a registrant, or a registrar in an area where he will subsequently reside.

Mr. CLAY. Thank you, gentlemen.

Mr. HENDERSON. Thank you, gentlemen.

I would certainly like to join my colleagues, Mr. Pepitone, in expressing my interest and concern on this latter point.

I am not sure that it is related to the legislation, but again, we are entering into a time when we should take the experience that we had during the very tragic, tough years of Vietnam to improve the Selective Service System and have it ready to meet the kind of—any kind of contingency we could possibly think of, and those that we are most likely to anticipate.

With regard to the ethnic makeup of the local boards, I am sure that you would have most of the problem in the South; perhaps in some of the urban city areas it would be somewhat simpler.

I hope this problem has already been solved. If not, I hope you will give it very close attention. Just speaking as one member and not as chairman, I think that we have learned a great deal, and I certainly join the distinguished gentleman from Missouri in urging you to be as careful as you can in the composition of your boards and then your

entire work force will be as representative of our people as they possibly could be.

I worry a good bit about one problem in this entire area; that is simply, how can we get some local selective service boards to be representative of the very poor? And my concern is because it seems to me that the very poor of our country have the toughest burden to bear of the Selective Service System.

But I believe that without being too concerned about that, if we have competence and fairness—and I certainly agree that they should be residents of that geographical area served—if we do those other things, we can still have a system that will not fail or be criticized, at least on these points. It is important.

I am appreciative of your appearance this morning, and most importantly of the dramatic change, such as the one that has occurred in the last few years with regard to the views on the legislation, and, again, I am very hopeful we will be able to get this enacted into law very shortly.

Mr. PEPITONE. Thank you very much, sir. We thank you for the opportunity to appear and to let us state our case.

Mr. HENDERSON. Our next witness will be Mr. Ray Jacobson, Director of the Bureau of Policies and Standards, U.S. Civil Service Commission. It is always a pleasure for this subcommittee to welcome you, Mr. Jacobson. We are delighted to have you.

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

Mr. JACOBSON. Thank you very much.

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before this committee today and present the views of the Civil Service Commission on H.R. 6334, a bill that would provide more equitable treatment for employees of the Selective Service System's local boards and appeal boards by bringing them under the Government-wide General Schedule classification and pay system. This bill would also remove the statutory limitation on the appointments of the executive secretaries of the local boards.

The Civil Service Commission very strongly supports H.R. 6334.

Employees of the Selective Service System are generally covered under the same appointment and pay laws that apply to employees in other Federal agencies, but the system's local and appeal board employees have been exempted from the General Schedule classification and pay system. It has long been the view of the Civil Service Commission that there is no valid basis for this exemption. The Selective Service System agrees with our position on this subject, and in 1970 planned to bring these employees under the General Schedule by administrative action. However, the Comptroller General ruled that this was not permissible under the provisions of the Military Selective Service Act.

Therefore, the Selective Service System decided to administratively follow the provisions of the General Schedule system both in grading the positions and in determining the pay for individual employees of local and appeal boards. For grading purposes, a designation of "SG" is used to distinguish the exempted positions from those that are un-

der the General Schedule or GS system. The pay rates and ranges for the SG grades are identical to those for corresponding GS grades, and within-grade step-increases are granted under the same conditions as under the General Schedule.

Although the Selective Service System is now paying the local board and appeal board employees at salaries equivalent to those they would be receiving under the General Schedule, there are certain benefits that cannot be extended to them by administrative action. For example, General Schedule employees by law have a right to appeal to the Civil Service Commission (1) the classification of their positions and (2) the denial of a periodic within-grade increase due to a determination that their work is not of an acceptable level of competence. Employees of the local and appeal boards do not have these appeal rights. In addition, when a General Schedule employee is promoted to a higher General Schedule grade, he is guaranteed an increase equivalent to two step-increases in the grade from which promoted. When a selective service board employee is promoted to a General Schedule position, however, he can be given only the lowest rate in the General Schedule grade which is not less than his existing salary.

Placing the positions of the selective service board employees under the General Schedule will insure that they have the same benefits and receive the same treatment as their General Schedule peers in the Selective Service System and in other Federal agencies.

The other major change that would be made by the enactment of this proposed legislation is the removal of the 10-year statutory limitation on the appointments of "executive secretaries" of the local boards. This limitation is totally inconsistent with one of the basic concepts of the civil service merit system.

Employees who occupy the positions of executive secretaries are in the competitive service and, with one exception, have all the rights that are generally applicable to other employees in the competitive service. The one exception is that their tenure in the executive secretary position is limited to 10 years unless they are reappointed. They qualify for their jobs under regular civil service procedures and acquire career or career-conditional tenure. However, at the end of a 10-year term, they must be reappointed, reassigned or separated from the service.

There is no reason whatsoever for treating these executive secretaries any differently from other employees in the competitive service.

If an executive secretary is not performing satisfactorily there are established removal procedures under the merit system and these should apply to executive secretaries the same way they do to other career civil servants.

In addition to its major purpose described above, H.R. 6334 also includes provisions to eliminate the statutory designation of "executive secretary" for supervisory employees of the local boards, to insure that its enactment will not result in a reduction in the pay of any of the local board or appeal board employees affected, and to prescribe an effective date not later than 90 days after it is enacted. We find all of these provisions desirable.

The Civil Service Commission strongly advocates the enactment of H.R. 6334. This bill would eliminate the long-standing anomaly of the exclusion of these local and appeal board employees from

some of the rights and benefits of the General Schedule system. Further, the bill would eliminate the totally unjustified and inequitable limitations on the length of appointment of the local board executive secretaries.

This is a piece of legislation which we are very much in favor of and we do support it. I agree with Mr. Pepitone's views on the advantages and benefits of the legislation, and the Civil Service Commission would be very happy to see its enactment. We think it will be of benefit to the System as a whole and to the selective service employees as well.

We do stand fully behind the legislation. We are very pleased with it.

In our bill report we did not suggest any modification. We thought it was excellently stated and quite appropriate under the circumstances. I would be glad to answer any questions.

Mr. HENDERSON. On page 3 of your statement, you do mention that the other major change that would be made by the enactment of legislation is removal of the 10-year statutory limitation on the appointment of "executive secretaries" of the local boards and then you go on from that point.

Perhaps I should have brought this up with Mr. Pepitone, but would you comment on this just briefly. I never have understood why we have had that 10-year statutory limitation. I am glad to get rid of it, but I would like to have your testimony on it.

Mr. JACOBSON. Well, I must say that I never have been quite certain myself as to the basic reason except that evidently there was an intention to provide a specific term of office with a requirement that the incumbent of that office have to go through a reappointment process at the end of the term. This, I suppose, has some advantage to those people who feel that there ought to be a constant reconsideration. It just does seem appropriate to us to have career civil service jobs, which most of these jobs are, and have been, to have a limitation on their tenure.

We did oppose this provision many years ago and urged its revocation.

So, it simply is inconsistent to have the whole idea of a term of office if the job is to be a career job, and my understanding of the executive secretary is that this is the key career official of the local board, the person who really runs the day-to-day work of the board and is responsible for the records and their maintenance. They are very important jobs, and we feel they ought to be filled on a career basis.

Mr. HENDERSON. It's not going to be more difficult to separate them if they don't do the job, is it?

Mr. JACOBSON. No. In the first place, if we have someone who isn't doing the job, we shouldn't be keeping them there 10 years and waiting for the term of office to run out. And I'm sure that has not been the case.

I think that someone who is incompetent or inefficient, doesn't perform his duties properly, certainly will have to be removed. That should be done only through proper procedures, which are already provided for. There is no reason why they can't work.

Mr. HENDERSON. Noting that the record already reveals that the employees of the local boards are presently compensated under an administrative pay system, not subject to position classification and gen-

eral pay rate provisions of the title 5 of the code, what would be the estimate of the results of applying position classification systems of title 5 to these employees? Would this result in upgrading or downgrading of positions presently occupied by such employees?

Mr. JACOBSON. We feel quite secure in saying that that is very unlikely to be a result, because the Selective Service System has been concerned in establishing the so-called SG system which is—I don't know whether they got it by spelling GS backwards—but at any rate which is administratively established with grades identical to grades in the GS system. They use the Civil Service Commission standards in classifying the jobs. We have provided technical advice through having people go over and work with their key personnel people, to help assure the standards were applied properly.

Thus, we have every reason to believe that those jobs would simply become the same grade in the General Schedule without change. Certainly, there might be a job here and there that might change, but that occurs in the normal course of events. Generally speaking, if the job is properly graded now as SG-3, it would become GS-3. No general upgrading or no general downgrading should be expected as a result of moving these jobs officially under the General Schedule.

Mr. HENDERSON. The importance of your answer is to enable us to assure the members of the full committee and the House that there would be no additional cost as a result of the enactment of this legislation, certainly, as it relates to grading or classification.

Mr. JACOBSON. I think that is quite correct. This is the conclusion we have arrived at. Yes.

Mr. HENDERSON. Very good.

Now, the second question that I had earlier, if the legislation is enacted, do you see any effect it would have on the employees that would be involved in the reduction in force during the coming months?

Mr. JACOBSON. The employees concerned are career civil service employees in every sense of the word, even though they are on a different pay system. So, from a technical standpoint, there is no real change in their rights.

I think Mr. Pepitone's comments however, are well taken. Technically, there is no change, but under the SG system there is a psychological barrier in that—and it's not a fair one—psychological barriers frequently aren't—but people in this system, since they don't have those magic letters "GS" in front of their number that indicates their grade, some other Federal agencies might be quite mystified by this. They kind of assume that, well, these must be excepted service employees.

Now, it's not true that they are in the excepted service. The Selective Service System and the Civil Service Commission people have made this abundantly clear. And agencies are starting now to absorb these people, as they become surplus. But I do think it's a psychological problem. I think it will make it easier for someone to move, with a little less resistance and a little less convincing that has to be done, once these people come formally under the General Schedule.

Mr. HENDERSON. On this point, we are talking about the situation and we obviously know Selective Service is at the present time going downward. But assuming for the moment that this becomes law and that the plan they have reported to us and have been talking about becomes effective, and then for some reason such as a national emergency, they would have to go back and increase the number of em-

ployees, relocate the boards from what are the present locations to their former locations, and did not have this legislation, would it not be a much more difficult job to accomplish?

Mr. JACOBSON. I think this legislation would ease the problem of expanding the work force by making these employees part of the regular General Schedule system.

For one thing, it would make it more attractive to employees of other agencies to consider transfer—experienced employees—and it would enhance recruitment generally. Being a part of the government-wide structure would make the jobs more attractive. I do agree. There is a potential benefit there in the event of a need for expansion of the system. I think it would be useful.

Mr. HENDERSON. Mr. Clay.

Mr. CLAY. Mr. Chairman, just following up on that last question, if you merge these two systems, apparently there are some overlapping responsibilities or some duplications of effort right down the line. If you merge the two systems, and we are speaking of what possible cost there may be, in reality, it would be a reduction in the cost in terms of the administration of the system, put it into one; wouldn't it?

Mr. JACOBSON. Mr. Clay, I suppose there might well be in the sense that the selective service officials now have to cope with the General Schedule system and the SG system and deal with that. They have to have separate rules and instructions because there are some differences in how people are treated.

This may be relatively minor, but I think you are right. I think there would be some economy, perhaps a small one, but some economy in dealing only with one system.

Mr. CLAY. Thank you.

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

Thank you, Mr. Jacobson, for your usual very fine testimony. We appreciate it very much.

Mr. JACOBSON. It was a pleasure to be here.

Mr. HENDERSON. Our next witness is Dr. Wolkomir, president of the National Federation of Federal Employees.

**STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL
FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY
MICHAEL FORSCY, LEGAL ASSISTANT**

Mr. HENDERSON. Dr. Wolkomir, it is always a pleasure. I would say I find it very refreshing any time you come before the subcommittee. On this particular occasion, I think I will say that, since the majority of employees are women, if they have come a long way it has certainly been because of your personal interest and the efforts of your organization.

I want this report to be clear that, from the vantage point that I have had, the status they now find themselves in with regard to pay and benefits, and this last step of truly making them fully under the classification system, a great deal of the thanks belongs to you and your organization. I have observed this over the years. It has been my pleasure to work with you on this.

Dr. WOLKOMIR. Thank you very much for those kind words.

For the record, I would like to indicate that to my right is Mr. Mike Forscey, who is replacing Mr. Geller today due to other commitments. He is my legislative liaison assistant.

I am Nathan T. Wolkomir; I am president of the National Federation of Federal Employees. We have members in virtually all departments and agencies worldwide and, in particular, we enjoy a substantial membership of selective service employees throughout the country. We have been granted exclusive recognition in many States of the Union, and thus represent the majority of selective service employees.

Of the testimony, it seems that, due to some of the figures Mr. Pepitone used, it would seem we have probably had their office bugged. In truth, we have a very close liaison, practically on a daily basis, with the Selective Service Bureau. They have supplied us with the actual records that Mr. Pepitone used.

I will repeat some of those from a slightly different point of view.

At the outset, I wish to express the appreciation of our organization to the chairman and members of this subcommittee for their sympathetic and understanding concern for the vitally important subject of classification and compensation as it affects selective service employees, the Federal service, and in a paramount sense, the public interest which is served by these employees and the Selective Service System. Mr. Chairman, the NFFE strongly urges the adoption of H.R. 6334 and in particular wants to thank you, Congressman Henderson, for leading the way for years to provide equity for a "Lost Tribe" of Government employees.

H.R. 6334 simply provides for the application of position classification and General Schedule pay rate provisions of title 5 to the compensated employees of the Selective Service System. The emphasis on the term "compensated" is our own, in order to allay the fears of those austerity minded Representatives who, in these days of cost overruns have many fears that a credibility gap exists. It is projected that by December 16, 1973, compensated employees in the Selective Service System will number approximately 3,229. As of July 1, 1973, due to VOLA and the restructuring of the organization, it is expected that only 3,843 compensated employees will be on board. All of these meager figures may change as a result of additional and early retirement. The Civil Service Commission has determined that the condition of a major reduction in force is applicable to the Selective Service System. Thus many who are eligible to retire and wish to qualify for the cost-of-living increase must be separated or be in a nonpay status before midnight of June 30, 1973.

Thanks to the diligence of this subcommittee and in particular to its chairman, past attempts through the years to provide the intent of H.R. 6334 brought about certain byproducts that were beneficial. For example, a new system of pay similar but not quite comparable to the General Schedule pay rate was created; a similar but not quite comparable classification system was provided, and we, as a union, have attempted to negotiate contracts in order to further accomplish a compatible marriage of this group of employees to the classification system. We are certain that as of today, both the Civil Service Commission and the Selective Service System are in accord with the need for a complete marriage. Selective Service System employees are Gov-

ernment employees and should become a part of the Classification Act System. Thus a dual system of classification, pay and general bimanual controls would be eliminated with savings in administrative costs.

I believe this answers your particular question, Mr. Clay.

All members of this committee and, in fact, all knowledgeable people, are acquainted with the vital functions performed by the selective service employees. There will be approximately 3,228 full-time compensated employees performing the supportive work for approximately 18,420 uncompensated employees of the Board, resulting in a ratio of one compensated employee for six uncompensated employees. As you know, the uncompensated employees assume their responsibilities on a voluntary basis and frequently conduct their meetings in the evening. The day-to-day operation of the Selective Service Board and Appeal Boards are carried out by the compensated selective service employees. They constitute the day-to-day contact with the selective service registrants. It should be apparent that this is a substantial responsibility entailing the issuance of information or rules which are of a highly delicate nature and having significant effect on the recipient of such information.

There are other employees of the Federal service who have frequent contact with the public, such as contact representatives of the Social Security Administration, the Veterans' Administration, and the Public Health Service. All such employees come under the classification provisions of title 5. Selective service employees do not. For reasons which are difficult to understand, the selective service employees were always considered an isolated class of society belonging to former Director General Hershey's "happy family."

We were most appreciative of his recognition of the National Federation of Federal Employees and unions in general, but had to move mountains to drag his "happy family" concept into the 20th century. Vestiges still remain, such as State director relationships and military appointments at the State headquarters level. The various State directors used to determine the rate of pay for such employees and to our knowledge, there was no national or coordinated plan. Many of the selective service employees are located in cities or counties having Federal employees of other agencies who uniformly come under this Classification Act.

The argument was raised that the rates of pay should conform with salary and wages for the community. Since selective service employees are white collar and administrative employees, it was and still is in the public interest that their salaries be integrated with other white-collar and administrative employees of other Federal agencies. This is important so as to permit promotional and transfer opportunities to selective service employees, in order that they may be considered as a part of the Federal Personnel Administration System. To continue otherwise would result in their estrangement from good, sound public administration.

Present RIF procedures would be applicable to them as to all Classification Act employees. Under present reorganization within the Selective Service System, with a tremendous cut in their budget, it is estimated that a 41-percent cut in personnel will occur. Only 925 worksites will remain after a cutback from 2,275 worksites. Part-time employees, it is estimated, will be cut from 1,700 to 480 employees.

I sincerely hope that the members of this subcommittee will forgive both our references to figures and past history. We ask for your indulgence because they are pertinent to the need for law as requested by H.R. 6334. If there was to be a cut of 41 percent that meant that approximately 3,500 out of 7,500 were to remain as full time, that is 40 hours per week compensated employees. Selective Service System had to adopt competitive areas, competitive levels, transfers of function, and RIF procedures peculiar to their reorganization.

Though small in number, the task was still a Herculean task. Most Civil Service Commission guidelines were followed but due to the limited scope and area considerations, some Selective Service System clerks could only compete with themselves or with one or two others when exercising "bumping rights." As Classification Act Government employees their area of competition could possibly be enlarged.

We consulted and worked with the Selective Service headquarters in attempts to provide for an orderly transition. This is difficult, however, due to employees being unaware of procedures and proper compliance with Classification Act systems. We are queried daily by dozens who question the credibility of a service separate from their fellow Government employees.

Each time a pay increase is voted by the Congress, special legislation must be presented to grant increases to selective service employees which further complicates the patchquilt pay system for the selective service employees. The large proportion of selective service employees are not aware of this fact and automatically request like treatment.

The Selective Service System is still, and will remain, an important part of our way of life. Its personnel program and administration should be consistent with its importance. We submit, Mr. Chairman, that a continuation of the present system works a hardship on its employees and places them at a serious disadvantage in their morale.

There is, aside from the psychological effect, there is a morale effect that surpasses the psychological effect. The benefits of employment are substantially less than all other Federal civil service employees.

Despite common belief, VOLA has not decreased Selective Service System responsibilities. To the contrary, it has added responsibilities. Though progress is being made to establish an all-volunteer force, former Secretary of Defense Laird stated that "No one can guarantee that the new incentives for an all-volunteer force will satisfy the need for manpower, without resort to the draft." Thus the System will probably always be preserved with the need for records, auditing, interviews, and the drafting of professionals, as required.

The manpower problem is related to the constant state of preparedness needed for national safety. The role of social worker, personnel bookkeeper and arm of manpower supply problems will still remain and still rests with the Selective Service System employee. Draft calls may be reduced to zero by July 1, 1973, but the mechanism must be kept in readiness for emergency preparedness. With fewer employees to do the job, career status and Classification Act umbrella coverage is required to recruit and maintain the best qualified force. It could be considered a part of the national security policy. Institutional arrangements last, not people by themselves.

In conclusion, I refer to section 3(3) of H.R. 6334 which permits the executive secretary of a local board to serve more than 10 years. It

is assumed that this provision was added because during the previous reorganization in 1970, the Civil Service Commission ruled that executive secretaries were on an exclusive competitive level due to the 10-year limitation of their assignment.

Since then the Comptroller General rendered a decision holding that the 10-year limitation was not a limitation within the meaning of the Federal Personnel Manual and that they would be considered as permanent employees as if there were no statutory limitation. Accordingly, the Civil Service Commission has rules that they are no longer in an exclusive competitive level and as such will be included in the competitive area within their positions and grade levels which are competitive during a RIF. Thus, they would be placed under the overall Classification Act umbrella. NFFE strongly favors this change.

Mr. Chairman, the Congress now has an opportunity to put Selective Service System and its personnel house in order, as the Congress began requiring all other Federal departments and agencies to start doing with the passage of the Classification Act so long ago as 1923. Every consideration of the highest public and national interest, as well as that of the employees directly concerned, urgently requires positive action at this time.

Mr. Chairman, on behalf of the National Federation of Federal Employees, I again express our thanks and appreciation for the interest shown by the members of this subcommittee on this very important issue and for your action in scheduling these hearings early in the session.

Mr. HENDERSON. Thank you very much, Dr. Wolkomir. As usual, yours is an excellent statement.

I will refer to your testimony and will say that I can agree with the difficulty to understand why the selective service employees were considered a separate class of Federal employees belonging to the former Director Hershey's "happy family." I find that you also use a unique, but very descriptive, phrase to make your point.

First, I would say that I have a high regard for all the services of General Hershey throughout his career. But I am also aware of the point that you have made. And it is a very real one.

I am very concerned about the military officers in the State directors offices.

My own experience has been that it is very difficult to call a father or a mother or a young man himself and tell him that Major Smith or Jones said so-and-so with regard to his selective service status. It seemed to me that until they have been examined and sworn in, the military ought not to have anything to do with that process.

Now, I may be wrong about that, and that is certainly not connected with our legislation.

Dr. WOLKOMIR. As you imply, the fact that for too long the Hershey influence at the State levels, in terms of their State directorships, still persists. May I state they are still in existence. Fortunately, due to retirement and a new philosophy in the Selective Service System, thanks to Mr. Pepitone, I think that this sort of a dictatorial aspect of operations at the State level is changing. We still have problems in some States. I would rather not enumerate them. These are the vestiges that I refer to. They still remain. Over a period of time, especially today, I feel they will go the way of all flesh and that under

the Classification Act System, they will be forced to operate under a civil service merit concept rather than a one judge, one jury, one hearing officer, which still exists.

May I state, in the Selective Service, if a person has to appeal on, let's say, an adverse action of some kind, in the Selective Service System, they are their own judge and own jury. There are no rights of appeal from the Civil Service Commission. If they are put into the Classification Act, they will get rights which they don't have now.

These vestiges, if I can use the term, of the dictatorial operations in some States should disappear.

Mr. HENDERSON. Very good.

Mr. Clay.

Mr. CLAY. Thank you very much. I, too, was very interested in the statement you made on page 3, where you characterize the selective service employees as an isolated class belonging to General Hershey's happy family.

Without trying to put words into your mouth, but are you really saying in the following sentences that, when you moved the happy family into the 20th century, would you be characterizing it really by recognition of labor unions by General Hershey, you drag a concept of a happy family into the first half of the 20th century, and perhaps you would characterize enactment of this bill as bringing it—as bringing General Hershey's happy family into the second half.

Dr. WOLKOMIR. Yes. There is one other aspect in that General Hershey really organized, set up, and operated the Selective Service System and in actuality was misled by many of his directors, State directors. He really believed he had a happy family. He was not told about the unhappiness, about the majority of his family, and consequently, he was misled.

When the unions started organizing within Selective Service System, a lot of these conditions of employment for the first time were brought to his attention, because of our national rights that we could deal directly with them. Up to that time, all he dealt with were the State directors, who did not tell him the whole story. Once he found out what the true story was, in some areas, as a result the happy family he realized was not so happy.

He accepted the unions readily is what I am trying to say.

Well, not so readily.

Mr. HENDERSON. Thank you very much, Dr. Wolkomir.

Dr. WOLKOMIR. May I inject one other thought?

You raised some questions about this move of civil service employees who were going to lose their positions.

I would like for the record to indicate that we, as an organization, had a lot to do with that. When the Social Security originally went into this new H.R. 1 concept which is the present law concerning the aged, blind and disabled, they indicated to me in a private briefing that their expansion would encompass 8,000 new employees.

Commissioner Ball was approached by me directly, indicating the fact that, "Look, we are going to RIF approximately 4,000 people out of Selective Service, people who are exactly the type you are going to need in your H.R. 1 program." Why not permit immediately recruitment of these people, because some of them are going to be losing their jobs in July, some of them by the end of this calendar year?

We got together with Selective Service and, between the three of us, worked out a system of jobs between these people.

Mr. CLAY. Even though we are talking about maybe 3,000 people losing their jobs, with Selective Service, most of them will be—

Dr. WOLKOMIR. Not necessarily. Some of them. I won't say most of them, but some of them will be absorbed by the expansion of Social Security. Their needs are peculiar. In Social Security you have the problem now of State employees who are moving into the Federal sector in order to take care of the aged, blind and disabled programs that the States are now controlling. They are going to fall into one big umbrella of coverage run by Social Security. There may be a transfer of State employees into the Federal sector. They will open all of their 8,000 jobs to others as well, not just selective service employees. These will be primarily the clerical types.

Mr. CLAY. No further questions, Mr. Chairman.

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

Dr. Wolkomir, we appreciate your appearance this morning.

I know that you are going to be very helpful, as we move the legislation through the process of getting it enacted into law. You always are.

Dr. WOLKOMIR. Thank you.

Mr. HENDERSON. This morning, on behalf of the American Federation of Government Employees, Mr. Carl Sadler, who was scheduled will not be here. We are delighted to have Mr. James Lynch.

STATEMENT OF JAMES H. LYNCH, ASSISTANT LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

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

President Webber and Mr. Sadler extend their regrets, but due to another commitment, they could not make it this morning.

Mr. Chairman and members of the subcommittee, the American Federation of Government Employees represents over 625,000 Federal employees working in every classification system in existence, in every State of the Union, as well as overseas. Consequently, our union is most aware not only of the universal problems that exist in all classification and salary systems but also of the specific and particular problems peculiar to each separate system. One specific problem involves some 6,000 selective service employees working on local boards and appeal boards, who are currently covered under the so-called SG or Salary Grade schedule, which conforms by administrative decision to the equivalent General Schedule (GS) grade.

The intent of H.R. 6334, introduced by Chairman Henderson, is to make the positions and employees of the local boards and appeal boards of the Selective Service System not only administratively equivalent but to legally establish them under the provisions of law governing the classification system of compensating Federal employees.

The American Federation of Government Employees endorses the purpose of this bill, because it gives full legal cognizance and protections to employees who now de facto are classified and paid as General Schedule employees but do not have de jure status. This proposal is

logical from an administrative standpoint and equitable for the employees involved.

We feel there is no sound reason for continuing the exclusion of these employees from the benefits of an orderly system which dictates the grade and pay of nearly 1.3 million other Federal employees. We are pleased to note that both the Selective Service System and the Civil Service Commission share our view and support this bill.

BACKGROUND

In 1966, a joint study was released by the Selective Service System and the Civil Service Commission on the pay of local and appeal board clerical personnel of the System which clearly indicated the need for bringing these positions under such a uniform pay system as that provided by the Classification Act.

Since 1968, as a result of the findings of this joint study, these loyal and dedicated Federal employees of the Selective Service System have experienced a system which offers them greater equity with their General Schedule counterparts. Their pay is linked to the General Schedule payline and their positions have been classified as nearly as possible with civil service classification standards. They also receive such benefits as retirement and annual and sick leave as do other Federal employees.

MATTERS TO BE REMEDIED

These employees, however, continue to suffer in two particular situations. The first situation concerns the denial of the same right of appeal as other civil service employees. The second one results from their nebulous "SG" system which hampers the movement of these employees from one statutory pay system to another. This situation is especially urgent since there is a current phasing down going on at the Selective Service System and the number of positions must be reduced to 4,340 during fiscal year 1974. Thus, the movement of these phased-out employees to other pay systems would be facilitated. H.R. 6334 would correct these situations.

The persons affected by this legislation are clerical employees. They are performing clerical duties much like the duties performed by thousands of other Federal employees who do the same office work for numerous other governmental activities. These selective service board employees are just as much Federal employees as are other workers in the Government service, and they should be treated as such.

Thank you, Mr. Chairman, for the opportunity to present this plea for equity for this fine group of Government employees.

Our organization fully endorses this legislation introduced by you, Mr. Chairman. As has been mentioned earlier, this morning by the other witnesses, and brought up by you, Mr. Chairman, and you, Mr. Clay, we agree and hope that this legislation is enacted as soon as possible to save those dedicated Federal employee's jobs and provide them jobs and positions within other Federal agencies.

I would have no other comments. I just want to thank you and your committee for taking the time and permitting our organization to appear before you today.

Mr. HENDERSON. Well, thank you. The statement is excellent. It typifies the interest of the American Federation of Government Employees in Federal employees throughout the Government. Comparatively speaking—thinking of some of the major legislation that you have worked with us on over the years and have or are now working on—it can be said that this is rather important legislation.

It has been my experience that President Webber and his associates in the American Federation of Government Employees are interested in anything that improves the conditions for the Federal employees. It's a real pleasure to have you before us this morning.

Mr. Clay.

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

Mr. HENDERSON. Thank you very much. If there is no objection, I would like to ask unanimous consent that the record include the letter from Chairman Hébert of the Armed Services Committee to Chairman Dulski, relating to the jurisdiction situation and expressing Chairman Hébert's position that they have no objection to this legislation and noting that the Civil Service Commission, Selective Service Director, and the Office of Management and Budget are fully supporting the legislation in its objectives.

I would also like to include in the record a statement by Mr. John A. McCart, Operations Director, Government Employees Council AFL-CIO.

[The material follows:]

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., May 10, 1973.

HON. F. EDWARD HÉBERT,
*Chairman, Committee on Armed Services,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Transmitted herewith is a copy of H.R. 6334, which proposes to bring all employees of local boards and appeal boards of the Selective Service System under the classification provisions and the General Schedule of title 5, United States Code.

At the present time these employees are Federal employees for all purposes except position classification and pay. Ordinarily, these employees would be subject to the classification and pay provisions of title 5, as are most other Federal employees. However, section 10(b)(4) of the Selective Service Act now exempts employees of local boards and appeal boards from the Classification Act and the General Schedule. Therefore, in order to accomplish the purpose of this legislation it will be necessary to amend certain provisions of the Military Selective Service Act (50 App. U.S.C. 460(b)(4)).

The Civil Service Commission, Selective Service System and Office of Management and Budget have furnished their views on H.R. 6334. The three agencies fully support the objectives of this legislation. I am forwarding copies of their reports.

Since matters relating to the Selective Service System generally fall under the jurisdiction of your Committee, I would appreciate having your comments on the proposed legislation.

It is my understanding that our Subcommittee on Manpower and Civil Service intends to hold hearings on this matter at the earliest practicable date.

With kindest regards,

Sincerely,

THADDEUS J. DULSKI, *Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 1, 1973.

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

DEAR MR. CHAIRMAN: This will acknowledge your letter of May 10, 1973 with regard to H.R. 6334, a bill which would bring all employees of local boards and appeal boards of the Selective Service System under the classification provisions and the General Schedule of Title 5, United States Code. Put another way that proposal would include the above-mentioned employees within the Civil Service system for all purposes.

As you correctly note, at the present time these employees are Federal employees for all purposes except for position classification and pay. This is so because Section 10(b)(4) of the Selective Service Act exempts employees of local boards and appeal boards from the Classification Act and the General Schedule. To carry out the provisions of the proposed legislation the bill would amend 50 App. USC 460(b)(4). Also that amendment would remove a provision limiting executive secretarial positions to a period of ten years per period of appointment.

I note that the Civil Service Commission, the Selective Service System and the Office of Management and Budget fully support the legislation and its objectives.

This proposal was brought to the attention of the House Armed Services Committee membership since this committee has exclusive jurisdiction over legislation affecting the Selective Service System. Without derogating from this committee's jurisdiction in the premises, it has been agreed that no objection will be entered to the Committee on Post Office and Civil Service taking action on H.R. 6334. Such approval is taken in consideration of your interest in Civil Service Commission matters and legislation that comes within the purview of Title 5, United States Code.

For information purposes, a copy of this correspondence has been made available to the Committee on Rules and the Select Committee on Committees.

With best regards,

Sincerely,

F. EDWARD HÉBERT, *Chairman.*

**STATEMENT OF JOHN A. McCART, OPERATIONS DIRECTOR,
GOVERNMENT EMPLOYEES COUNCIL, AFL-CIO**

Mr. Chairman and members of the subcommittee, the Government Employees Council and its 30 affiliated unions representing more than 1 million classified, postal, and wage grade employees desires to express its full support of the pending bill.

For some years, the council has advocated treating clerical employees of selective service local and appeal boards in the same fashion as other employees in like occupations in the executive branch with respect to pay and job grading. In 1967, for example, we urged the House Post Office and Civil Service Committee to act favorably on a bill similar to H.R. 6334. The following year, the GEC presented a similar position to the Senate Post Office and Civil Service Committee.

In fairness, it must be noted that some progress has been made toward the goal in recent years. As a result of a joint study by the Civil Service Commission and Selective Service Commission in 1966, certain changes were introduced in the salary and classification practices applicable to selective service employees. In 1968, a determination was made that their basic pay would be related to equivalent jobs in the General Schedule and that their positions would be graded under Civil Service Commission classification guidelines.

Nevertheless, there remain two important deficiencies in these areas. H.R. 6334 solves these problems.

First, selective service workers do not have available the same rights of appeal on classification and pay matters as can be exercised by other employees covered by the Classification Act of 1949, as amended. Second, selective service employees are covered by a Salary Grade (SG), which makes it impossible to transfer to positions under other statutory pay systems with the guarantees available to General Schedule employees.

At a time when the employment level in local and appeal boards is declining, this latter point assumes greater importance. Selective service employees who are no longer needed, experience difficulty in moving to other jobs in Federal service at the same grade, pay level.

The present level of selective service employment in these categories—approximately 6,000—is scheduled for reduction to 4,340 in the next fiscal year alone. Incorporating their pay and grades into the Classification Act and General Schedule pay systems will facilitate their movement to other salary systems for jobs which are available.

The council urges, Mr. Chairman, that the subcommittee report favorably to the full committee on H.R. 6334 at the earliest date possible.

Mr. HENDERSON. There being no further proceedings, the subcommittee will adjourn, subject to the call of the Chair.

[Whereupon, at 11:30 a.m., the hearing was adjourned, subject to the call of the Chair.]



