

Y 4
. P84/10
94-26

1022

94/4
P84/10
94-26

GOVERNMENT

Storage

RESTORATION OF EXCESS ANNUAL LEAVE LOST DUE TO CERTAIN PERSONNEL ACTION

DOCUMENTS

HEARINGS

JAN 30 1975

BEFORE THE

THE LIBRARY

KANSAS STATE UNIVERSITY

SUBCOMMITTEE ON

MENT AND EMPLOYEE BENEFITS

OF THE

COMMITTEE ON

OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 3251

A BILL TO AMEND TITLE 5, UNITED STATES CODE, TO PROVIDE THAT EXCESS ANNUAL LEAVE LOST BY A FEDERAL EMPLOYEE BECAUSE OF AN UNJUSTIFIED OR UNWARRANTED PERSONNEL ACTION SHALL BE RESTORED TO SUCH EMPLOYEE IN THE SAME MANNER AS IF LOST BECAUSE OF ADMINISTRATIVE ERROR

JUNE 3 AND 5, 1975

Serial No. 94-26

Printed for the use of the Committee on Post Office and Civil Service



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1975

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

DAVID N. HENDERSON, North Carolina, *Chairman*
MORRIS K. UDALL, Arizona, *Vice Chairman*

DOMINICK V. DANIELS, New Jersey
ROBERT N. C. NIX, Pennsylvania
JAMES M. HANLEY, New York
CHARLES H. WILSON, California
RICHARD C. WHITE, Texas
WILLIAM D. FORD, Michigan
WILLIAM (BILL) CLAY, Missouri
PATRICIA SCHROEDER, Colorado
WILLIAM LEHMAN, Florida
GLADYS NOON SPELLMAN, Maryland
STEPHEN L. NEAL, North Carolina
HERBERT E. HARRIS, Virginia
WILLIAM M. BRODHEAD, Michigan
PAUL SIMON, Illinois
NORMAN Y. MINETA, California
JOHN W. JENRETTE, Jr., South Carolina
STEPHEN J. SOLARZ, New York

EDWARD J. DERWINSKI, Illinois
ALBERT W. JOHNSON, Pennsylvania
JOHN H. ROUSSELOT, California
ANDREW J. HINSHAW, California
JAMES M. COLLINS, Texas
GENE TAYLOR, Missouri
BENJAMIN A. GILMAN, New York
ROBIN L. BEARD, Tennessee
TRENT LOTT, Mississippi

JOHN H. MARTINY, *Chief Counsel*
VICTOR C. SMIRLODO, *Staff Director and Counsel*
THEODORE J. KAZY, *Associate Staff Director*
ROBERT E. LOCKHART, *Counsel*
ROY C. MESKER, *Senior Staff Assistant*

SUBCOMMITTEE ON RETIREMENT AND EMPLOYEE BENEFITS

RICHARD C. WHITE, Texas, *Chairman*

DOMINICK V. DANIELS, New Jersey
HERBERT E. HARRIS, Virginia
GLADYS N. SPELLMAN, Maryland
NORMAN Y. MINETA, California
JOHN W. JENRETTE, Jr., South Carolina
MORRIS K. UDALL, Arizona

GENE TAYLOR, Missouri
ROBIN L. BEARD, Tennessee

Ex Officio Voting Members

DAVID N. HENDERSON, North Carolina
EDWARD J. DERWINSKI, Illinois
(Ronald P. McCluskey, Assistant Counsel, Room B-345(d), Rayburn Building—Ext. 56831)

(II)

CONTENTS

Statement of—

Jacobson, Raymond, Director, Bureau of Policies and Standards, U.S. Civil Service Commission, accompanied by Seymour Gettman, counsel.....	Page 3
Ketchum, Hon. William M., a Representative in Congress from the State of California.....	1
Rademacher, James H., president, National Association of Letter Carriers.....	12
Webber, Clyde M., national president, American Federation of Government Employees.....	12
White, John W., legislative director, National Alliance of Postal and Federal Employees; accompanied by Wesley Young, vice president..	9
Whitney, Alan J., executive vice president, National Association of Government Employees.....	15
Wolkomir, Nathan T., president, National Federation of Federal Employees.....	14
Administration reports—	
U.S. Civil Service Commission.....	18
U.S. General Accounting Office.....	20
Copy of H.R. 3251.....	16
Summary of recommendations on H.R. 3251.....	iv

SUMMARY OF RECOMMENDATIONS ON H.R. 3251

Mr. John W. White, director of the National Alliance of Postal & Federal Employees, June 5, 1975:

- (1) Make bill retroactive for cases dating before 1960 if claim is made within 3 years after enactment of H.R. 3251.

The Honorable William M. Ketchum, a Representative in Congress from the State of California, June 3, 1975:

- (1) Add provision to bill which makes restitution for all lost annual leave beyond the 30-day limit of existing law.

Mr. Raymond Jacobson, Director, Bureau of Policies and Standards, U.S. Civil Service Commission, June 3, 1975:

- (1) Make bill retroactive only as far back as 1966 to coincide with Back-Pay Act.

(IV)

RESTORATION OF EXCESS ANNUAL LEAVE LOST DUE TO CERTAIN PERSONNEL ACTIONS

TUESDAY, JUNE 3, 1975

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

The subcommittee met at 9 a.m., in room 219 of the Cannon House Office Building, Hon. Richard C. White (chairman of the subcommittee) presiding.

Mr. WHITE. The subcommittee will come to order.

The subcommittee has convened this morning to begin hearings on H.R. 3251, a bill introduced by Congressman William M. Ketchum.

As I understand H.R. 3251, it would correct what appears to be a definite inequity within the system. Under the present law, one who has lost annual leave because of unjustified or unwarranted personnel action cannot be wholly made whole because leave can only be restored to a Federal employee who lost leave because of an administrative error. Administrative error presently is defined as not including unwarranted or unjustified personnel action.

H.R. 3251 would correct this inequity by defining "administrative error" to include unjustified or unwarranted personnel action, and would not limit the amount of annual leave that may be restored to a Federal employee.

As I and many members of this subcommittee have stated in the past, it is the duty of this subcommittee to constantly strive to find and correct as many inequities as possible within the limits of our jurisdiction, and it would seem to me that it was but an oversight on the part of Congress in the passage of the 1973 Restoration of Leave Act not to restore to a wrongfully fired Federal employee that leave lost, in effect, through circumstances beyond his control. No Federal employee should have to pay a penalty for the Government's mistake.

To begin this morning's hearing, we shall hear first from the author of the bill, Hon. William M. Ketchum of California.

Congressman Ketchum, if you would come to the witness stand.

We suggest to the witnesses that they may summarize and then have their statements placed in the record or they may read, as they wish and confine yourself to 10 minutes.

STATEMENT OF HON. WILLIAM M. KETCHUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. KETCHUM. With your permission, Mr. Chairman, I will read the statement. It is very brief.

Mr. Chairman and members of the subcommittee, I would like to express to you my sincere thanks for so promptly scheduling these hearings. I appreciate your consideration and interest in this matter.

I am here to offer my strong support for H.R. 3251, which I have introduced. This bill would amend the 1973 Restoration of Leave Act so that an unjustified or unwarranted personnel action is considered to be an administrative error for the purposes of that act.

I have introduced this bill in response to a situation brought to my attention by a constituent. He was removed from his position as an engineer at the Naval Weapons Center in China Lake. After an appeals process stretching over several years, the action was reversed. The emotional and financial strain on my constituent during the period was, I believe, incalculable. This is not an isolated case. As John Cramer of the Star-News said in his April 23 column, it may, and often does, take an employee who has been unjustifiably dismissed years to win his job back.

The 1966 Back Pay Act makes a Federal employee who has been wrongfully fired and consequently rehired "whole" in almost every respect. In other words, losses in pay and benefits he sustained because of the wrongful action are returned to him. Under the terms of this act, Federal employees receive their back pay, including credit for in-grade increases and general pay raises which they would normally have received. The act also authorizes adjustments in other benefits such as retirement credits for the affected period. However, the one benefit which is not fully restored to the employee is his annual leave. An individual is only allowed credit for the maximum amount of leave permitted under law, which is 30 days. Since it usually takes an employee years to win his case, the amount of leave he would accumulate in that time is bound to exceed the 30-day limit.

The employee who wins his job back receives his pay and all of his other benefits. If the intent of the 1966 act is to entitle him to the same status he would have had if the erroneous personnel action had not been taken, then let him be restored in every respect. I see no reason why an exception should be made in the case of annual leave.

In 1973, Congress passed the Restoration of Leave Act, Public Law 93-181, whereby a Federal employee who loses annual leave because of administrative error, illness or exigencies of the service, is entitled to have his leave restored. Further, the law allows annual leave lost under these conditions to be carried over regardless of the 30-day limitation. This law does not, however, provide comparable compensation for employees wrongfully fired.

The Civil Service Commission, in its January 1974 attachment to Federal Personnel Manual Letter 630-22 states that for purposes of Public Law 93-181, unjustified or unwarranted personnel actions are not considered to be administrative errors. My bill very simply corrects this inequity by expanding the definition of administrative error to include such personnel actions. I enclose a copy of the attachment for your information.

I feel that an unjustified or unwarranted personnel action deserves to be considered an administrative error. A frequently-heard sentiment during the hearings on Public Law 93-181 and on identical legislation in previous Congresses was that in cases where leave was lost through circumstances beyond his control, the employee should not suffer. When leave is lost through an erroneous personnel action, which is not the fault of the employee, it is unfair to make him pay a penalty for the Government's mistake. Enactment of this legislation would

be consistent with the spirit of the 1966 Back Pay Act and the 1973 Restoration of Leave Act to return to a wrongfully fired worker all benefits he would have accrued, including all of his accumulated leave. Further, he would not have to suffer the consequences of an action which is clearly not his fault.

In conclusion, I would like to say that my bill addresses an obvious inequity in the present structure and, if passed, will make the civil service system a better and fairer one.

I appreciate having this opportunity to present my views to the members of the subcommittee and hope you will give this bill your favorable consideration.

Mr. WHITE. Is it your opinion, after studying the past action of Congress, that this omission may have actually been an omission on the part of Congress and was never intended to be overlooked.

Mr. KETCHUM. That is my opinion. I just can't conceive of the Congress working on the Back Pay Act and the Restoration of Leave Act and purposefully omitting an action of this sort.

Mr. WHITE. You probably have not checked the law in that regard; and I will ask counsel what will prevail in this situation. Is there any burden on the part of the employee to seek restoration of his job if he is wrongfully fired? Suppose a man is fired in 1970 and he elects not to really seek to get restoration of his job until 2 years later, or he takes off a little time; under the provision of your bill he would accumulate leave time, whereas, in fact, I would say that the man has some responsibility to try to get reinstatement of his position at the earliest possible date. What is the necessary action under the bill?

Mr. KETCHUM. I can't necessarily answer that question, Mr. Chairman, as to some individuals waiting two or three years. That, obviously, would not be the intent of this bill. An individual who wrongfully lost his job would be so incensed, he would immediately attempt to have his job restored to him and certainly that would be the intent of this legislation.

Mr. WHITE. Counsel, do you have any comments on that?

Mr. McCLUSKEY. Under the civil service regulation an employee has to file an appeal within the time. He is not allowed to sit on his rights.

Mr. WHITE. What is the appeal time?

Mr. McCLUSKEY. Fifteen days.

Mr. WHITE. Thank you very much for appearing this morning. We appreciate your contribution. We feel you have a very worthwhile bill.

Mr. KETCHUM. Thank you very much. I appreciate that.

Mr. WHITE. The next witness is Mr. Raymond Jacobson, Director, Bureau of Policies and Standards, U.S. Civil Service Commission; accompanied by Mr. Seymour Gettman.

**STATEMENT OF RAYMOND JACOBSON, DIRECTOR, BUREAU OF
POLICIES AND STANDARDS, U.S. CIVIL SERVICE COMMISSION,
ACCOMPANIED BY SEYMOUR GETTMAN, COUNSEL**

Mr. JACOBSON. Mr. Chairman and members of the subcommittee I appreciate the opportunity to appear before you today to express the Commission's views on H.R. 3251, a bill to amend the provision in section 5596 of title 5, United States Code (the so-called Back Pay

Act), which limits to 240 hours the amount of annual leave which may be restored to an employee who was unjustifiably or unwarrantedly separated from the service and later restored to the rolls.

The Commission recommends enactment of this bill because the amendment it would make to the back pay law is necessary if an employee is truly to be made whole upon correction of an unjustified or unwarranted personnel action.

Essentially the bill would permit restoration of all annual leave the employee would have earned during a period of separation caused by an unjustified or unwarranted personnel action. The restoration would be effected in accordance with policies and procedures established by the Commission to provide for restoration of leave lost because of an administrative error.

Public Law 93-181, enacted December 14, 1973, amended chapter 63 of title 5, United States Code, to permit the restoration of annual leave due to an administrative error (oversight or clerical error). This law permits restoration of leave without regard to the 240 hour ceiling. When we were preparing regulations to implement this law, it was proposed to us by one of the unions we consulted that we extend the concept of "administrative error" to restoration of leave lost through unjustified or unwarranted personnel actions. It was, however, the opinion of our general counsel that Public Law 93-181 did not amend in any way the provision of the back pay law which limits restoration of annual leave to the 240 hour ceiling. There is no reference in the legislative history leading up to enactment of Public Law 93-181 to indicate that there was any intent on the part of the Congress to extend the "administrative error" concept to cover unjustified or unwarranted personnel actions. We emphasized in the FPM letter implementing Public Law 93-181 that for purposes of carrying out its provisions, "unjustified or unwarranted personnel actions cannot under that law be considered administrative errors." Thus, when an employee is restored to the rolls under the back pay law, and his annual leave record is reconstructed, he is not entitled to exceed the maximum amount of annual leave permitted to be carried over from year to year.

The Civil Service Commission believes that justice demands that an employee who suffers from an unjustified or unwarranted personnel action should be "made whole" when such an action is corrected. Since enactment of the back pay law in 1966, it has been possible to fully do this in many cases. Because of the way the law has been interpreted, however, it developed that there were many instances where this could not be done. The deficiencies were highlighted when under existing law and regulations, it was found that arbitration decisions awarding back pay in cases of violation of labor-management agreements could not be implemented in many cases. Under the law as interpreted by the Comptroller General and implemented in our regulations, an employee who should have been promoted, for example, could not be granted back pay even though it is agreed that the failure to make the promotion was unwarranted and a violation of a labor-management agreement.

At the time that we were getting comments on our drafts, the Comptroller General issued new decisions which afforded a much more liberal interpretation of the existing law. As a result, it appears that we can now accomplish the needed changes, with the exception of the

change which would be made by enactment of H.R. 3251, by amending the Commission's regulations. We have, at this point, completed our consultation with unions and agencies on revised regulations and they will shortly be presented to the three Commissioners for their consideration.

The Commission opposes that feature of the bill which would authorize the retroactive application of the provisions of H.R. 3251 back to 1960. If the 1960 date is enacted, employees would become eligible for restoration of annual leave which, prior to 1966, could not have been restored, since there was no law which permitted any restoration. We do not oppose making an employee "whole" under the back pay law if the retroactive restoration of leave is limited to that date on which restoration of leave in back pay cases was first provided, that is, the Back Pay Act of 1966.

SUMMARY

Just to summarize the position of the Civil Service Commission on the bill H.R. 3251, we generally favor this bill and we recommend its enactment because we agree that it is really necessary if an employee who has been unjustifiably separated from the service, is to be made truly whole. And so we do support the legislation. The action of the Congress in 1973, in permitting the restoration of annual leave due to administrative error, was one which took care of a part of the problem. But it is true it did not take care of this issue. I might say that at the time that the Civil Service Commission was consulting with the agencies and the unions regarding the regulations that we were to issue under that law, that is Public Law (93-181), at least one of the unions and maybe several of them we consulted, requested us to extend the concept of administrative error to just these types of cases. After consulting with our general counsel we were advised that we would not be able to do so, since the Commission did not have the authority under the law to do so. So we decided we should probably seek legislation along this line and to ward off other problems. The Commission has not yet developed the specific legislative proposal because we found some of the back pay problems we were trying to deal with, other than this particular problem, were taken care of by recent Comptroller General's decisions, which enabled us to apply the Back Pay Act in a way we had not previously been able to do.

This one issue, that is dealt with by this bill, is the remaining area that requires legislation. And therefore, we endorse it. The only exception to our endorsement is that we would suggest that in determining the retroactive application of the bill, that it would not be appropriate in this situation to use the 1960 date for retroactivity.

Prior to 1966, employees were not eligible for restoration of annual leave at all. And we therefore feel that if the bill has to be retroactive, it would be best to make it retroactive to the date of the Back Pay Act of 1966 and not prior to that because in effect we would be giving some employees a make-whole provision that they were not even entitled to prior to 1966.

Other than that one suggestion, we are completely in favor of the bill and we endorse it. We would like to offer our technical assistance to the committee in terms of dealing with that one retroactive date problem. We feel that it should be changed to 1966.

Mr. WHITE. Mr. Jacobson, you are familiar with our track record. We would be attending to this bill very quickly. Maybe you could suggest now how you would change it. Would you make it June 30, January 1, or what date in 1966?

Mr. JACOBSON. I think we would want to choose the effective date of the Back Pay Act itself.

Mr. KETCHUM. We think it is March 30, 1966.

Mr. WHITE. Would you confirm that with counsel after the hearing is over?

Mr. KETCHUM. Yes, sir.

Mr. WHITE. How many people do you think would be affected by this particular passage of the bill?

Mr. JACOBSON. Mr. White, we have no estimate and we frankly find it impossible to make a real estimate that we would have any confidence in. We do not think it would be a very large number. We think it would be a small number, but whether that small number is 50 or 100, I really don't know.

Mr. WHITE. What is the number of appeals for alleged wrongful firing each year?

Mr. JACOBSON. We have been receiving appeals at the rate of about 3,000 a year. However, they are not all for separation. Some of them are for other types of adverse actions as defined by law. For example, downgrading, and, of course, this would not apply in such situations. I could break that down for you, but I would have to do it for the record. It is not in my head.

Mr. WHITE. For the record, we would like to have the number per year of those who appeal for wrongful firing and also the percentage of those who are successful. Just for curiosity.

Mr. JACOBSON. The number of separations and how many are successful?

Mr. WHITE. Yes.

[The information follows:]

In 1974, the Commission adjudicated 991 removal actions. Of these, 764 were settled in favor of the agency. The remaining 227 cases reversed agency determinations so that employees were restored to the rolls.

Mr. JACOBSON. I would add, however, Mr. Chairman, this bill, and appropriately so, does not limit itself to those instances where a person secures restoration through the Civil Service Commission. There are other types of situations they could win by grievance action, or arbitration, or agency head action, or through, perhaps, action of the courts.

Mr. WHITE. For the record apparently the restoration would be in terms of days, and there is no monetary reimbursement to the person, is there?

Mr. JACOBSON. That is correct. The number of hours of annual leave that would have been earned would be what would be restored.

Mr. WHITE. Thank you very much.

Mrs. Spellman.

Mrs. SPELLMAN. I am delighted to find a bill everybody is in agreement with. We are afraid to ask questions. We might come up with something we want changed.

The limitation to the effective date of that act, would there be people who would otherwise be unable to get on at that point?

Mr. JACOBSON. I really doubt it. I would not want to say there wouldn't be one or two. We just feel if we are going to establish a cutoff it should be 1966. Normally we would argue that a matter of this kind should be handled prospectively. However, in this situation there are certainly cases where there has been quite lengthy periods before a final decision is made. It really is appropriate to go back to the effective date of the Back Pay Act. I don't believe they are likely to be any, or certainly very, very few, that would go before that. I am not aware of any.

Mrs. SPELLMAN. As I read the bill it just appeared to me what we are doing is providing for full justice, and I heartily support it.

Mr. WHITE. Mr. Jenrette.

Mr. JENRETTE. No questions. I simply support the bill. I commend the gentleman.

Mr. WHITE. Does counsel have any questions?

Mr. LOCKHART. Yes. Mr. Jacobson, with respect to the cutoff date, is it your thought that you would include those employees that were separated on or after the effective date of the Back Pay Act, or restored to duty on or after that date? Or maybe limit the application to leave that accrued after that date? There are various possibilities you could use.

Mr. JACOBSON. The question really ought to revolve around the date of separation. If he is eventually restored, the loss of leave to be credited back to that time, that is when he starts to lose accrual of leave.

Mr. LOCKHART. Date of separation.

Mr. JACOBSON. Right.

Mr. LOCKHART. What about former employees, employees who might have been separated, restored, lost leave, and since have left the Government? Would you contemplate that they should derive the benefits from this legislation as they did under the law when we allowed restoration of leave for administrative error?

Mr. JACOBSON. As I recall, there was some statute of limitation, there was opportunity for one to file a claim with the Government within 3 years. I would assume the same be considered applicable here.

Mr. WHITE. If this bill is enacted, since it refers to the previous bill, previous act, would it not come under the umbrella of the 3-year provision?

Mr. LOCKHART. I think if the subcommittee chooses to accept the change recommended by the Commission, we are going to have to redraft the bill. I don't think it can fit into the existing language of the law because that language goes back to 1960, and I think it would require some redrafting.

Mr. JACOBSON. May I suggest, Mr. White, that it seems to me that that could be done relatively simply and we could make some drafting suggestions instead of lumping this with the administrative error by adding another category of unjustified or unwarranted action, which has typically been treated separately in law.

Mr. WHITE. Let the Chair state, in the event of the surgery we need to reintroduce the bill, the primary author would continue to be the primary author and those Members who wish to cosponsor could do so. We could do it by straight amendments and have Mr. Ketchum sign the original bill.

Mr. LOCKHART. With respect to the Postal Service—Postal Service employees—as I understand, are now not subject to the Back Pay Act as such, although they might follow the same practice administratively or under the collective-bargaining agreement. We probably do have some Postal Service employees that the bill should apply to. Do you see any problem with applying the bill to them?

Mr. JACOBSON. I would doubt that I see any problem. It is true during that time period the Postal Service—

Mr. LOCKHART. Going back to 1966, the employees of the Post Office Department would have been subject to the Back Pay Act?

Mr. JACOBSON. Yes, and title 5, which they are not now subject to. I would not anticipate that to be a particular problem. They should be allowed to enjoy it.

Mr. WHITE. Insofar as other categories, it should apply to whomever the law then applied prior to.

Mr. JACOBSON. I would agree, Mr. White.

Mr. WHITE. I might mention the mark up for this will be Monday after this coming Monday. Almost 2 weeks from now. We will have the mark up on this measure. Whatever language or information you would like to get to us, we would appreciate it.

Mr. JACOBSON. We will supply this to your counsel.

Mr. WHITE. There being no further business, the subcommittee is adjourned.

[Whereupon, at 9:25 a.m., the hearing was adjourned.]

RESTORATION OF EXCESS ANNUAL LEAVE LOST DUE TO CERTAIN PERSONNEL ACTIONS

THURSDAY, JUNE 5, 1975

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

The subcommittee met at 9 a.m., in room 219 of the Cannon House Office Building, Hon. Richard C. White (chairman of the subcommittee) presiding.

Mr. WHITE. The subcommittee will come to order.

The subcommittee has reconvened this morning to continue hearings on H.R. 3251, a bill introduced by Congressman William M. Ketchum.

H.R. 3251 attempts to correct what appears to be a definite inequity within the system. Under the present law, one who has lost annual leave because of unjustified or unwarranted personnel action cannot be wholly made whole because leave can only be restored to a Federal employee who lost leave because of an administrative error. Administrative error presently is defined as not including unwarranted or unjustified personnel action.

H.R. 3251 would correct this inequity by defining "administrative error" to include unjustified or unwarranted personnel action, and would limit the amount of annual leave that may be restored to a Federal employee.

It is the duty of this subcommittee to constantly strive to find and correct as many inequities as possible, within the limits of our jurisdiction, and it would seem to me that it was but an oversight on the part of Congress in the passage of the 1973 Restoration of Leave Act, not to restore to a wrongfully fired Federal employee that leave lost, in effect, through circumstances beyond his control. No Federal employee should have to pay a penalty for the Government's mistake.

To begin this morning's hearing, we shall hear first from Mr. John W. White, legislative aide, National Alliance of Postal and Federal Employees.

Mr. JOHN WHITE. Mr. Chairman and distinguished members of the subcommittee, I am John W. White, legislative director of the National Alliance of Postal and Federal Employees, a national independent industrial union which represents postal employees in all crafts and Federal employees in all agencies. I am accompanied this morning by Vice President Wesley Young of Chicago, Ill.

Members of this union across the Nation have been made very happy because of the courtesy you have extended, enabling their representatives to testify before you today. The committee is again

complimented for the able manner in which it has conducted its proceedings since it was organized during the early days of the 94th Congress.

The timely action which it is now taking on H.R. 3251 is no exception to the foregoing. The gentleman from the 18th District of California, Congressman William M. Ketchum, is commended for the legislative acumen and sense of fairness which caused him to introduce H.R. 3251.

Based on his testimony, the complaint of a constituent made him aware of the existence of an intolerable inequity in the personnel system of the Federal Government, and he has acted to correct it. As this union understands it, a Federal employee who is restored to duty after having been wrongfully fired is theoretically made whole in all respects except one. The restored worker cannot receive credit for annual leave in excess of 30 days. It is further understood that H.R. 3251 if enacted will eliminate this unfair limit on the accrual of annual leave during such periods of time.

We therefore, strongly support H.R. 3251 and urge its early enactment into law, with one exception. Although it meets the need of removing an inequity in the area of annual leave, it fails to completely deal with the question of making a wrongfully discharged employee who has been restored to duty, entirely whole.

Annual leave hours may be measured with little difficulty, but the terrible impact and trauma which may result from the wrongful firing of a Federal employee may be almost incalculable. What is required to really and truly make a wronged employee again whole? What is to be done about the emotional strain, loss of confidence, loss of face, and personal humiliation? The Federal bureaucracy is ponderous and cold and is an occasional crusher of little people. Passage of H.R. 3251 can give hope to some who have doubts. There should be no limit placed on the retroactive coverage of H.R. 3251. Any present or former Federal or postal employee who was wrongfully fired should be paid for all accrued annual leave if he or she can establish a claim within 3 years after the enactment of this legislation.

Mr. Chairman, under certain circumstances I would be apologetic as a spokesman for this union because of the brevity of this statement, but having listened carefully to the statements of those who preceded me here, I am aware that the record of this committee is well-documented with the back pay law, the law of 1973 and the reference that was made to the law of 1960. Therefore, we have come to the point which is very important to us as far as people who work for the Postal Service or the Federal Government are concerned. We listen attentively to the Civil Service Commission and we disagree with their view that the retroactive phase of this law, if enacted, should go no further back than 1966. We sincerely feel that a Federal employee who has been wronged, no matter how far back it has to go to correct it, that this should be done, and having also listened to the testimony of the Commission in terms of what are the figures, what would be the cost involved, he guessed and therefore I would guess with less information than he had at his disposal the day that he testified here, the amount involved would not be monumental as we would see it from the standpoint of the cost of the Government to take care of all employees.

On the part of making an employee completely whole, there are many ramifications that have an impact on an employee who has been wrongfully fired, perhaps it could be for a period of 1 year or 2 years. The damage that has been done to that individual can never be nullified by the remedies which are found in this law, even if they are combined with the provisions of law which have been enacted prior to this time.

Mr. Chairman, we appreciate the opportunity to appear before you today and an effort will be made to answer any questions which you may feel necessary to ask. Thank you.

The CHAIRMAN. Thank you very much, Mr. White. In your suggestion that the annual leave go back to whatever time—of course you heard the testimony the other day of Mr. Jacobsen—and he pointed out that 1966, the Back Pay Act became activated and that to go earlier than that would in fact give an unfair advantage to these people as compared to other people who may have lost time prior to 1966.

Mr. JOHN WHITE. Well, I would be happy to comment on that, Mr. Chairman, as one who worked in the union movement for quite a number of years. It just seems to us and to me that this is a basic position that we would have to take and it is not a revolutionary idea. If an employee has been wronged and because of the problem that we have in enacting legislation and the processes involved, one group of employees was taken care of under the law of 1966, but based on interpretations by the courts and legal counsel and commissions and other agencies, it did not cover the excess leave problem, so I would hope that if we could make this retroactive coverage unlimited, the need to bring the other legislation into line to all other people would become evident. But I would hope that we would not say, let us not make the coverage go all the way back because it would be unfair to someone else.

If someone else had been damaged because of an administrative error, whatever the nature is, but it was not the fault of the employee, then I would suggest, and, Mr. Chairman, I have been around enough to pardon the personal reference. I think I have heard you comment and I appreciate what you say, from time to time, that legislators operate in the medium of doing the possible, but I believe our union would be doing a disservice to the consideration of these problems if we at least did not bring them to the attention of this committee, regardless of whether or not corrective action seems possible now.

Mr. WHITE. You mentioned one other matter in your testimony that I don't think falls in the realm of this committee. You speak about trauma, emotional reaction, and effect on the person for having been wrongfully fired. I think this really is in the nature of a claim against the States, in the nature of a tort act and not in the nature of a pay or benefit act to the employee. Do you understand what I'm driving at? And that would undoubtedly have to come through another committee and would be really injecting an entirely new facet and benefit into the law than existing at the present time. That normally is handled through court actions under common law or under under statute, the Tort Claims Act of the U.S. Government. You understand that, too.

Mr. JOHN WHITE. Mr. Chairman, of course I understand exactly what you're saying, and without having any unusual illusions, we believe that making a wronged employee whole again, physically and psychologically is the responsibility of the employer, regardless of the financial cost.

Mr. WHITE. I think what is contemplated as making whole is for pay and benefits that other employees have. That would be in terms of retirement and leave and pay. When you get into areas of emotional reaction and trauma, you're talking about a rather unspecific term that is usually within the discretion of a jury to award. It is particularly suggestive and depends on the individual. Other individuals might not be fazed a bit. Others would be totally unraveled. So I thought I'd point that out to you.

Mr. JOHN WHITE. Thank you, Mr. Chairman. We thought this should be aired if for no other reason than somebody placed it in the record in 1975.

Mr. WHITE. I thank you. The markup on this will be in the Speaker's dining room at 2 o'clock this coming Monday. This committee meeting is adjourned.

[Whereupon, at 9:15 a.m., the hearing was adjourned.]

[The statements which follow were received for inclusion in the record:]

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D.C., May 21, 1975.

Hon. RICHARD C. WHITE,
Chairman, Subcommittee on Retirement and Employee Benefits, Committee on
Post Office and Civil Service, Rayburn House Office Building, Washington,
D.C.

DEAR CONGRESSMAN WHITE: Your colleague, Congressman William M. Ketchum, has been kind enough to furnish me a copy of his bill, H.R. 3251. The measure proposes to amend Title 5, U.S.C., to provide that, at reinstatement, excess annual leave lost by an employee because of an unjustified or unwarranted personnel action shall be restored to such employee in the same manner as if lost because of administrative error.

Our Union fully supports H.R. 3251. We will greatly appreciate it if you will include our endorsement and support in the record of the hearings on the bill.

Enactment of H.R. 3251 will correct an inequity in the present law (Restoration of Leave Act) which will be of great benefit to employees wrongfully separated from their jobs and later reinstated. On reinstatement, the employee should be made entirely whole, not just partially so. Congressman Ketchum's bill will do just that. It merits the favorable attention of the Congress, in my opinion.

Thanking you for your cooperation in this matter, I am, with every good wish,
Sincerely yours,

JAMES H. RADEMACHER,
President.

STATEMENT OF CLYDE M. WEBBER, NATIONAL PRESIDENT, AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES

On behalf of the 675,000 employees of the Federal Government whom the American Federation of Government Employees represents in exclusive recognition units throughout this country and overseas, I wish to express my appreciation to you, Chairman White, for this opportunity to comment in support of H.R. 3251. We are also most grateful to Congressman Ketchum for introducing this Bill which we believe will remedy grave inequities that have arisen in the administration of Public Law 93-181, the Restoration of Leave Act of 1973.

H.R. 3251 amends Title 5 of the United States Code to ensure that annual leave lost by any Federal employee because of an unjustified or unwarranted personnel action shall be restored to the employee in the same manner as if lost because of administrative error. This legislation is necessary because the Civil

Service Commission, in implementing the Restoration of Leave Act, has chosen to define so narrowly the concept of "administrative error" as to exclude from its salutary provisions employees who have been removed from their jobs as a result of "unwarranted and unjustified personnel actions."

We thus have a paradox—a Federal employee deprived of annual leave because of a mistake in record keeping, for example, can have that annual leave restored to him and credited to a special account set aside for this purpose. This means that the employee may carry this restored annual leave forward to a new calendar year regardless of the standard "use-it-or-lose-it" restriction which normally limits to 30 days the amount of accumulated annual leave that may be carried over from year to year. In this instance the employee is made whole; and this is justly his due. But according to the Civil Service Commission, if this employee lost annual leave because he was wrongfully removed, he cannot have this annual leave restored and credited to a special account and, therefore, he cannot carry forward more than 30 days of accumulated annual leave. We believe this means the Civil Service Commission is prepared in this case to countenance an injustice.

Thus many dedicated employees who regain their Federal jobs after grueling and tedious administrative appeals or courtroom litigation—and let us not forget that sometimes this can take years—are subjected to a reprisal in the denial of the full amount of earned annual leave that rightfully accrued to them.

Let us go back to principles and to facts. The cases at issue concern only employees unjustly or illegally removed. The entire action against them is arbitrary—they, in fact, are denied continuing employment absent disciplinary action for good cause. Thus we are dealing with hard-pressed employees made innocent victims of an "unjustified or unwarranted personnel action", then, having taken on the burdens of struggling for their rights and demonstrating the courage to make the many sacrifices necessary to overcome this shameful injustice, they are victimized once again by this ill-considered and unbending application of a "use-it-or-lose-it" restriction on annual leave carry-over—a restriction with which, given the grievous circumstances of their plight, these unfortunate employees could not possibly comply.

This is unfair and intolerable. AFGE believes that immediate corrective action is necessary. Please permit me to include Resolution No. 299 approved at our 24th National Convention in August of 1974.

FULL RESTORATION OF LEAVE TO EMPLOYEES REINSTATED RETROACTIVELY DUE TO UNJUSTIFIED AND UNWARRANTED PERSONNEL ACTION

Whereas, FPM Letter 630-22 interprets amendment of Section 5596 of Title 5 by the statutory changes on the administration of leave to mean that: "for purposes of Public Law 93-181, unjustified or unwarranted personnel actions are not considered administrative errors," And,

Whereas, the FPM letter further states that these employees are "not entitled to exceed the normal maximum amount of annual leave permitted under the appropriate leave system," And,

Whereas, this policy in effect legalizes the unjust punishment of personnel who are reinstated retroactively due to successful efforts by AFGE Locals in obtaining reversals of adverse action decisions by management: Now, be it therefore

Resolved, That this Convention mandate the AFGE National Office to pursue legislative action designed to correct this inequity by requiring full retroactive restoration of leave to employees who were previously terminated due to unjustified and unwarranted personnel actions and were therefore forced to forfeit annual leave otherwise accruable and payable if the provisions of Public Law 93-181 could be applied.

H.R. 3251 is in full accordance with this resolution. It is a good bill that does what must be done. We are aware, however, that management undoubtedly will assert that the provisions of this bill which assure a full amount of earned annual leave to employees restored to Federal service would award a "double compensation." Their argument is that the Back Pay Act of 1966 grants the employee retroactive pay which includes payment for each day of annual leave earned but not taken. Having been paid for this leave, the employee should not be allowed to take it, for to do so would be to pay him twice: He gets the money and the leave—leave which can be cashed-out upon separation from Federal service.

This casuistic argument is superficially plausible and has been employed by management in the past; but it is illogical, inappropriate and inequitable. True, the restored employee does receive full back pay and compensation for total

work year or its pro-rated proportion, as the case may be, after he was wrongfully fired. But, obviously, it is absurd to assert that during any period while off the rolls the employee was permitted to apply for scheduled annual leave and to be paid for it. The Agency would refuse to accept the application for leave and, consequently, in effect denied it in advance. Thus, the legal exigencies of the service are the direct cause of refusal to accept application for leave with pay. It is manifest that the Federal employees who are wrongfully removed are prevented from taking annual leave with pay and are perforce in full duty days of leave status during all this time with no prospect of using leave with pay. This is logically unassailable. Moreover, elementary principles of fairness demand that the employee be placed in at least as good a position as he would have been if he had been in duty status and denied leave for other exigencies of the service as analagous legally to an "exigency" improperly involved. The offending Agency must not be permitted to shortchange the innocent victim and thereby retain profit from the hurt inflicted. Equity demands that restitution be complete.

The difference between an "administrative error" and an "unjustified and unwarranted personnel action" does not lie in any sterile bureaucratic rationale advanced by the Civil Service Commission. Rather the difference is found in the degree of injury suffered by the victim, arising from an asserted legal exigency wrongfully created by the offending Agency precluding any use of paid scheduled leave by the employee during the period of duress following his removal from office. The difference is really between omission and commission and the claim of the employee is even more justified in the case of simple "administrative error". The consequences of an unjust removal are far more grave and lasting than the damage inflicted by the usual administrative blunder. An unjust removal is the greatest possible "administrative error", because it involves direct commission of an error while the normal, usual situation arises from unintentional acts of omission.

Given this, should not the Federal employee who loses earned annual leave because he has been unfairly deprived of his job receive consideration at least equal to that of an employee who loses earned annual leave because of bungled personnel records? We think so, and we endorse H.R. 3251.

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

Mr. Chairman and members of the subcommittee, the NFFE is the oldest and largest of the independent general unions of Federal employees representing both at home and abroad approximately 150,000 persons throughout the government.

In 1973, the Congress passed the Administration of Leave System Act. One purpose of the Act was to restore leave lost due to administrative error, exigencies of public business or illness. The objective, of course, was to correct the inequity of depriving Federal employees of an earned benefit lost through no fault of their own.

Like the Administration of Leave System Act, this bill, H.R. 3251, seeks to correct another inequity by enlarging the basis for restoring leave lost without fault. H.R. 3251 amends the 1973 Act by including within the definition of "administrative error" any unjustified or unwarranted personnel action.

Mr. Chairman, present law mandates that whenever an employee is found, by appropriate authority, to have suffered an unwarranted or unjustified personnel action, that his pay and leave be restored, except that an employee may not be credited with leave in an amount which would exceed the maximum amount of leave an employee may carry over to following years. An employee who suffers an unwarranted personnel action and who has already accrued the maximum amount of leave would therefore lose all leave during the pendency of the grievance or appeal up to the date of returning to duty. Given the amount of time necessary to process a grievance or an appeal, the amount of leave lost could be considerable. For example, an employee in an 8-hour category would, if the grievance or appeal took 6 months, and this would not be uncommon, lose about 96 hours of leave through no fault of his own. Of course, the resolution of a grievance or an appeal within a 6-month time frame is unusual and most appeals or grievances take well over 6 months for adjudication, some taking several years for final resolution.

We believe that the make whole remedy is an important element in assuring fair and prudent decisions involving personnel actions and that the more complete the remedy is, the greater the effect it will have in producing good decisions

involving personnel. On the other hand, we would not object to a retroactive period of adjustment maximum to 1966 to coincide with the Back Pay Act.

Mr. Chairman, we strongly support this bill and urge its approval by this Subcommittee. It is a progressive measure and will correct an inequity of long standing. A person who has already suffered financially and perhaps emotionally as well, should not also suffer the additional loss of leave.

STATEMENT OF ALAN J. WHITNEY, EXECUTIVE VICE-PRESIDENT, NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

Mr. Chairman, members of the subcommittee, for the record, my name is Alan J. Whitney; I am Executive Vice President of the National Association of Government Employees. The NAGE, which has always been a strong advocate of legislation to improve conditions of Federal Employment, appreciates being granted the opportunity to comment on H.R. 3251.

We also wish to express our thanks to Congressman Ketchum for introducing H.R. 3251, a bill which would restore excess annual leave lost by Federal Employees because of unjustified or unwarranted personnel actions.

The momentum of law over the last five years has been to provide equity for Federal employees who have been unjustly wronged by their employing agencies. For example, the Back Pay Act of 1966 mandates that where employees have been wrongfully fired and are consequently rehired, they are entitled to back pay and all pay raises which have accrued during the period of their separation. The Restoration of Leave Act of 1973 is another law of equity which allows a Federal employee who loses annual leave because of administrative error, illness, or exigencies of the service to have such leave restored.

The legislative history of the Restoration of Leave Act of 1973 establishes clearly Congress' belief that when an employee loses leave through no fault of his own, he should not be made to suffer the consequences. To inflict financial harm on the employee in such circumstances is clearly unwarranted and unjustified. The NAGE believed then as it does now that an employee should not be made to suffer because of those actions on his agency's part over which he has no control and for which he is not responsible.

Under existing law, a Federal employee who is wrongfully removed from his position, and is consequently rehired, is not entitled to the annual leave which was lost. The Civil Service Commission, through FPM letter 630-22, stated that unwarranted or unjustified actions did not constitute an administrative error as defined by the Restoration of Leave Act. Therefore, a Federal employee although entitled to all back pay and accrued pay raises, is not entitled to the leave which he would have earned barring the unjustified action.

NAGE believes that the law as it now stands presents an incongruous and unfair situation. For an employee to be entitled to all back pay benefits for an unjustified removal, and for an employee to be allowed the restoration of leave lost through no fault of his own (as defined by administrative error) yet upon being rehired following an unjustified removal he cannot have his annual leave restored—this constitutes an inconsistency in policy.

H.R. 3251 is of a remedial nature. It is corrective legislation intended to rectify the deficiency in the existing law. H.R. 3251 would classify an unwarranted personnel action as an administrative error and the employee would be entitled to the leave which he lost through no fault of his own.

Past legislation has indicated that when mistakes or wrongful actions occur which are beyond the control of the individual, the employee should not suffer. H.R. 3251 furthers the spirit of equity set forth in the Back Pay Act of 1966 and the 1973 Restoration of Leave Act. For the above reasons, the NAGE urges prompt passage of this legislation.

Thank you.

94TH CONGRESS
1ST SESSION

H. R. 3251

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1975

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

A BILL

To amend title 5, United States Code, to provide that excess annual leave lost by Federal employee because of an unjustified or unwarranted personnel action shall be restored to such employee in the same manner as if lost because of administrative error.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) paragraph (2) of section 5596 (b) of title 5,
4 United States Code, relating to backpay due to unjustified
5 personnel actions, is amended by inserting after "except
6 that" the following: "(other than as provided in section
7 6304 (d) of this title)".

8 (b) The amendment made by subsection (a) shall apply
9 to leave which initially accrued after June 30, 1960.

1 SEC. 2. Subparagraph (A) of section 6304(d) (1) of
2 such title is amended to read as follows:

3 “(A) administrative error, or an unjustified or un-
4 warranted personnel action for which a present or former
5 employee is entitled to the benefits of section 5596 (b)
6 of this title, which causes a loss of annual leave otherwise
7 accruable after June 30, 1960;”.

8 SEC. 3. The Act entitled “An Act to amend title 5,
9 United States Code, to improve the administration of the
10 leave system for Federal employees”, approved December
11 14, 1973 (Public Law 93-181; 87 Stat. 705), is amended
12 by adding at the end thereof the following new section:

13 “SEC. 8. For purposes of sections 5 and 6 of this Act,
14 ‘administrative error’ includes an unjustified or unwarranted,
15 personnel action for which a present or former employee is
16 entitled to the benefits of section 5596 of title 5, United
17 States Code. Any such employee who is entitled to credit
18 and liquidation under section 5 or 6 by reason of the preced-
19 ing sentence must file a claim therefor within three years im-
20 mediately following the date of the enactment of this sec-
21 tion.”.

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C. 20415

June 3, 1975

Honorable David N. Henderson
Chairman, Committee on Post Office
and Civil Service
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This letter is in response to your request for the Commission's views on H.R. 3251, a bill "To amend title 5, United States Code, to provide that excess annual leave lost by Federal employee because of an unjustified or unwarranted personnel action shall be restored to such employee in the same manner as if lost because of administrative error."

The bill would amend section 5596 of title 5, United States Code, to permit restoration of all annual leave the employee would have earned during a period of separation resulting from an unjustified or unwarranted personnel action. The restoration would be effected in accordance with provisions of section 6304(d), as implemented by Civil Service Commission regulations.

The Commission had supported the concept of restoring leave lost through administrative error and it supports the basic objective of this bill. We believe that it is only fair to restore annual leave above the maximum leave ceiling to an employee who was unjustifiably or unwarrantedly separated and then restored with back pay. If the employee had remained on the rolls, he would have been entitled to earn leave appropriate for his leave category which would have been available for his use.

Under existing law, leave restored to correct an unjustified or unwarranted personnel action may not exceed the leave carry-over limit of 240 hours. Section 6304(d) does not impose a similar limit on leave restored to correct an administrative error.

Our regulations implementing section 6304(d) provide for the restoration of annual leave, but require that the restored leave be placed in a separate account which is available for use in succeeding years. The agency must schedule the leave to be taken within two years of the leave year in which the annual leave is restored. If the employee is separated from the Government, for whatever reason, he receives a lump-sum payment for the dollar value of the annual leave.

Last year, we considered seeking legislation to amend section 5596 of title 5, United States Code, to overcome certain difficulties in making employees whole in back pay cases. We believed such legislation was necessary, primarily because of some long established prohibitions issued by the Comptroller General, e.g., no retroactive promotion. While we were in the process of preparing such legislation, the Comptroller General issued a series of landmark decisions, starting in October 1974, which removed some of these restrictions. These decisions led us to conclude we could broaden and otherwise refine our regulations under existing law. Commission staff worked closely with the staff of the General Accounting Office in the preparation of the significant revisions to these regulations, and also consulted with agencies and unions.

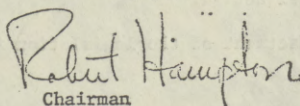
The only remaining concern in this effort has been the amount of annual leave that should be restored to an employee who was unjustifiably or unwarrantedly separated and later awarded back pay. However, it was clear that existing restrictions on such restoration could only be overcome by a change in the law. H.R. 3251 will meet that need, except as discussed below.

The Commission opposes that feature of the bill which would authorize the retroactive application of the provisions of H.R. 3251 back to 1960. If the 1960 date is enacted, employees would become eligible for restoration of annual leave which, prior to 1966, could not have been restored, since there was no law which permitted any restoration. We do not oppose making an employee "whole" under the back pay law if the retroactive restoration of leave is limited to that date on which restoration of leave in back pay cases was first provided, i.e., the Back Pay Act of 1966.

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,


Chairman

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-132095

June 11, 1975

The Honorable David N. Henderson, Chairman
Committee on Post Office and Civil Service
House of Representatives

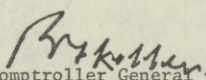
Dear Mr. Chairman:

By letter of May 30, 1975, you requested our report on H.R. 3251, 94th Congress, 1st Session, a bill "To amend title 5, United States Code, to provide that excess annual leave lost by Federal employee because of an unjustified or unwarranted personnel action shall be restored to such employee in the same manner as if lost because of administrative error."

Section 3 of Public Law 93-181, approved December 14, 1973, 87 Stat. 705, added subsection 6304(d) of title 5, United States Code. That section provides limited exceptions, under several conditions, to the normal rule that requires any annual leave in excess of the maximum permissible carryover be automatically forfeited at the end of the leave year. One of the conditions is where administrative error causes the loss of annual leave accruable after June 30, 1960. The proposed legislation would extend the same benefit to actions under 5 U.S.C. § 5596 in those cases where an employee has undergone an unjustified or unwarranted personnel action.

Enactment of the legislation is recommended.

Sincerely yours,


(Deputy Comptroller General
of the United States

○