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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9829

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9177 OF MAY 30, 1942, TO THE UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and in the interest of the internal management of the Government, I hereby extend the provisions of Executive Order No. 9177 of May 30, 1942 (7 F. R. 4195), to the United States Atomic Energy Commission; and, subject to the limitations contained in that order, I hereby authorize the United States Atomic Energy Commission to perform and exercise all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 21, 1947.

[F. R. Doc. 47-1780; Filed, Feb. 21, 1947; 2:21 p. m.]

EXECUTIVE ORDER 9830

AMENDING THE CIVIL SERVICE RULES AND PROVIDING FOR FEDERAL PERSONNEL ADMINISTRATION

By virtue of the authority vested in me by the Constitution, by section 1753 of the Revised Statutes (5 U. S. C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, it is hereby ordered as follows, effective May 1, 1947:

PART I—ORGANIZATION FOR PERSONNEL ADMINISTRATION

Organization for personnel administration in the executive branch of the Federal Government is hereby prescribed as follows:

§ 01.1 *Responsibility for personnel management.* Personnel management is a primary responsibility of all who plan, direct, or supervise the work of Federal employees. Personnel management methods should be consistent for the Government as a single employer and yet be sufficiently flexible to meet the diversified conditions in the Federal service.

§ 01.2 *Civil Service Commission responsibilities under this order.* (a) The Commission shall be responsible to the President for the proper application of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes and Executive orders imposing responsibilities on the Commission.

(b) The Commission shall exercise and provide leadership in personnel matters throughout the Federal service, and in the discharge of this responsibility shall, whenever practicable, consult Federal agencies.

(c) The Commission shall develop and promulgate standards, applicable to the competitive service and designed to protect and promote its efficiency, for the reinstatement or reemployment of former Federal employees, and for the promotion, demotion, reassignment, and transfer of present employees. The Commission shall also define the restoration rights of persons who left the Federal service to enter the armed forces of the United States in such a manner as to give full effect to section 8 of the Selective Training and Service Act.

(d) The Commission shall prescribe procedures to be followed by agencies in connection with removals, demotions, and suspensions in the competitive service which will insure equitable and uniform treatment to employees against whom adverse action is proposed.

(e) The Commission shall, when consistent with law and with the economical and efficient administration of the Government, delegate to the agencies its authority to act in personnel matters in accordance with standards issued by the Commission.

(f) The Commission shall maintain an adequate system of inspection to determine that equitable and sound application of statutes, Executive orders, regula-

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tions and standards relating to personnel management is being carried out by the agencies. Whenever the inspection indicates failure on the part of an agency to adhere to established policies, regulations and standards, the Commission shall take such action as may be appropriate to bring about adherence thereto. In this connection, the Commission may suspend or revoke any delegation of its authority.

(g) The Commission shall in the exercise of its personnel functions give all practicable assistance to international organizations in which the United States participates, to the Puerto Rico civil service board, and to such Federal, Territorial, State, or local agencies as shall request its cooperation and offer like cooperation, including, when appropriate, the sharing of any necessary expenses. Under such regulations as may be jointly agreed upon, the Commission shall conduct or join with such agencies in conducting examinations or other personnel functions. In its discretion, the Commission may certify eligibles from appropriate registers maintained by the Puerto Rico civil service board, Federal or Territorial boards, or civil service boards of State and local agencies, if such boards agree, and the Commission finds that the requirements of law concerning appointments to the competitive service have been met. If such boards so desire, they may, upon agreement with the Commission, certify eligibles from appropriate registers maintained by the Commission.

§ 01.3 *Agency responsibilities for personnel management.* (a) The head of each agency, in accordance with applicable statutes, Executive orders, and rules, shall be responsible for personnel management in his agency. To assist and advise him in carrying out this responsibility he shall maintain or establish such office or division of personnel as may be required. He shall designate a director of personnel or other similarly responsible official to be in charge of such office or division. Such director or other official shall represent the head of the agency in personnel matters, subject to his instructions.

(b) The head of each agency shall provide for the cooperation of his agency with the Civil Service Commission in the conduct of personnel matters.

(c) Authority for the conduct of personnel matters within each agency should be delegated to the extent compatible with provisions of law and with economical and efficient administration to those officials responsible for planning, directing, and supervising the work of others. The exercise of such delegated authority shall be subject to policies, rules, regulations and standards established by the head of the agency, and shall be subject to appropriate review and inspection.

(d) The head of each agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service.

§ 01.4 *Committees of expert examiners and boards of examiners.* (a) In order to promote the effective recruitment and placement of persons for the Federal service, the departmental and field service resources of the Federal agencies may be utilized to the extent permitted by law. After consulting the agency or agencies concerned, the Commission may establish in the departmental service committees of examiners, expert in their respective fields, for scientific, professional, or technical positions, and in the field service, boards of examiners for any position. If such a position is peculiar to an agency, the committee or board shall be composed of not less than three qualified officers or employees of the agency concerned. If such a position exists in more than one agency, the committee or board shall be composed of not less than three qualified officers or employees of the agencies concerned.

(b) The work of the committees or boards referred to in this section shall be under the direction and supervision of the Commission in connection with the execution of the Civil Service Act, Rules, and Regulations.

(c) The duties performed by the members of such committees or boards shall be considered part of their official duties and adequate time shall be allowed for their performance by the agency in which they are employed.

(d) Where qualified examiners are not readily available in the Federal service, and to the extent permitted by law, the Commission or the agency concerned may designate and compensate individuals outside the service especially qualified by experience and training to serve as examiners.

§ 01.5 *Federal Personnel Council.* (a) The Council of Personnel Administration shall hereafter be known as the Federal Personnel Council and shall be continued within the Civil Service Commission.

(b) The membership of the Council shall consist of a chairman, the director of personnel or official responsible for personnel matters in each agency subject to the Civil Service Rules, one additional member designated by the Director of the Bureau of the Budget, and such additional member or members as the Commission shall designate.

(c) The Chairman of the Council shall be appointed by the Civil Service Commission after consultation with the Council and shall serve as a member of the staff of the Commission.

(d) The purpose of the Council, functioning as an advisory body, shall be to promote through study and discussion the application, interpretation, and development of personnel policies and practices. Its findings and recommendations shall be submitted to the Commission and may be submitted to the President or to other Federal agencies.

(e) Where there are substantial concentrations of Federal agencies in a geographical area, subsidiary councils may be established and maintained as recommended by the Council and approved by the Commission. The membership of such councils shall consist of the heads of field establishments in such areas or their designated representatives and of the designated representatives of the Commission.

PART II—CIVIL SERVICE RULES

The Civil Service Rules are hereby amended to read as follows:

RULE I—COVERAGE OF THESE RULES

§ 1.1 *Positions and employees affected by these Rules.* (a) These Rules shall apply to all positions in the competitive service. As used in these Rules, the words "competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service," or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia which are specifically made subject thereto by statute. Whenever there is a doubt the Commission shall determine whether a position is in the competitive service.

(b) Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status. A competitive status shall mean a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service Rules and Regulations for such noncompetitive actions. A competitive status shall be acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service Rules.

RULE II—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

§ 2.1 *Competitive examinations and eligible registers.* (a) The Commission shall be responsible for open, competitive examinations for admission to the competitive service which will fairly test the relative capacity and fitness of the persons examined for the position to be filled. The Commission is authorized to establish standards with respect to citizenship, age, education, training and experience, suitability, and physical and mental fitness, and for residence or other requirements which applicants must meet to be admitted to or rated in examinations.

(b) In addition to the names of persons who qualify in competitive examinations, the names of persons who lost eligibility on a probational register because of service in the armed forces subsequent to May 1, 1940, and the names of persons having a competitive status whom the Commission determines should be given further certification may also be entered at such places on appropriate registers and under such conditions as the Commission may prescribe.

§ 2.2 *Apportionment.* Subject to such modifications as the Commission finds to be necessary in the interest of good administration, appointments to positions in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population.

§ 2.3 *Probational and temporary appointments.* (a) Persons selected from eligible registers for other than temporary appointment shall be required to serve a probationary period under such terms and conditions as the Commission may prescribe.

(b) The Commission may determine the types, duration and conditions of war service and other temporary appointments, and may prescribe the method for replacing persons holding such appointments.

RULE III—ACQUISITION OF A COMPETITIVE STATUS

§ 3.1 *Classes of persons who may acquire status.* (a) A person may acquire a competitive status by probational appointment through competitive examination, or by statute, Executive order, or this Rule.

(b) Subject to such noncompetitive examination time limits, or other requirements as the Commission may prescribe, the following classes of persons may acquire a competitive status:

(1) Any person holding a permanent position when it is placed in the competitive service by statute or Executive order or is otherwise made subject to competitive examination.

(2) Any person entitled to veteran preference who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year.

(3) Any disabled veteran who, in a manner satisfactory to the Commission, has completed a course of training in the executive branch of the Government prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943 (57 Stat. 43).

(4) Any employee who has served at least two years in the immediate office of the President or on the White House Staff and whose transfer to a competitive position is requested by any agency.

(5) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided recommendation for status is made prior to expiration of the register on which his name appears.

(6) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving, provided he was appointed to a competitive position prior to the date such position was placed under the War Service Regulations and stood higher on such register than another eligible who received an original probational appointment therefrom.

(7) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied: *Provided,* That the lowest rating reached in the regular order of certification does not exceed his rating by more than five points: *Provided further,* That such employee is about to be replaced as a result of certification by the Commission. A nonveteran employee may not be granted status until all preference eligibles standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.2 *Appointment without competitive examination in rare cases.* (a) Subject to receipt of satisfactory evidence of the qualifications of the person to be appointed, the Commission may authorize an appointment in the competitive service without competitive examination whenever it finds:

(1) That the duties or compensation of the position are such, or that qualified persons are so rare, that, in the interest of good civil service administration, the position cannot be filled through open competitive examination; or

(2) That it is essential to the program in which he is engaged to retain in the service a person who was serving in a highly specialized scientific, professional, or administrative position during the war period and prior to March 7, 1946, the effective date of the Temporary Civil Service Regulations.

(b) Any subsequent vacancy in such position shall not be filled without com-

petitive examination except upon express prior approval of the Commission in accordance with this section. Detailed statements of the reasons for the noncompetitive appointments made under this section shall be made a part of the records of the Commission and shall be published in its annual reports. Any person heretofore or hereafter appointed under this section may acquire a competitive status upon completion of at least one year of satisfactory service and compliance with such requirements as the Commission may prescribe.

RULE IV—GENERAL PROVISIONS

§ 4.1 *Prohibition against political activity.* Persons in the executive branch shall retain the right to vote as they choose and to express their opinions on all political subjects and candidates, but such persons shall not use their official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons occupying positions in the competitive service shall not take any active part in political management or in political campaigns except as may be provided by or pursuant to statute.

§ 4.2 *Attempting to secure withdrawal from competition.* The Commission is authorized to take such disciplinary action as it deems appropriate whenever it finds that any person has influenced another person to withdraw from competition for any position in the competitive service for the purpose of either improving or injuring the prospects of any applicant for appointment.

§ 4.3 *Method of filling vacancies.* In his discretion an appointing officer may fill any position by appointment through the competitive system from a certificate of eligibles issued under authority of the Commission, or by promotion, demotion, reassignment, transfer, reinstatement or restoration in accordance with the Civil Service Regulations. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness and without regard to political or religious affiliations, marital status, or race.

§ 4.4 *Personnel reports.* Each agency shall report to the Commission, in such manner and at such times as the Commission may prescribe, such personnel information as it may request relating to positions and officers and employees in the competitive service or excepted from the competitive service by statute or Executive order, whether permanent, indefinite, temporary, or subject to contract.

RULE V—REGULATIONS, INVESTIGATION AND ENFORCEMENT

§ 5.1 *Regulations.* (a) The Commission is authorized and directed to promulgate and enforce such regulations as may be necessary to carry out the provisions of the Civil Service Act and Rules, the Veterans' Preference Act, and all other applicable statutes or Executive orders imposing responsibilities on the Commission.

(b) The Commission is authorized, whenever there shall be practical difficulties and unnecessary hardships in complying with the strict letter of its regulations, to grant a variation from the strict letter of the regulations if the spirit of the same is complied with and the efficiency of the Government and the integrity of the competitive service are protected and promoted: *Provided,* That whenever such a variation is made from the regulations the Commission shall record in the minutes of its proceedings (1) the particular practical difficulty or hardship, (2) what is permitted in lieu of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to the variation: *Provided further,* That similar variations shall be granted whenever similar conditions exist. All minutes approved under authority of this section shall be published in the Commission's annual reports.

§ 5.2 *Authority of the Commission to make investigations.* The Commission may make appropriate investigations to secure enforcement of the Civil Service Act, Rules, and Regulations, including investigation of the qualifications and suitability of applicants for positions in the competitive service. It may authorize appointments conditioned upon a subsequent determination that the requirements of law or the Civil Service Rules and Regulations have been met.

§ 5.3 *Officers and employees to furnish testimony.* All officers and employees in the executive branch, and applicants or eligibles for positions therein, shall give to the Commission or its authorized representatives all information and testimony in regard to matters inquired of arising under the Civil Service Act, Rules, and Regulations. Whenever required by the Commission, such persons shall subscribe such testimony and make oath or affirmation thereto before an officer authorized by law to administer oaths.

§ 5.4 *Authority of the Commission to issue instructions as to discipline or separation.* Whenever the Commission finds that an appointment has been made in violation of the Civil Service Act, Rules, or Regulations, or that any employee subject thereto has violated such Act, Rules, or Regulations or is holding a position in violation thereof, it is authorized, after giving due notice and opportunity for explanation to the employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal.

§ 5.5 *Withholding salary.* If the appointing officer fails to carry out the instructions of the Commission issued under § 5.4 of this Rule, the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall notify the Comptroller General of the United States and no payment or allowance shall be made of the salary or wages accruing to the employee concerned after such notification.

RULE VI—EXCEPTIONS FROM THE COMPETITIVE SERVICE

§ 6.1 *Positions excepted from the competitive service.* (a) Because of their confidential or policy-determining character, or because it is not practicable to make appointments thereto through competitive examination, the positions named in Schedules A and B, set out in § 6.4 of this Rule shall be excepted from the competitive service. The Commission may, upon the request of an agency, determine that similar positions also should be excepted from the competitive service. Upon publication in the FEDERAL REGISTER of its determination excepting such positions from the competitive service, appointment thereafter may be made to such positions in the same manner as under Schedules A and B (§ 6.4). At the end of each fiscal year the Commission shall submit to the President for review a list of the positions which it has excepted from the competitive service under this section during such year.

(b) Appointments to positions in Schedule A (§ 6.4 (a)) may be made without examination by the Commission.

(c) Appointments to positions in Schedule B (§ 6.4 (b)) shall be subject to such noncompetitive examination as the Commission may prescribe.

(d) Appointment under either Schedule A or B (§ 6.4) shall not confer a competitive status. Final decision as to whether the duties of a particular position are such that appointment to it is authorized under Schedule A or B (§ 6.4) shall rest with the Commission. The Commission, with the concurrence of the agency concerned, may revoke in whole or in part any paragraph of Schedule A or B (§ 6.4): *Provided,* That such revocation shall be published in the FEDERAL REGISTER.

(e) An appointing officer in his discretion may fill any position in Schedule A or B (§ 6.4) or any position excepted from the competitive service by statute in the same manner as competitive positions are filled.

(f) Whenever any position in Schedule A or B (§ 6.4) is occupied by a person having a competitive status, he shall be separated from such position only in accordance with the provisions of this order and the Civil Service Rules and Regulations. Whenever any position excepted from the competitive service by statute is occupied by a person having a competitive status he shall not be entitled to the protection against separation provided by such Rules and Regulations.

§ 6.2 *Assignment of excepted employees.* Any person appointed without competitive examination to a position in Schedule A or B (§ 6.4), or to a position excepted from the competitive service by statute, shall not be assigned to the work of a position in the competitive service without prior approval of the Commission.

§ 6.3 *Requirements of the Veterans' Preference Act.* The regulations issued by the Commission pursuant to section

11 of the Veterans' Preference Act shall apply to positions listed in Schedule A and B (§ 6.4) and positions excepted from the competitive service by statute.

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* The following positions are those excepted from the competitive service to which appointments may be made without examination by the Commission, and constitute Schedule A of the Civil Service Rules:

(1) *Entire Executive Civil Service.* (i) Chaplains.

(ii) Cooks, except at fixed locations, such as, hospitals, quarantine stations, and penal institutions.

(iii) Positions to which appointments are made by the President without confirmation by the Senate.

(iv) Attorneys.

(v) Chinese, Japanese, and Hindu interpreters.

(vi) Any position in which the appointee will receive compensation aggregating not more than $720 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of $720 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

(vii) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in subdivisions (viii) and (ix) of this subparagraph, and except the following:

(*a*) All positions in Hawaii;

(*b*) Positions in the Immigration and Naturalization Service, Department of Justice, in Canada and Mexico;

(*c*) Positions in the Bureau of Customs, Treasury Department, in foreign countries, in Puerto Rico and in the Virgin Islands.

(viii) Positions on the Isthmus of Panama, except: accountant, architect, architectural designer, bookkeeper, calculating machine operator, chemist, clerk (paying more than $150 in U. S. currency per month), custodian, dietitian, draftsman, employee counselor, medical technician, personnel aide, personnel assistant, pharmacist, physician, play-ground director, statistician, stenographer, storekeeper, surgeon, trained nurse, typist, and harbor personnel of the Quartermaster Corps, War Department.

(ix) Positions in Alaska, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Persons formerly appointed under this subdivision may be reinstated to positions in Alaska with the approval of the Commission.

(x) Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, when, in the opinion of the Commission, appointment through competitive examination is impracticable. Seasonal employments of a recurring nature are not authorized under this subdivision.

(xi) Any position directly concerned with the protection of the life and safety of the President and the members of his family.

(xii) Positions without compensation provided such appointments meet the requirements of applicable laws relating to compensation.

(xiii) Professional, scientific and technical experts for temporary, part-time or intermittent employment for consultation purposes.

(xiv) Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the competitive civil service unskilled laborer positions at any such city, locality, or establishment.

(xv) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) *State Department.* (i) Five special assistants to the Secretary of State.

(ii) All positions under international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States, and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

(iii) Chief and Assistant Chief of the Foreign Service Buildings Office.

(iv) Two private secretaries or confidential assistants to the Secretary of State.

(v) One private secretary or confidential assistant to the Under Secretary of State, the Counselor, the Assistant Secretaries of State, the Legal Advisers, and other officials of the Department holding the rank of Assistant Secretary of State.

(vi) One chauffeur for the Secretary of State.

(vii) Gage readers employed part-time or intermittently by the International Boundary Commission, United States and Mexico at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(viii) Temporary field employees of the International Boundary Commission, United States, Alaska, and Canada, such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days a year.

(3) *Treasury Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury, and one to the Under Secretary of the Treasury.

(ii) Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this subdivision shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

(iii) Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(iv) Coast Guard: Lamplighters.

(v) Five assistants to the Secretary of the Treasury.

(vi) Receivers of insolvent national banks and other financial institutions which are filled by appointment by the Comptroller of the Currency and whose salaries are paid directly from the funds of insolvent institutions.

(vii) One assistant to the Under Secretary of the Treasury.

(viii) Until December 31, 1947, positions of Chief National Bank Examiner, Assistant Chief National Bank Examiner, District Chief National Bank Examiner, National Bank Examiner, and Assistant National Bank Examiner, in the Office of the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(ix) Until December 31, 1947, positions of State Director and Deputy State Director of the U. S. Savings Bonds Division.

(4) *War Department.* (i) Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

(ii) One chauffeur for the Secretary of War.

(iii) Transportation Corps: Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(iv) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission, appointment through competitive examination is impracticable.

(v) Student assistant positions under the Office of the President, Mississippi River Commission, concerned with scientific engineering investigations when filled by the appointment of students in attendance at colleges and universities of recognized standing, *Provided*, That substantial contributions to the investi-

gations are made by such colleges or universities in money, services, advice, or materials, or in the use of buildings, laboratories, equipment, facilities, or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student in a particular college or university and receives academic credit toward a degree for the work he is performing: *And provided*, That appointments to such positions will not exceed fifteen in number at any particular time, and will be for a period not to exceed nine months.

(vi) Land appraisers employed in the Engineer Department on a temporary or indefinite basis for specific projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Department are required for successful results.

(vii) Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

(viii) Civilian professors, instructors, teachers, hostesses, chapel organist and choirmaster at the United States Military Academy, West Point, New York, and librarian when filled by an officer of the Regular Army retired from active service, except teachers at the Children's School.

(ix) During the emergency declared by the President to exist on May 27, 1941, all positions in the War Department on the Isthmus of Panama.

(x) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(xi) Messenger boys employed on the Alaska Communications System.

(xii) Internes (medical and dental) in Army hospitals.

(xiii) During the emergency declared by the President to exist on May 27, 1941, positions in the Army Motion Picture Service and positions of hostess and librarian under the Special Services Division, War Department, assigned to Army posts.

(xiv) Civilian deans and professors at the Army Air Forces Institute of Technology, Wright Field, Dayton, Ohio.

(5) *Navy Department.* (i) Two private secretaries or confidential assistants to the Secretary of the Navy, one to each Assistant Secretary of the Navy and one to the Under Secretary of the Navy.

(ii) Professors, instructors, and teachers in the United States Naval Academy.

(iii) Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter, when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(iv) Positions of orderly at the United States Naval Home when filled by the appointment of beneficiaries of the Home.

(v) Technical or professional consultants or advisors, at entrance rate of P–5 or its equivalent and above, employed for not to exceed six months a year.

(vi) One chauffeur for the Secretary of the Navy.

(vii) Caretakers or guards employed at closed or decommissioned facilities of the Navy Department. Appointments under this subdivision shall not extend beyond six months, except with the prior approval of the Commission.

(6) *Department of Justice.* (i) Director and three assistant directors of prisons.

(ii) Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

(iii) One chauffeur for the Attorney General.

(iv) Eight positions in the immediate office of the Attorney General in addition to those excepted under subdivision (ii) of this subparagraph.

(v) Members of the Board of Parole.

(vi) All positions in the Federal Bureau of Investigation.

(vii) One private secretary to the Commissioner of Immigration and Naturalization.

(viii) Federal Prison Industries, Inc.: The Commissioner of Industries.

(ix) Three Deputy Commissioners of Immigration and Naturalization.

(x) Deputy United States Marshals paid on a fee basis.

(xi) Positions of bailiff in the United States courts.

(7) *Post Office Department.* (i) Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

(ii) One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

(iii) Clerks in fourth class post offices.

(iv) One chauffeur for the Postmaster General.

(v) Four special assistants to the Postmaster General.

(vi) Substitute rural carriers.

(vii) Special delivery messengers in second, third, and fourth class post offices.

(viii) Unskilled laborers employed as janitors and cleaners in small postal units in leased quarters at a compensation less than $1,700 per annum.

(ix) The Solicitor of the Post Office Department.

(x) Fourth class postmasters in the Hawaiian Islands.

(xi) One private secretary to the Executive Assistant to the Postmaster General.

(8) *Department of the Interior.* (i) Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

(ii) One chauffeur for the Secretary of the Interior.

(iii) Office of the Secretary: One assistant to the Secretary.

(iv) Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time, or intermittent employment. Employments under this subdivision shall not exceed 120 working days a year unless prior permission is given by the Commission for the extension of an additional 120 days. This time limit does not apply to consultants on reclamation work authorized by the act of February 28, 1929, as amended.

(v) Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

(vi) One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(vii) All positions in the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

(viii) Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

(ix) Office of the Secretary: Six special agents in the Office of Field Representatives to investigate fraudulent entries and other matters of a criminal nature.

(x) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department, subject to the approval of the Commission.

(xi) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of the Interior.

(xii) Housekeepers in the Indian Service at a gross salary not in excess of entrance rate of grade CPC–1 or its equivalent.

(xiii) Agents in the Fish and Wildlife Service and the Bureau of Land Management employed in field positions, the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal service.

(xiv) Positions in the field service of the Fish and Wildlife Service concerned with scientific fishery investigations when filled by the appointment of students at colleges and universities of recognized standing: *Provided*, That substantial contributions to the investigations are made by such college or universities in money, services, or materials or in the use of buildings, laboratories, equipment, or facilities or otherwise. Such employments may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing for the Fish and Wildlife Service.

(xv) Office of the Secretary: Director and Assistant Director of the Division of Power.

(xvi) Office of the Secretary: One private secretary or confidential assist-

ant to the Director of the Division of Power.

(xvii) National Power Policy Committee: The General Counsel.

(xviii) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

(xix) Temporary, intermittent or seasonal field assistants in forestry, range management, soils, engineering, and with surveying parties, for not to exceed 180 working days a year.

(xx) Puerto Rico Reconstruction Administration: One Administrator and one Head Administrative Officer.

(xxi) Three members of the Federal Petroleum Board.

(xxii) Office of Indian Affairs: The Executive Director of the Indian Arts and Crafts Board.

(xxiii) Temporary emergency forest and range fire and blister rust control employees in the field service of the Department of the Interior employed for fire prevention or suppression or blister rust control for not to exceed 120 working days a year.

(xxiv) Bonneville Power Administration: The Administrator.

(xxv) Division of Territories and Island Possessions: The Director of the Division.

(xxvi) Territory of Hawaii: One Hawaiian House Representative.

(xxvii) Virgin Islands: The Administrator of St. Croix, V. I.

(xxviii) Office of the Secretary: Six field representatives whose duties are of a confidential nature.

(9) *Department of Agriculture.* (i) (*a*) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(*b*) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(*c*) Positions the duties of which require a speaking knowledge of one of the Indian languages.

In making appointments under this subdivision, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

(ii) One chauffeur for the Secretary of Agriculture.

(iii) Two private secretaries or confidential assistants to the Secretary of Agriculture, one to the Under Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

(iv) Student assistants whose salaries shall not aggregate more than $832 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 180 working days a year.

(v) Four assistants to the Secretary in the Office of the Secretary of Agriculture.

(vi) Any local veterinarian employed on a fee basis or a part-time basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(vii) The Solicitor of the Department of Agriculture.

(viii) Technical or professional consultants or advisers at salaries equivalent to entrance rate of grade P–5 or higher employed for not to exceed 180 working days a year.

(ix) Temporary seasonal field assistants in grades SP–1 through SP–5 for not to exceed 120 working days a year.

(x) Temporary, intermittent or seasonal clerical, crafts, protective and custodial positions in the field service of the Department of Agriculture at places other than civil service regional headquarters, paying not to exceed entrance rate of CAF–4 or its equivalent, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(xi) Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend beyond a period of six months without prior approval of the Commission's regional director.

(xii) Owner-operators of equipment who are residents in the area of employment for periods not to exceed 180 actual working days in any one calendar year.

Bureau of Agricultural Economics. (xiii) Temporary, intermittent field enumerators and supervisors at salaries not exceeding entrance rate of CAF–5 or its equivalent, for not to exceed 180 working days a year.

Farm Credit Administration. (xiv) One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

(xv) Positions in the Federal Intermediate Credit Banks, the Production Credit Corporations, the Federal Land Banks, the Banks for Cooperatives, and positions filled by joint officers and employees for these institutions.

(xvi) Positions in the Regional Agricultural Credit Corporations, joint stock land bank receivers, and petitions in receiverships, and national farm loan association receivers and conservators.

(xvii) Temporary, intermittent and seasonal collectors at grades not higher than CAF–5 for not to exceed 180 working days a year.

Commodity Credit Corporation. (xviii) Members of the Board of Directors.

(xix) The President, two Vice Presidents, and one assistant to the President.

Rural Electrification Administration. (xx) One Deputy Administrator.

Forest Service. (xxi) Temporary forest workers employed for not to exceed 180 working days a year, such employment to be with headquarters other than in forest supervisor and regional offices unless employed primarily for fire prevention or suppression activities.

(xxii) Temporary, intermittent or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to approval by the Commission.

Production and Marketing Administration. (xxiii) The Director, Assistant Directors, Regional Directors, and State Directors of the Field Service Branch.

(xxiv) Members of State Committees of the Field Service Branch.

(xxv) Farmer fieldmen and farmer fieldwomen in the Field Service Branch to interpret and explain and supervise farm programs.

(xxvi) Temporary, intermittent and seasonal employees in the Field Service Branch to check allotments whose aggregate employment shall not exceed 120 working days a year.

(xxvii) Farmer fieldmen of the Federal Crop Insurance Corporation.

(xxviii) The Administrator, two Deputy Administrators, three Assistant Administrators, assistants to the Administrator, at salaries equivalent to entrance rate of CAF–13 or higher, ten experts at salaries equivalent to entrance rate of CAF–13 or higher, for the duration of the war; two private secretaries to the Administrator, and one chauffeur for the Administrator.

(xxix) Loss adjustors employed locally on an intermittent basis to handle adjustments in crop losses under the Federal Crop Insurance Act for not to exceed 120 working days a year.

Farmers' Home Administration. (xxx) The Deputy Administrator and three Assistant Administrators.

(xxxi) State and county committeemen to consider, recommend, and advise with respect to the Farmers' Home Administration program.

(10) *Executive Office of the President.* (i) Bureau of the Budget: One private secretary or confidential assistant each to the Director and Assistant Director.

(11) *Department of Commerce.* (i) Two private secretaries or confidential assistants to the Secretary of Commerce, and one to each Assistant Secretary of Commerce.

(ii) One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

(iii) One chauffeur for the Secretary of Commerce.

(iv) Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of $832 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this subdivision. Appointments shall not exceed six months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this sub-

division shall be reported to the Commission in such form as the Commission may prescribe.

(v) Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce.

(vi) Office of the Secretary of Commerce: Six assistants to the Secretary.

(vii) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed eight months in any one calendar year.

(viii) Caretakers and helpers at magnetic and seismological observatories outside continental United States.

(ix) Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

(x) One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

(xi) Agents to take and transmit meteorological observations in connection with airways, whose duties require only part of their time, and whose compensation does not exceed $135 a month.

Weather Bureau. (xii) Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Weather Bureau to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Bureau of the Census. (xiii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year. Such appointments may be extended for not to exceed one year with the express prior approval of the Commission.

(xiv) Employments of individuals, firms, or corporations for not to exceed one year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the act of May 27, 1935 (49 Stat. 292), *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(xv) Special agents employed in collecting cotton statistics.

Inland Waterways Corporation. (xvi) The President, the Vice Presidents, and the Secretary-Treasurer of the Corporation.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

(xix) All unlicensed personnel on vessels operated by the Corporation.

(xx) Wharf laborers.

(12) *Interstate Commerce Commission.* (i) One private secretary or confidential assistant to each commissioner.

(13) *Department of Labor.* (i) Commissioners of conciliation in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

(ii) Office of the Secretary: Three special assistants to the Secretary.

(iii) One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

(iv) Two private secretaries or confidential assistants to the Secretary of Labor, one to the Under Secretary of Labor, and one to each Assistant Secretary of Labor.

(v) One chauffeur for the Secretary of Labor.

(vi) Member, Wage Adjustment Board (Labor Representative).

(vii) Member, Wage Adjustment Board (Industry Representative).

(viii) Member, Wage Adjustment Board (Public Representative).

(14) *General Accounting Office.* (i) One private secretary or confidential assistant to the Comptroller General.

(ii) Two assistants to the Comptroller General.

(15) *Board of Governors, Federal Reserve System.* (i) All positions.

(16) *The Tax Court of the United States.* (i) One private secretary and two technical assistants for each Judge of the Court.

(ii) Until December 31, 1947, a Clerk of the Court and a Chief Deputy Clerk.

(iii) One administrative assistant to the Presiding Judge.

(17) *Federal Loan Agency; Reconstruction Finance Corporation.* (i) A Secretary to the Corporation, two assistants to the Secretary, five assistant Secretaries, a Treasurer, two assistants to the Treasurer, and four assistant Treasurers.

(ii) Two private secretaries or confidential assistants to each of the following: the Federal Loan Administrator; the Chairman of the Board of Directors. One private secretary or confidential assistant to each of the following: each Member of the Board of Directors (other than the Chairman); the Secretary of the Corporation; the Treasurer of the Corporation; the General Counsel.

(iii) One assistant, and twelve special assistants, to the Board of Directors, and one assistant to each member of the Board of Directors.

(iv) Six administrative assistants and two junior administrative assistants in the Office of the Board of Directors.

(v) Six special representatives (field).

(vi) Four chauffeurs for the Chairman and members of the Board of Directors.

(vii) All directors, trustees, and officers (President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer) of subsidiary or affiliated corporations.

(viii) Any position when the incumbent thereof is serving as director or officer of any subsidiary or affiliated corporation.

(ix) One General Counsel, one Special Counsel, and six Assistant General Counsels.

(x) A Chief Accountant.

(xi) Division Chiefs of the following Divisions: Auditing, Agency, Examining, Railroad, Self-Liquidating, Statistical and Economic, and Information.

(xii) Section Chiefs of the following Sections of the Self-Liquidating Division: Public Agency, Mining, Bond Service, and Drainage and Irrigation.

(xiii) Six Assistant Chiefs and three Administrative Assistants in the Examining Division.

(xiv) Two special examiners in the Railroad Division.

(xv) Not to exceed 32 positions of Loan Agency Manager and 36 positions of Assistant Loan Agency Manager.

(xvi) Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation or its subsidiaries as security for loans, or property to which title has been acquired by the Corporation or its subsidiaries.

(xvii) Positions of Executive Director of the following offices: Office of Defense Plants, Office of Metals Reserve, Office of Defense Supplies, Office of Rubber Reserve.

(xviii) Chief Administrative Officer of the Price Adjustment Board.

(18) *Veterans' Administration.* (i) Five special assistants to the Administrator.

(ii) One private secretary or confidential assistant to the Administrator.

(iii) Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration, the duties can be satisfactorily performed by such members.

(19) *Federal Security Agency.* (i) Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

National Office of Vital Statistics. (ii) Supervisors, assistant supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year.

Public Health Service. (iii) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subdivision shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(iv) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(v) All positions in leprosy, yellow fever, and psittacosis investigation stations.

(vi) Trainees in cancer research.

(vii) Positions concerned with problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries,

quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(viii) Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, subject to the prior approval of the Commission.

(ix) Internes and externes (medical and dental) and student nurses.

St. Elizabeths Hospital. (x) Visiting physicians and organist.

Food and Drug Administration. (xi) Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Committee for duty in connection with the formulation of definitions and standards of identity and quality for food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug, and Cosmetic Act.

Freedmen's Hospital. (xii) Pupil nurses, internes, and externes (medical and dental), student dietitians, and resident physicians.

(20) *Central Intelligence Group.* (i) All positions.

(21) *U. S. Maritime Commission.* (i) All positions on Government-owned ships operated by the U. S. Maritime Commission.

(ii) Twelve positions of Director of Division.

(iii) One assistant to each member of the Commission and two assistants to the Chairman of the Commission.

(iv) Ten special assistants to the United States Maritime Commission.

(v) The Secretary of the Commission.

(vi) The General Counsel.

(vii) One private secretary or confidential assistant to each Commissioner and to the General Counsel.

(viii) The Executive Director.

(ix) The Financial Assistant to the Chairman.

(22) *Federal Power Commission.* (i) One private secretary and one confidential assistant to each Commissioner.

(ii) A Secretary to the Commission.

(iii) Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

(23) *Securities and Exchange Commission.* (i) One private secretary or confidential assistant to each member of the Commission.

(ii) A Solicitor.

(iii) Director of Trading and Exchange Division, Director of Public Utilities Division, Director of Corporation Finance Division, and Director of Investment Companies Division.

(iv) One Chief Accountant.

(v) One assistant to the Chairman.

(24) *National Railroad Adjustment Board.* (i) One private secretary or confidential assistant to each member of the Board.

(25) *National Capital Park and Planning Commission.* (i) Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

(26) *Federal Deposit Insurance Corporation.* (i) Two special assistants, private secretaries, or confidential assistants to each member of the Board of Directors.

(ii) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(27) *Federal Trade Commission.* (i) Seven Chiefs of Division.

(28) *National Capital Housing Authority.* (i) The Executive Officer.

(29 *United States Soldiers' Home.* (i) All positions.

(30) *Federal Works Agency.* (i) Agents employed in field positions the work of which is financed jointly by the Federal Works Agency and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this subdivision, a full report shall be submitted immediately by the Federal Works Agency to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under this subdivision. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

Office of the Administrator. (ii) Two expert assistants to the Administrator.

Public Buildings Administration. (iii) The Commissioner of Public Buildings.

(iv) One private secretary or confidential assistant to the Commissioner.

Public Roads Administration. (v) The Commissioner of Public Roads.

(vi) One private secretary or confidential assistant to the Commissioner.

(31) *Federal Communications Commission.* (i) A Secretary to the Commission.

(ii) One private secretary or confidential assistant to each Commissioner.

(iii) A General Counsel and three Assistant General Counsels.

(iv) A Chief Engineer and three Assistant Chief Engineers.

(v) A Chief Accountant and three Assistant Chief Accountants.

(32) *United States Tariff Commission.* (i) The Secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

(33) *Railroad Retirement Board.* (i) Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.

(ii) Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

(34) *Civil Aeronautics Board.* (i) A Secretary to the Board.

(ii) A General Counsel and two Assistant General Counsels.

(iii) Two permanent expert consultants.

(iv) Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.

(v) A Chief Trial Examiner and an Assistant Chief Trial Examiner.

(vi) Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.

(vii) One confidential assistant to each member of the Board.

(viii) A Director and two Assistant Directors of the Economic Bureau and a Director and Assistant Director of the Safety Bureau.

(35) *National Labor Relations Board.* (i) One private secretary or confidential assistant to each member of the Board.

(36) *Government Printing Office.* (i) One private secretary or confidential assistant to the Public Printer.

(37) *Export-Import Bank of Washington.* (i) Two private secretaries or confidential assistants to the Chairman of the Board of Directors and one to each member of the Board.

(ii) The President, three Vice-Presidents, the Treasurer, the Secretary.

(iii) Chiefs of the following Divisions: Legal, Economic, Examining, Engineering, and Private Capital.

(38) *War Assets Administration.* (i) Temporary field positions concerned with the inspection, inventory, pricing, sale, and shipping of surplus property at the site of the property.

(ii) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(39) *National Housing Agency. Fed-Home Loan Bank Administration.* (i) One Deputy Commissioner.

(ii) One Executive Assistant and one Assistant to the Commissioner.

(iii) One private secretary or confidential assistant to the Commissioner.

(iv) One General Counsel and one assistant to the General Counsel in charge of financial matters and matters of financial policy referred to the Legal Department.

(v) One Financial Adviser.

Federal Home Loan Bank System. (vi) The Governor and three Deputy Governors of the Federal Home Loan Bank System.

(vii) One assistant to the Governor.

(viii) One Associate General Counsel.

Federal Savings and Loan Insurance Corporation. (ix) One General Manager and two Deputy Managers.

(x) One Associate General Counsel.

(xi) All field positions concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned

with paying the depositors of closed insured institutions.

Home Owners' Loan Corporation. (xii) One General Manager and two Deputy General Managers.

(xiii) One Associate General Counsel.

Federal Housing Administration. (xiv) Five Assistant Commissioners, two special assistants to the Commissioner, and five Zone Commissioners.

(xv) An Executive Secretary of the Administration.

(xvi) Two private secretaries or confidential assistants to the Commissioner.

(xvii) One chauffeur to the Commissioner.

(xviii) A General Counsel.

(xix) One assistant to the Commissioner on public relations.

(xx) Sixty-five field directors (State, District, and Territorial).

Federal Public Housing Authority. (xxi) One private secretary or confidential assistant to the Commissioner.

Schedule B

(b) *Schedule B.* The following positions are those excepted from the competitive service to which appointments may be made after such noncompetitive examination as the Commission shall prescribe, and constitute Schedule B of the Civil Service Rules:

(1) *Interior Department.* (i) Any competitive position at an Indian school when filled by the wife of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

(ii) Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.

(2) *National Housing Agency. Federal Public Housing Authority.* (i) Administrative or custodial positions in the field service of the Federal Public Housing Authority relating to the management or maintenance of Federal low-rent housing projects when, in the opinion of the Commission, appointment through competitive examination is impracticable: *Provided,* That no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

Federal Housing Administration. (ii) A Technical Director; a Land Planning Director; a Director of Research and Statistics.

(iii) A Comptroller.

(iv) Two land use planners.

(3) *Department of Commerce.* (i) Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.

(4) *War Department.* (i) Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.

(iii) Positions assigned exclusively to Army Communications Intelligence activities.

(5) *District of Columbia Government.* (i) Surgeons of the Police and Fire Departments of the District of Columbia.

(6) *Federal Trade Commission.* (i) Not to exceed five special experts.

(7) *State Department.* (i) Specialists in foreign relations, political, economic, and financial, whose proposed compensation is fixed at entrance rate of grade P–3 or higher, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the professional service for corresponding grades.

(ii) Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least four years, for service in the Department of State as administrative officers or executive advisors in positions comparable in salary with the associate professional grade or higher.

(iii) Positions of professional and technical specialists in the fields of health and sanitation, food supply, education and transportation, in grade P–5 or its equivalent, in the Institute of Inter-American Affairs and the Inter-American Educational Foundation, Incorporated, when filled by the appointment of persons who have served in such positions in the Federal service in foreign countries.

(8) *Navy Department.* (i) Positions assigned exclusively to Navy Communications Intelligence Activities.

(ii) Any position outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.

(9) *Post Office Department.* (i) One postal rate expert.

(10) *Federal Power Commission.* (i) A General Counsel and two Assistant General Counsels.

(ii) A Chief Examiner and a Chief Engineer.

(iii) Five regional engineers.

(iv) A chief and an assistant chief of the following bureaus: Bureau of Accounts, Finance and Rates, Bureau of Power.

(11) *Department of Agriculture.* (i) Commodity Credit Corporation: Technical or professional consultants or advisers, at salaries equivalent to entrance rate of grade P–5 or higher, for periods not to exceed 18 months.

(ii) Farm Credit Administration: The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(iii) Farm Credit Administration: Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

(12) *National Capital Housing Authority.* (i) Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent or part-time service.

(13) *Department of Justice.* (i) National Training School for Boys: Assistants to cottage officers when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $720 per annum, subject to the approval of the Commission.

(ii) Special experts employed on a temporary basis for specific litigation or other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

PART III

The following Executive orders are hereby revoked:

No. 279 of November 29, 1904.
No. 283 of December 8, 1904.
No. 294 of February 15, 1905.
No. 314 of March 30, 1905.
No. 458 of June 13, 1906.
No. 715 of November 22, 1907.
No. 983 of November 30, 1908.
No. 1065 of April 21, 1909.
No. 1153 of January 12, 1910.
No. 2357 of April 11, 1916.
No. 3108 of June 30, 1919.
Unnumbered order of June 2, 1920, concerning reinstatement of persons nearing retirement age.
No. 4523 of October 18, 1926.
No. 5924 of September 20, 1932.
Unnumbered order of February 19, 1934, concerning negotiations for transfer.
No. 7915 of June 24, 1938.
No. 7916 of June 24, 1938.
No. 7975–A of September 16, 1938.
No. 8083 of April 10, 1939.
No. 8179 of June 21, 1939.
No. 8214 of July 25, 1939.
No. 8257 of September 21, 1939.
No. 8283 of November 9, 1939.
No. 8300 of December 12, 1939.
No. 8423 of May 28, 1940.
No. 8425 of May 29, 1940.
No. 8467 of July 1, 1940.
No. 8564 of October 8, 1940.
No. 8587 of November 7, 1940.
No. 8705 of March 5, 1941.
No. 8707 of March 10, 1941.
No. 8760 of May 27, 1941.
No. 8894 of September 8, 1941.
No. 8937 of November 7, 1941.
No. 9004 of December 30, 1941.
No. 9027 of January 16, 1942.
No. 9052 of February 6, 1942.
No. 9200 of July 16, 1942.
No. 9239 of September 8, 1942.
No. 9298 of February 2, 1943.
No. 9333 of April 19, 1943.
No. 9394 of November 4, 1943.
No. 9405 of December 17, 1943.
No. 9503 of November 27, 1944.
No. 9538 of April 13, 1945.
No. 9579 of June 30, 1945.
No. 9598 of August 17, 1945.
No. 9619 of September 19, 1945.
No. 9644 of October 19, 1945.
No. 9653 of November 1, 1945.
No. 9668 of December 28, 1945.
No. 9688 of January 31, 1946.
No. 9691 of February 4, 1946.
No. 9733 of June 4, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 24, 1947.

[F. R. Doc. 47–1826; Filed, Feb. 24, 1947; 12:08 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Effective May 1, 1947, the regulations under this chapter are revised as follows:

1. With the exception of §§ 12.301 to 12.314 of Part 12, Parts 1 to 20, inclusive, and Parts 24, 27, 50, 51, 52, 55 and 91 are revoked.

2. Sections 12.301 to 12.314 of Part 12 are redesignated Part 20, §§ 20.1 to 20.14. The following redesignation of parts is also made: Part 25 to Part 24; Part 26 to Part 25; Part 28 to Part 26; Part 29 to Part 27; Part 30 to Part 28; Part 53 to Part 29; Part 54 to Part 30; Part 56 to Part 31; Part 60 to Part 01; Part 61 to Part 02.

3. Parts 21, 22 and 23 remain the same.

4. New Parts 1 to 10 inclusive and new Part 32 are added. Contents of revised Chapter 1 are as follows:

Part
01 Organization and official records of the Commission.
02 Functions of the Commission.
1 Coverage.
2 Appointment through the competitive system.
3 Acquisition of a competitive status.
4 General provisions.
5 Regulations, investigation and enforcement.
6 Exceptions from the competitive service.
7 Reinstatement.
8 Promotion, reassignment and transfer.
9 Separations and demotions.
10 Special transitional procedures.
20 Retention preference regulations for use in reductions in force.
21 Appointment to positions excepted from the competitive service.
22 Appeals of preference eligibles under the Veterans' Preference Act of 1944.
23 Political activity of State employees; rules of practice.
24 Formal education requirements for appointment to certain scientific, technical and professional positions.
25 Federal employees' pay regulations.
26 Transfer of personnel to public international organizations in which the United States Government participates.
27 Establishment of maximum stipends for positions in Government hospitals filled by student or resident trainees.
28 Official personnel folder.
29 Retirement.
30 Annual and sick leave regulations.
31 Efficiency ratings boards of review.
32 Awards to Federal employees for meritorious suggestions and for exceptional or meritorious service.

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

THE COMMISSION AND STAFF ACTIVITIES

Sec.
01.1 The Commission.
01.2 Executive Director and Chief Examiner.
01.3 Executive Assistant to the Commissioners.
01.4 Chief, Field Operations.
01.5 Chief Law Officer.
01.6 Information Division.
01.7 Veterans' Service Section.
01.8 Board of Appeals and Review.

OPERATING ACTIVITIES

01.9 Examining and Placement Division.
01.10 Personnel Classification Division.
01.11 Investigations Division.
01.12 Retirement Division.
01.13 Service Record Division.
01.14 Medical Division.
01.15 Inspection Division.

FIELD ACTIVITIES

01.16 Regional Offices.
01.17 Boards of United States Civil Service Examiners.

ADVISORY COMMITTEES

01.18 Federal Personnel Council.

PUBLIC RECORDS

01.19 Availability of Official Records.
01.20 Availability of final opinions and orders.

AUTHORITY: §§ 01.1 to 01.20, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

THE COMMISSION AND STAFF ACTIVITIES

§ 01.1 *The Commission.* (a) The Commission is composed of three Commissioners appointed by the President, by and with the consent of the Senate, and removable by him. One member is designated by the President to be President of the Commission. The Commissioners, not more than two of whom may be adherents of the same political party, make final decisions on matters of policy, organization and administration within the Commission. They also serve, through the Liaison Officer for Personnel Management, as advisers to the President in personnel matters.

(b) The Commissioners in some cases act as a quasi-judicial body in reviewing and making final determinations on appeals of individuals and agencies from decisions made by officials of the Commission, and from certain decisions by officials of other agencies.

§ 01.2 *Executive Director and Chief Examiner.* The Executive Director and Chief Examiner is the chief technical and administrative official of the Commission. He has authority to take final action on matters covered by established policy and regulations. On other matters on which the Commissioners themselves make the final determination he reviews the recommendations prepared by the various divisions of the Commission and submits advisory opinions and recommendations. He represents the Commission in conferences and negotiations with representatives of other Government agencies, interpreting the regulations and policies of the Commission to officials and advising them in personnel policies and major personnel problems.

§ 01.3 *Executive Assistant to the Commissioners.* The Executive Assistant to the Commissioners presents to the Commission for action cases handled in the divisions; advises Members of Congress, Government officials and others on civil-service matters; performs special assignments at the direction of the Commission, and handles other administrative functions.

§ 01.4 *Chief, Field Operations.* The Chief, Field Operations, supervises the operations and procedures of the Commission's regional offices and coordinates their work with the divisions of the central office.

§ 01.5 *Chief Law Officer.* The Chief Law Officer advises the Commission, the Executive Director and Chief Examiner and division chiefs on legal questions pertinent to Commission policies and operations. He is responsible for drafting or reviewing drafts of legislation, Executive orders and regulations. He adjudicates appeals of veteran preference eligibles that are filed under the Veterans' Preference Act of 1944. He is responsible for the enforcement of the statutes and civil service rules relating to political activity of Federal and State employees. With respect to State employees he authorizes and is responsible for the investigation of complaints, the filing of charges, where the report of investigation so warrants, and the presentation of the Commission's side of the case before the hearing examiner when hearings are held. With respect to Federal employees he authorizes and is responsible for the investigation of complaints, the filing of proposed orders, where the report of investigation so warrants, and, in cases in which no hearing is held, recommending final decision to be made.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

§ 01.6 *Information Division.* The Information Division furnishes to newspapers and magazines information regarding the Commission and the Federal civil service; prepares articles on these subjects for encyclopedias and other reference books; reviews manuscripts on these subjects which are submitted by publishing concerns or by individual writers; prepares informational booklets; prepares radio scripts and other public-address material; answers oral and written inquiries from the public regarding (a) the general activities of the Commission and (b) opportunities for employment in the Federal service; compiles the "Official Register of the United States".

§ 01.7 *Veterans' Service Section.* The Veterans' Service Section serves at the Commission's staff unit concerning policies and procedures with respect to the employment and reemployment of veterans; preferences granted veterans in Federal employment; legislation affecting the employment of veterans in the Federal service; and the maintenance of good public relations with veterans, veterans organizations, government agencies, legislative bodies and the public generally. Information may be obtained from and requests and submittals may be made to the Central Office in Washington or any one of its fourteen regional offices. These matters may be presented in any general written form.

§ 01.8 *Board of Appeals and Review.* (a) The Board of Appeals and Review in the Central Office of the Commission was created by official action of the Commission November 26, 1930. The Board has four members, one of whom, designated the Chairman, is the chief

administrative officer of the Board. Only three members act on any one case. The Board has jurisdiction to entertain appeals on any matter adversely affecting eligibility, rights and/or interests arising under any law (except cases arising under sec. 12 (a) of the Hatch Act of August 2, 1939, as amended July 19, 1940, 53 Stat. 1147, 54 Stat. 767, 18 U. S. C. 61 e), rule or regulation administered by the Commission: *Provided*, That the matter previously has been finally acted upon and decided at the highest reviewing level in the division or office (departmental or field) having original jurisdiction. The Board, however, has jurisdiction to entertain appeals from the initial adverse action in ratings in postmaster examinations, adverse decisions on actual residence in postmaster and rural carrier examinations, findings by the Fourth Regional Branch Office in Washington, D. C., of unsuitability for Federal employment, adverse decisions on claims for benefits under the several retirement acts administered by the Commission, and appeals involving alleged discrimination because of race, creed, color or national origin.

(b) In those cases where the adverse action on appeal was taken by the Executive Director and Chief Examiner or by the Commissioners, and in appeals from the findings and recommendations of the Chief Law Officer or a regional director in cases arising under section 14 of the Veterans' Preference Act of 1944, the Board processes, analyzes, and submits the case with its recommendation to the Commissioners who make the final decision on the appeal.

(c) Laws, rules, regulations, matters of Commission policy, examination specifications, standards of rating, and standards of classification are not subject to appeal.

(d) Appeals are not required to be in any particular form and should be directed to the Chairman, Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

CROSS REFERENCE: For Rules of Practice in cases arising under section 12 (a) of the Hatch Act, see Part 23 of this chapter.

For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

OPERATING ACTIVITIES

§ 01.9 *Examining and Placement Division*—(a) *Organization.* Responsibility for the functions connected with recruitment, examining and certification for positions in the departmental service in Washington, D. C., and for certain field positions, when public announcement to that effect is made, is vested in the Chief of the Examining and Placement Division and his staff. The Chief of the Division is also responsible for recommending to the Commission necessary changes in policies and practices regarding recruitment, examining and certification.

The operating sections of the divisions with their responsibilities and functions are as follows:

(1) *The Clerical Placement and Services Section.* This section prepares and distributes publicity for examination announcements on a nation-wide basis, receives and reviews applications for such examinations (except those announced on behalf of Regional Offices or Boards of U. S. Civil Service Examiners in the field), rates machine-scored examinations, prepares and maintains lists of eligibles for all positions in the departmental service in Washington, D. C. (except those handled by Committees of Expert Examiners), issues certificates of eligibles therefrom and audits the agencies' selections from such certificates. It maintains an information center for public inquiries regarding civil service examinations and answers other questions regarding Federal employment. In addition the section arranges for examinations for admission to the United States Military and Naval Academies, when requested, as a courtesy to Members of Congress to aid them in making selections for appointments thereto and administers examinations for the foreign service of the State Department.

This section and the other sections of the division are subdivided into examining units which deal specifically with particular types of examinations. The responsibilities of examining units are as follows:

(i) Surveys agencies for anticipated needs for employees in the occupational fields with which the unit is concerned.

(ii) Plans recruiting programs in advance of needs.

(iii) Prepares standards for examinations for all positions in its field in the Federal service and noncompetitive standards for transfer, promotion and reinstatement and for positions under Schedule A and B where necessary. (Schedule A is a list of positions to which departments and agencies may make appointments without competitive examinations; Schedule B is a list of positions to which departments and agencies may make appointments as a result of noncompetitive examination.)

(iv) Passes on qualifications for Schedule A and B appointments in its occupational fields if necessary and advises for qualifications for transfer, promotion and reinstatement.

(v) Cooperates with the Commissioners of the District of Columbia in observing the agreement regarding filling of positions in the District of Columbia Government.

(vi) Determines qualifications necessary to fill positions for which no register is appropriate and prepares a certificate of eligibles for such positions.

(vii) Acts or recommends action on agency objections or passing over of veterans, based on qualifications.

(2) *The Physical Science Placement Section.* This section comprises the examining units having responsibilities similar to those set forth above, with respect to positions in the engineering and allied fields, the physics, chemistry and related occupational areas and in the industrial and skilled trades. The Postal Examining Unit of this section performs all the functions of the examination program from the announcement of the examination to the audit of certificate.

(3) *The Social Science and Personnel Management Section.* This section comprises the examination units having responsibilities with respect to positions in the fields of social services, economics, accounting and allied occupations and the various phases of administrative management. The section also maintains a Personnel Management Advisory Service for the benefit of the agencies.

(b) *Delegations of authority*—(1) *To the division.* With respect to the functions set forth above the Examining and Placement Division has over-all responsibility for the development of plans and programs and for the establishment of procedures and standards applying both to regional offices (including Boards of U. S. Civil Service Examiners) and the Central Office (including Committees of Expert Examiners). It has direct operating responsibility for the recruiting, examining and placement programs in the departmental service in Washington, D. C., except insofar as any functions connected with these activities have been delegated to Committees of Expert Examiners as explained below.

(2) *By the division*—(i) *To Regional Offices.* Development of assembled examination material for field examinations under the jurisdiction of the Regional Offices or Boards of U. S. Civil Service Examiners, in the absence of appropriate standardized examination material; preparation of examining standards (specifications) for field positions, in the absence of approved specifications; modification of examination specifications by agreement with representatives of the agency (in the absence of a specific prohibition).

(ii) *To departments and agencies.* Certain phases of the review of applications involving acceptability from the standpoint of legal requirements for Federal service, for example, proof of citizenship, proof that the requirement limiting the number of members of the same family who may be employed in the Federal service has been met, proof of military service and honorable discharge in case of five point war veterans; audit of declaration of appointees; determination of experience, training or educational qualification for transfer, reinstatement or promotions (under standards and with limitations prescribed by the Commission).

(iii) *To committees of expert examiners.* Where a Committee-type examination is involved, ratings of hand scored assembled or unassembled examination papers; securing of corroborative information regarding experience; handling of appeals on ratings of other than machine scored examinations; preparation and maintenance of registers of eligibles; certification of eligibles and audit of report on certificates (except actions on objections and passing over).

(iv) *To the District of Columbia government by agreement between the District of Columbia Commissioners and the Civil Service Commission.* Authority to effect appointments to lower grade positions in the District of Columbia Government in the absence of local eligibles on the Commission's registers (without audit of qualifications by the Commission).

(c) *Method of securing and source of information.* (1) For positions under the jurisdiction of the central office,

whether Commission controlled or committee type, questions may be addressed in writing to the United States Civil Service Commission, Washington 25, D. C. Inquirers may call in person at the Information Office maintained by the Examining and Placement Division at 7th and F Street, N. W. Such inquiries may concern Civil Service examinations, that is, for what positions applicants may apply, how and where to file applications, what qualifications are required, etc.; requirements for veterans' preference, citizenship and age; ratings; employment opportunities in the Federal service during the periods preceding the establishment of appropriate registers for the majority of positions; types of written examinations, methods of rating, contents and form of questions, etc. The information available to the general public is restricted to that published in the examination announcement and the accompanying sample questions, if any, so that the secrecy of the examination materials may be preserved.

(2) Complaints should be in writing and should be addressed to the United States Civil Service Commission, Washington 25, D. C. Examples of types of complaints:

(i) Complaints regarding publicity given, admission to or conduct of central office examinations.

(ii) Complaints with regard to discrimination because of race, color or religious or political affiliations in connection with central office examinations.

(iii) During the period in which agencies are authorized to handle recruiting, examining and placement for positions under their jurisdiction pending establishment of a register appropriate to the particular position, complaints with regards to agency noncompliance with the policy and procedures established by the Commission for agency guidance, so far as positions in the departmental service are concerned.

(iv) Complaints of veterans with regard to agency action in passing over their names for positions in the departmental services. Such complaints may be presented by the veteran or his authorized agent either in writing, addressed to the United States Civil Service Commission, Washington 25, D. C., or to the Commission's Information and Interview Office, 7th and F Streets NW. In either case the Commission's action is limited to the authority granted by the Veterans' Preference Act of 1944 to present to the veteran or his authorized representative a copy of the agency's reasons for passing over his name and the Commission's recommendation to the agency with respect to the sufficiency of the reasons.

(3) Appeals from ratings assigned as a result of examination are handled originally in the unit that assigned the rating. Appeals in writing from Commission-controlled examinations for positions in the departmental service (identified by the name of the United States Civil Service Commission, Washington, D. C., as the issuing agency on the notice of rating (CSC Form 4008 or equivalent form) should be addressed to the United States Civil Service Commission, Washington 25, D. C. Appeals in person should be addressed to the examiner-in-charge of the appropriate examining unit.

Appeals from committee-type examinations for positions in the departmental service (identified by the name of the issuing agency, other than the Commission, preceded by the words "Committee of Expert Examiners" on the Notice of Rating, (CSC Form 4008 or equivalent form), should be presented in writing to the Committee on Expert Examiners concerned at the agency named in the Notice of Rating or equivalent form.

Appeals from the final decisions rendered by the Examining and Placement Division or the Committee of Expert Examiners should be submitted in writing to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D. C.

§ 01.10 *Personnel Classification Division*—(a) *Organization.* The Personnel Classification Division is organized into five sections the functions of which are as follows:

(1) *Washington Section.* (i) Investigates the duties and responsibilities of positions in the departmental service within the scope of the Classification Act of 1923, as amended (5 U. S. C. 661ff.), and allocates them to services, grades, and classes.

(ii) Conducts classification surveys of organizations in the departmental service.

(iii) Postaudits for compliance with Commission's requirements, reports of vice changes, additional identical positions, and combined position descriptions submitted by Federal Agencies.

(iv) For the duration of the emergency, considers and makes recommendations on position classification appeals in the departmental service.

(v) Processes all classification sheets, appeals and requests for reconsideration before and after allocation decisions have been made.

(2) *Standards and Special Studies Section.* (i) Prepares and issues class specifications and statements of allocation standards under the Classification Act and Executive Order No. 9512; and gives technical supervision to the standards development work of the regional offices.

(ii) Prepares and revises the Handbook of Occupational Groups and Series of Classes.

(iii) Advises on all problems in which classification standards are involved.

(iv) Makes special studies on classification or compensation problems of the Government service.

(v) Prepares Departmental Circulars, Commission Letters and technical memoranda dealing with allocation standards, class titles, and the establishment or revision of classes.

(3) *Efficiency Ratings Administration Section.* (i) Establishes efficiency rating systems applicable to all employees in the field and departmental services compensated under the pay scales of the Classification Act of 1923 as amended and cooperates with agencies in their administration of the uniform efficiency rating system.

(ii) Administers the Board of Review program including the preparation and promulgation of regulations and procedures governing efficiency rating appeals, and provides chairmen for such boards.

(iii) Reviews and recommends decisions on agency requests for approval of proposed action, in the field or departmental service, to reduce in salary, demote, or separate employees on the basis of "Fair" or "Unsatisfactory" efficiency ratings.

(iv) Establishes uniform reduction in force procedures; reviews proposed reductions in force and considers appeals from such action in the departmental service.

(v) Reviews and approves grievance procedures proposed by the Federal agencies.

(vi) Prepares regulations and procedures dealing with (*a*) periodic within-grade salary advancements and (*b*) additional within-grade advancements as rewards for superior accomplishment. Preaudits, for compliance with regulations, proposed rewards submitted by departments or agencies. On the basis of plans approved by the Commission, recommends delegation, and when necessary revocation of delegation, of authority to heads of departments and agencies for prior approval of these rewards. Postaudits all actions by departments to insure compliance with the regulations. Compiles an annual consolidated report for presentation to the Congress.

(4) *Field Section.* (i) Gives technical supervision to the work of regional officials in making postaudit reviews of field allocations for conformance with standards issued by the Commission.

(ii) Inspects the work of the regional classification divisions for compliance with established policies and procedures, understanding of the various classification programs, and operating effectiveness; and follows up on delays or inadequacies.

(iii) Issues instructions to regional offices on classification policies, procedures and practices; assists regional offices in the installation of new classification programs or procedures; develops methods and materials for training field classification staffs; and performs other field supervisory functions assigned by the Chief of Division.

(iv) Advises agencies on general problems relative to classification and compensation of position in the field service.

(v) Under the authority and conditions prescribed in section 401 of the Federal Employees Pay Act of 1945 (59 Stat. 295), conducts studies to recommend the establishment of higher minimum rates of pay for particular classes of positions within the ranges of pay fixed by the Classification Act of 1923.

CROSS REFERENCE: For regulations under the Federal Employees Pay Act of 1945, see Part 25 of this chapter.

(vi) Recommends maximum stipends for positions in hospitals, hospital clinics or medical or dental laboratories owned or operated by the Federal Government primarily for training purposes which are excluded from the Classification Act

of 1923, as amended, by Executive Order No. 9750.

CROSS REFERENCE: For regulations establishing maximum stipends for trainees in Government hospitals, see Part 27 of this chapter.

(vii) Prepares or reviews regulations, Departmental Circulars, Commission Letters, and/or chapters of the Federal Personnel Manual and the Commission's Manual dealing with any phase of Federal position classification or pay administration that does not pertain directly to functions of the Efficiency Ratings Administration Section.

(viii) Conducts studies and recommends other action preliminary to future expansion of classification to the field service in accordance with title II of the act (Ramspeck) of November 26, 1940 (54 Stat. 1212, 5 U. S. C. 681).

(5) *Administrative Section.* (i) Makes continuing studies to eliminate duplication of work, unnecessary procedures and practices and to see that available personnel is used to best advantage.

(ii) Provides classification information to departmental position classifiers and to the general public.

(iii) Receives all requests for personnel or for other proposed personnel changes within the Division, prepares necessary forms for transmittal to the Budget and Finance and Personnel Divisions; maintains leave records for the Division.

(iv) For administrative purposes within the Division, maintains records of encumbrances from the Division allotment for personnel services and prepares reports on the status of the allotment.

(v) Performs the usual service function for the Division, including supervision of mail and files and the stenographic force, compilation of production reports, timekeeping, furnishing of supplies, equipment, etc.

(vi) Prepares general correspondence not pertaining to the work of the several sections.

(b) *Delegation of authority.* (i) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (ii) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(ii) Final decisions on efficiency rating appeals are, by statute, made by the efficiency rating Board of Review for the agency in which the appeal arises and are not reviewable by the Commission.

(c) *Method of securing and source of information.* (1) Information regarding functions of the Personnel Classification Division, including appeals from allocation actions of the Commission in central government offices, may be obtained in the Washington, D. C., area by writing or calling the Personnel Classification Division. In the field the appropriate regional office of the Commission may be contacted for such information. Inquiries regarding individual field allocations which are finally determined by the agency concerned should be addressed to such agency.

(2) Requests for review of efficiency ratings should be made in writing to the Chairman, Board of Review of the agency in which the appellant is employed, c/o U. S. Civil Service Commission, Washington 25, D. C.

§ 01.11 *Investigations Division*—(a) *Organization.* The Commission's investigative activities may be divided into three major types:

(1) Investigations of the qualifications of candidates for Federal employment.

(2) Investigations to determine the facts when a preference eligible alleges that he has been denied any of the rights guaranteed him under the Veterans' Preference Act of 1944.

(3) Investigations arising out of the administration of the Merit System involving violations of the Civil Service Act and Rules.

For the purpose of carrying out these investigative functions the Investigations Division is divided into the following sections:

(i) *Field Inspection and Training Section.* This section inspects the work of the regional investigations division and assists regional offices in installing new procedures and in the training of personnel.

(ii) *Rating Section.* This section makes recommendations and renders advisory opinions with respect to cases referred by other divisions of the Commission, regional offices and other departments and agencies. It rates cases at the request of the Executive Director and Chief Examiner or the Chief of the division and develops rating standards and procedures for use of the regional offices.

(iii) *Administrative Section.* This section performs the necessary personnel and administrative work of the division.

(iv) *Procedures and Control Section.* This section prepares and issues instructions of a technical nature for investigators and raters. It maintains a master index and control records of all regional offices cases as well as master bar and flag records.

(v) *Confidential Information Section.* This section maintains confidential files of reports of investigations and makes them available to individuals and agencies that have a legitimate and valid reason for seeking information therein. (For information as to what records are available and to whom they are available see § 01.19.)

(b) *Delegation of authority*—(1) *To regional offices.* Regional directors are authorized to initiate investigations into the qualifications of applicants for certain specified positions. Investigations of applicants for all other positions must have the prior approval of the Commission. Regional directors are authorized to handle appeals of veterans under the Veterans' Preference Act of 1944 that arise in their region and to initiate investigations where the facts so warrant. Investigations into alleged violation of the Civil Service Act and rules must have the prior approval of the Commission.

CROSS REFERENCE: For regulations relating to appeals of preference eligibles under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(2) *To departments and agencies.* Authority is delegated to departments and agencies to conduct character and loyalty investigations where the nature of the positions to be filled is such that the agency reasonably requires its own investigations; where the agency maintains investigative facilities established for purposes other than undertaking personnel investigations but finds it desirable to undertake personnel investigations in order to afford maximum use of such facilities; and where the requirements of the agency become so great that the funds or facilities of the Commission are inadequate to meet the needs. Such investigations are to be conducted in accordance with standards set by the Commission. The Commission reserves the right to audit actions taken under this delegated authority and to inspect and review individual cases to determine compliance with the standards that have been established.

(c) *Method of securing and source of information.* Information in the files of the Investigations Division is considered confidential.

§ 01.12 *Retirement Division*—(a) *Organization.* The Retirement Division is charged with responsibility for interpreting and administering the Civil Service Retirement Act of May 22, 1920 (41 Stat. 614), as amended (5 U. S. C. 691–738), The Canal Zone Retirement Act of March 2, 1931 (46 Stat. 1471), as amended (48 U. S. C. 1371) and the Alaska Railroad Retirement Act of June 29, 1936 (49 Stat. 2017), as amended (5 U. S. C. 745). Jurisdiction over the administration of the Act of May 29, 1944 (58 Stat. 257), is also vested in the division. This act provides for the payment of annuities to United States citizen employees (or to their unremarried widows under prescribed conditions) who served on the Isthmus of Panama during the construction period of the Panama Canal from May 4, 1904 to March 31, 1914, inclusive, who were not included in the recognition and the benefits accorded by the act of March 4, 1915 (38 Stat. 1190).

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

The operating sections of the division are as follows:

(1) *Annuity Section.* This section adjudicates claims for annuity under the acts administered by the Retirement Division. It examines service credit applications and makes decisions with respect to the service credits to which present or former employees are entitled. It examines agency requests for the retention of employees beyond retirement age and makes recommendations thereon to the President. It maintains records of all annuitants retired on disability and orders the annual medical examinations as required.

(2) *Death Claims Section.* This section adjudicates claims filed by the beneficiaries, legal representatives or next of kin of deceased employees or annuitants for the accrued annuities, the unexpended balance or the accumulated deductions in the retirement funds. It adjudicates claims in behalf of former employees who are incompetent for ac-

cumulated deductions to their credit, examines designation of beneficiary forms and maintains a file of such forms.

(3) *Refund Section.* This section adjudicates refund claims filed by former employees for the refund of deductions made from their salaries and to their credits in the retirement funds.

(4) *Fiscal Section.* This section prepares schedules and vouchers covering payments on all retirement claims. It prepares periodic financial statements, receives and records cash, check or money order remittances of voluntary deposits, accepts and records payments from employees covering the purchase of service credit or redeposit of amount withdrawn, maintains the individual annuity award accounts and the individual retirement accounts on all separated employees.

(5) *Agency Accounting Section.* This section conducts studies of the procedures used and practices followed by agencies in the maintenance of retirement accounts, makes periodic inspections of the retirement records in the agencies, posts and maintains the retirement accounts for employees of first class post offices, advises and instructs officials and employees in the agencies who are assigned to and are responsible for the agency retirement work.

(6) *Accounting Systems and Report Analysis Section.* This section studies the accounting system in the division and recommends changes and improvements when they are necessary, studies financial statements and reports to determine the adequacy of the accounts and reports the effectiveness of the protection afforded, assists in the installation of retirement accounting systems in the agencies.

(7) *Office of the Legal Adviser.* This office renders advisory decisions and interpretations of the retirement laws and decisions of the Comptroller General and of the Attorney General, prepares cases for submission to the Board of Appeals and Review, to the Attorney General or to the Comptroller General, collaborates in the preparation and trial of suits arising under the retirement laws, prepares drafts of bills and reports on proposed legislation concerning retirement, and drafts rules and regulations with respect to the administration of the Retirement laws.

(8) *Office of the Actuary.* This office conducts actuarial studies, periodic valuations of retirement funds and longevity investigations of annuitants. It recommends improvements and simplifications in retirement systems and policies, prepare the annual retirement report and other special tables and similar types of aids to facilitate the speedy and economical performance of retirement activities.

(9) *Office of the Chief of Technical Studies.* This office studies and coordinates the civil service retirement system with other federally administered or public employee systems. It conducts technical insurance studies of the various provisions of the retirement act, prepares analyses of these studies, plans insurance and retirement programs designed to provide for complete protection and conducts long range economic studies of the effect of changing coverage and characteristics of the coverage of retirement systems and their economic and administrative implications.

(10) *Board of Actuaries.* The Board of Actuaries is composed of three actuaries, appointed by the Commission, one of whom is the Government actuary. It is the Board's duty to report annually upon the actual operations of the Retirement Act, to recommend such changes as in their judgment may be deemed necessary to protect the public interest and maintain the system upon a sound financial basis, to make a valuation of the Civil Service, the Canal Zone and the Alaska Railroad Retirement and Disability Funds at intervals of five years or oftener if the Commission deems it necessary and to prepare such tables as may be required by the Commission for the purpose of computing annuities.

(b) *Delegation of authority.* The Commission with the concurrence of the Comptroller General of the United States (letters B–45488, dated November 11, 1944 and March 24, 1945) has approved a temporary plan for the duration of the emergency, unless terminated prior thereto, whereby local disbursing officers of the War Department, under certain conditions, are authorized to issue checks in payment of amounts due as refunds of civil service retirement deductions to former civilian employees of the War Department. The responsibility for making refunds of retirement deductions so authorized is lodged with local certifying officers of civilian pay rolls and applies only when the following conditions exist:

(1) The employee must have received an original appointment in the War Department on July 1, 1942, or subsequent thereto.

(2) The employee must have been officially separated on July 1, 1945 or subsequent thereto.

(3) The employee must have had no prior Federal or military service other than the period of employment in the specific installation and must have had no break in service during the period of employment at the installation for which the local retirement refund is being paid.

(4) The employee must not be indebted to the Federal Government for any reason according to the records of the installation.

Computations or refund payments are made in accordance with instructions approved by the Commission and copies of paid vouchers with supporting documents are transmitted to the Retirement Division for audit recording and filing.

(c) *Method of securing and source of information.* Decisions of the Retirement Division may be appealed to the Board of Appeals and Review through the Retirement Division. Appeals should be in writing and should show the name and post office address of the appellant, his retirement claim number, the date and substance of the action from which the appeal was taken and the full reason for the appeal. They must generally be filed within six months from the date the notice of final action was mailed.

Questions on retirement matters should be submitted by Federal employees to their Personnel Director.

§ 01.13 *Service Record Division*—(a) *Organization.* The Service Record Division has over-all responsibility for the administration and enforcement of rules and regulations governing the reporting of personnel transactions; maintenance of service records; according of competitive civil service status; determination of status of positions and status of present and former Federal employees and of compliance by Commission or agency officials with the procedural and legal requirements for effective personnel actions under the civil service rules and regulations.

The operating sections of the division are as follows:

(1) *Audit Section.* This section receives and inspects reports of personnel actions. It initiates corrective action on the enforcement of Civil Service Rules and other authorities governing appointments and personnel changes, inspects reports of separation to determine whether the reasons or circumstances shown appear to require debarment or flagging, maintains records showing currently the condition of the apportionment determines adequacy of proof of date of birth, reports cases of apparent dual employment to the Comptroller General and authorizes extension of suspensions.

(2) *Correspondence Section.* This section replies to inquiries and complaints regarding treatment in the Federal service, promotions, demotions, forced resignations, suspensions or removals, hours of duty, leave, assignment to duty, dual employment, payment for services rendered, overtime, deductions from salary for war bonds, subsistence allowance and travel. It also answers inquiries concerning rights under the Selective Service Act and reemployment benefits provided by regulations of the Commission.

(3) *Postal Section.* This section maintains complete records of employees in the field service of the Post Office Department, audits all personnel actions involving such employees, initiates corrective action where needed, maintains substitute rolls in accordance with the order of seniority of appointment and in general performs the other functions of the Audit Section with reference to employees in the field service of the Post Office Department.

(4) *Records Section.* This section maintains service records of present and former Federal employees and processes and files reports of personnel action.

(5) *Status Section.* This section receives agency recommendations for conferring of competitive status on Federal employees, acts on requests for promotion, transfer and reinstatement requiring prior approval of the Commission, post audits reports of reinstatements not requiring prior approval of the Commission, acts on agency recommendations in connection with non-competitive appointments under Schedule B of the Civil Service rules, furnishes information to agencies and individuals regarding their status for reinstatement, transfer, classification.

(b) *Delegation of authority.* Regional directors are authorized to pass on requests for reinstatement, transfer, pro-

motion and reassignment to field positions in cases where the prior approval of the Commission is required. Regional directors are authorized to consider and act upon requests for extension of suspensions when the request is presented by a field officer of an agency who has authority to initiate such action.

(c) *Method of securing and source of information.* Decisions of the Service Record Division may be appealed to the Board of Appeals and Review.

Federal employees should submit questions to their Personnel office. Others may secure information by writing to the Commission or by calling at the Commission's office.

§ 01.14 *Medical Division*—(a) *Organization.* The Medical Division, created by the Commission in 1940 through unification of its previously diversified medical activities is under the immediate supervision of a Medical Director. Primarily, it is charged with responsibility (under the administrative direction and through the office of the Executive Director and Chief Examiner in all cases) for: Advising the Commission, in cooperation with the Examining and Placement Division, on all matters pertaining to physical standards for entrance or reinstatement into the Government service. In conjunction with the Retirement Division criteria are set up for separation from the service by reason of disability preventing satisfactory performance of duty. It is also responsible for the processing and disposing of all types of cases in the above categories which are referred by other divisions for comment or action as well as rendering opinions and advice on any other medical matters pertaining to Federal employment concerning which information may be requested by the Board of Appeals and Review or other officials of the Commission.

Other activities include the conducting of research programs throughout the Civil Service Regions for the purpose of determining appropriate physical standards for the various positions; carrying out studies of the performance of the physically impaired as compared to the able bodied; administering the program recommended by the Coordinating Committee for the Placement of the Physically Handicapped.

The operating sections of the Division are as follows:

(1) *Office of the Medical Director.* This office has the over-all administration of the Division's activities in the central office, including the handling of appeals in connection with certain types of cases. Also, through the offices of the Chief of Field Operations and the Executive Director and Chief Examiner, the Medical Director transmits to the various Regional Directors such information, instructional material and technical advice as may be necessary for the effective functioning of the medical officers assigned to their Regions. A member of the staff is detailed to the function of maintaining liaison with the various regional medical officers which may require travel to the Regional offices.

(2) *Consultative Service Section.* This section formulates physical requirements for entrance into the competitive civil service and prepares guides based thereon for the use of the appointing officers in the various agencies; devises schematic outlines for necessary physical examinations of both applicants and employees; reviews medical certificates exhibiting questionable conditions not covered by specific instructions and renders advisory services to appointing officers relative to the employability of applicants and the physical fitness of employees to continue in their post of duty, particularly with respect to nervous and mental conditions, communicable diseases, heart disease, and diabetes.

Within the section is a unit for the specialized handling of physically impaired applicants (emphasis on veterans) who offer unusual placement problems. This Unit is charged with the duties of devising broad schemes for the effective utilization of the remaining capabilities of impaired individuals as well as conducting interviews in specific cases.

(3) *Disability Retirement Section.* This section receives from the Retirement Division such applications for retirement as are based on claims of total disability for useful and efficient service; arranges for and authorizes physical examinations of applicants except in cases where sufficient evidence has already been presented by Federal medical officers or establishments; after securing adequate medical evidence, passes on the merits of applications and takes medical action of rejection or allowance; arranges for annual medical examinations or secures pertinent information in lieu thereof, in cases of retired employees (annuitants) whose cases have not been made permanent; supervises, by use of liaison facilities through the Office of the Medical Director, the initial medical processing in the regional offices of applicants residing within those areas; furnishes to the Retirement Division, through the office of the Medical Director, such technical advice pertaining to retirement matters in general as may be requested.

(4) *Examining Section.* This section in accordance with general procedures established by the Examining and Placement Division, examines and rates applications for professional and subprofessional positions in the medical and related fields in such agencies or establishments as are not otherwise provided for; renders advisory services to agencies regarding educational and experience standards in connection with the above positions; supervises and assists Committees of Expert Examiners in the conducting of examinations and the rating of applications in the medical and related fields; assists the Medical Director in making recommendations to the Personnel Division relative to the filling of medical officer and related positions within the Commission; receives and processes applications from cadet nurses who desire to complete their training in Federal hospitals under the provisions of the Cadet Nurse Act.

(b) *Method of securing and source of information.* Information in the files of the Medical Division is available to individuals and agencies in accordance with the regulations of the Commission set out in § 01.19.

§ 01.15 *Inspection Division.* The Inspection Division has been established to perform the following functions: To inspect and review in the offices of the various agencies the carrying out of the various personnel operations that have been delegated and to secure adherence to the required standards and procedures; to assist departments and agencies in adhering to the policies, standards and procedures prescribed by the Commission for the administration of delegated authority; to inspect and review the operations of Boards of Civil Service Examiners and Committees of Expert Examiners, to evaluate their effectiveness, to report on the carrying out of their functions and to secure adherence to the required standards and procedures; to present to the Commission current and accurate information as to the scope, content, effectiveness and equity of agency personnel management programs; to recommend to the Commission necessary changes in policies and practices to better personnel management in the Federal service; to improve agency personnel programs by rendering personnel management advisory service and serving as a clearing house for the exchange of information among agencies on the most efficient and economical personnel management policies, procedures and practices.

FIELD ACTIVITIES

§ 01.16 *Regional Offices*—(a) *Organization.* In the interest of economy and efficiency in administration of the field service, the Commission has divided the United States into fourteen regions. The activities of each region center in a regional office, located in a principal city within the region. A Regional Director is in charge of each Regional Office.

Each Regional Office supervises civil service activities within its area, in accordance with policies and procedures established by the Commission, furnishes information to the public, and announces regional and local examinations to fill positions under the jurisdiction of the region.

The functions of the regional office are performed under the regional director by Divisions and staff officials such as the following:

Budget and Fiscal Officer.
Personnel Officer.
Regional Examining and Placement Division.
Regional Classification Division.
Regional Investigations Division.
Medical Officer.
Regional Veterans Federal Employment Representative.
Examiner for Appeals under section 14 of the Veterans' Preference Act of 1944.
Personnel Management Advisor.

The location of regional offices, branch regional offices, and offices of Commission representatives outside the continental United States are as follows:

REGION, HEADQUARTERS, AND TERRITORY SERVED

1—Post Office and Courthouse Building, Boston 9, Mass. Maine, New Hampshire, Ver-

mont, Massachusetts, Rhode Island, Connecticut.

2—Federal Building, Christopher Street, New York 14, N. Y. New York, New Jersey.

3—Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa. Pennsylvania, Delaware.

4—Nissen Building, Winston-Salem 3, N. C. Maryland, Virginia, West Virginia, North Carolina, District of Columbia. Branch Regional Office: Tariff Commission Building, Seventh and F Streets NW., Washington 25, D. C. District of Columbia. Maryland: Counties of Calvert, Charles, Montgomery, Prince Georges, St. Mary's. Virginia: Arlington, Caroline, Clarks, Fairfax, Fauquier, King George, Lancaster, Loudoun, Northumberland, Prince William, Richmond, Spottsylvania, Stafford, Westmoreland.

5—New Post Office Building, Atlanta 3, Ga. South Carolina, Georgia, Florida, Alabama, Tennessee, Puerto Rico, Virgin Islands.

6—Post Office and Courthouse Building, Cincinnati 2, Ohio. Ohio, Indiana, Kentucky.

7—New Post Office Building, Chicago 7, Ill. Wisconsin, Michigan, Illinois.

8—Post Office and Customhouse Building, St. Paul 1, Minn. Minnesota, North and South Dakota, Nebraska, Iowa.

9—New Federal Building, St. Louis 1, Mo. Kansas, Missouri, Oklahoma, Arkansas.

10—Customhouse Building, New Orleans 16, La. Mississippi, Louisiana.

11—437 Central Building, 810 Third Avenue, Seattle 4, Wash. Montana, Oregon, Idaho, Washington, Territory of Alaska.

12—129 New Appraisers Building, 630 Sansome Street, San Francisco 11, Calif. California, Nevada, Arizona, Territory of Hawaii. Branch Regional Offices: 506 Post Office and Courthouse Building, Los Angeles 12, Calif. California: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara. Federal Building, Honolulu 2, T. H. Territory of Hawaii.

13—New Customhouse Building, Denver 2, Colo. Colorado, New Mexico, Utah, Wyoming.

14—210 South Harwood, Dallas 1, Tex. Texas.

REPRESENTATIVES OUTSIDE CONTINENTAL UNITED STATES

Hawaii (Subsidiary to Twelfth Region) Branch Regional Office, 12th U. S. Civil Service Region, Federal Building, Honolulu 2, T. H.

Puerto Rico (Under supervision of Director, 5th Region, insofar as employment under U. S. Government is concerned)—Chairman, Puerto Rico Civil Service Commission, San Juan, P. R.

Canal Zone—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights, C. Z.

In order to provide closer supervision and render more effective service, regional directors may, as necessary from time to time, station representatives in smaller key cities to facilitate administration of civil service activities in areas within the region.

(b) *Delegation of authority.* Regional directors have general authority over civil service matters arising within their region. Specific grants of authority have been referred to in connection with the description of the functions of the divisions of the Commission set out above. Their decisions may be appealed to the Commission, through the Board of Appeals and Review in the same manner as decisions of the various divisions of the Commission may be appealed.

(c) *Method of securing and source of information.* Individuals residing in the states that are included within any region may secure information by writing to or calling at the Regional or Branch Regional Office. Information is also obtainable at Boards of U. S. Civil Service Examiners. (See § 01.17.)

§ 01.17 *Boards of United States Civil Service Examiners*—(a) *Organization*—(1) *Boards located at Federal establishments other than in the Post Office Department.* Wherever considered administratively advisable, Boards are established by the regional director in agreement with the head of the establishment and are composed of officers and employees of the establishment or establishments served by the board.

For positions under their jurisdiction, such boards announce examinations, receive and rate applications, establish registers, certify names to appointing officers, approve the appointments made from names submitted, and perform other functions delegated by the regional director.

All activities of these boards are performed in accordance with current standards and instructions of the Commission. The extent of authority to be delegated to individual boards is determined by the regional director and is not uniform for all boards.

(2) *Boards located at first and second class post offices.* Boards of United States Civil Service Examiners have been established in each city which has a first or second class post office.

These boards publicize examinations announced by the Commission's central office, the regional office, and by Boards located at other Federal establishments. They also furnish general information to the public and conduct assembled examinations.

Regional directors may delegate other special functions to these boards within the limits of the policies established by the Commission.

(b) *Delegation of authority.* Boards of Examiners located in Federal establishments other than the post office can take final action on any matters delegated by the regional director. Requests for a review of rating and appeals from the action of any board in any mattter properly before it, are first considered and decided by the board. In the event of an adverse decision further appeal may be made to the regional office.

(c) *Method of securing and source of information.* General information on civil service matters and employment opportunities can be secured from the Board of U. S. Civil Service Examiners at any first or second class post office. Such information is available also at the regional or branch office of the Commission or at the offices of its representatives outside continental United States.

Where more detailed and specific information is desired which is not available at the office of a Board of U. S. Civil Service Examiners, this information may be obtained by communicating with the regional or branch office.

Listed below are the places where the public may secure information and submit requests relating to specific civil service matters.

(1) *Open competitive examinations.* (i) To keep informed of pending examinations, the bulletin board and examination announcements at any first or second class post office may be consulted. A copy of any examination announcement may be inspected but extra copies are not always available for distribution. In a city in which there is a regional or branch regional office, that office may also be contacted for information.

(ii) To secure a copy of the announcement the office having immediate jurisdiction over the examination as shown in the announcement under the heading "Where to file application" may be contacted.

(iii) The examination announcement contains full details about the requirements, the specific application forms and the location of the office where the required application forms should be filed. Application forms are available at first and second class post offices, except in cities where regional offices of the Commission are located, in which case they may be obtained from the regional office. In branch office cities, application forms may also be obtained from such offices.

(2) *Examinations under section 10 of the Veterans' Preference Act of 1944.* (i) Persons granted ten-point preference under section 2 (1), (2) and (3) of the Veterans' Preference Act of 1944 may apply for examination as provided in section 10 of the same act.

CROSS REFERENCE: For regulations relating to appeals of preference eligible under the Veterans' Preference Act of 1944, see Part 22 of this chapter.

(ii) For information concerning examinations which may be reopened, The Executive Secretary of the Board of U. S. Civil Service Examiners at the establishment where employment is desired or the regional or branch office of the Commission may be contacted.

(3) *Acceptance of delayed applications after the closing date.* Persons entitled to five-point military preference under section 2 (4) of the Veterans' Preference Act of 1944, and citizens who served beyond the continental limits of the United States with a Federal agency or international organization in which the U. S. Government participates, may, under certain conditions, file delayed applications.

(4) *Restoration to the list of eligibles of honorably discharged veterans under Executive Orders 9733 and 8937.* Requests for restoration should be made to the office which maintained the list of eligibles. The address of this office can be obtained from the notice of rating which the applicant received.

(5) *Requests for a review of examination rating.* A request for a review of a rating received may be made to the office which assigned the original rating as shown on the notice of rating.

(6) *Complaints on discrimination.* Complaints involving alleged discrimination on the grounds of race, creed, color, or national origin may be made to the regional director.

(7) *Reduction in force appeals.* Appeals involving alleged violation of reduction in force regulations based on section 12 of the Veterans' Preference Act of 1944 may be made to the regional office of the Commission.

(8) *Suitability appeals.* Appeals from applicants rated ineligible because they were not found suitable for government

employment should be addressed to the office which assigned the rating, as shown on the notice of rating.

(9) *Appeals under section 14 of the Veterans' Preference Act.* Appeals under section 14 of the Act may be filed with the regional office.

(10) *Competitive status under Executive Order 9598 of August 17, 1945.* Requests for the benefits of this order should be submitted individually by letter to the office of the Commission which authorized the basic appointment. Requests are ordinarily submitted by the current employing agency, but may be acted upon if submitted by the agency in which the employee received his basic appointment.

(11) *Passing over preference eligibles.* Records of the Commission's findings in determining the sufficiency of the reasons submitted by an agency for passing over a preference eligible are available at the office of the Commission which maintains the register. The records will be made available to the veteran eligible or his designated representative upon request as provided in section 8 of the Veterans' Preference Act.

(12) *Restoration under section 8 of the Selective Service and Training Act.* Whenever a misunderstanding occurs between a veteran and his former employing agency as to restoration rights, the case may be submitted by the veteran for final determination to the regional office.

(13) *Requests for reinstatement.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

(14) *Requests for transfer.* Requests should be submitted to the appointing officer of the office in which the vacancy is to be filled.

ADVISORY COMMITTEES

§ 01.18 *Federal Personnel Council.* The Council of Personnel Administration was established in February, 1939, under Executive Order No. 7916, June 24, 1938. The Council was placed within the Commission under Executive Order No. 8467, July 1, 1940. The name of the Council was changed to Federal Personnel Council and its functions redefined by Executive Order 9830, February 24, 1947.

The Council is set up to improve Federal personnel administration through common understanding and effort, to meet the personnel needs of the service by developing standards and practices sufficiently uniform for the Government as a single employer and yet flexible enough to provide for the great differences in the character and conditions of work. The Council serves as a clearing house where directors of personnel develop plans and spread throughout the service information about practices, and where representatives of the Commission and of the Bureau of the Budget meet regularly with the personnel directors to consult with them and to discuss and interpret the policies, programs and procedures which are in the course of development.

The Council's work is carried on by members assisted by a small staff through weekly meetings of the entire Council and by standing and special committees. The actions of the Council are put into effect in various ways. Recommendations are made to the President and to the Civil Service Commission, Bureau of the Budget and other appropriate agencies. Much of the Council's work results in practical suggestions or agreements on improved personnel methods which are carried out by departments and agencies themselves. Field personnel councils have been authorized by the Commission and established under the supervision of the Commission's Regional Directors or their Representatives. The field councils are composed of officers responsible for personnel administration in their agency in the area designated by the regional director. They have the same object and function along similar lines as the Federal Personnel Council.

The Federal Personnel Council is located at 1626 K Street NW., Washington 25, D. C.

PUBLIC RECORDS

§ 01.19 *Availability of official records.* (a) Official records of the Commission are generally regarded as confidential except that upon request by any person decision will be made in each case as to the part of the record which may be disclosed or made available to him.

(1) *Examination records.* Under this heading are included application forms filed in connection therewith. When the Commission's work load will permit copies of applications or a résumé of the pertinent information desired will be furnished an applicant.

(2) *Medical records.* Medical information furnished to the Commission as "fully confidential" is not given out. Instead the inquirer is referred to the source of information.

Medical information not secured in confidence may be disclosed under the following circumstances:

(i) The name of the examining physician is not to be disclosed without his consent.

(ii) An applicant (or his authorized agent) may be informed of the reasons for the action taken on his medical certificate only to the extent necessary to enable him to correct defects or to seek medical advice or treatment. No information is given where it is of such a nature as to make it inadvisable to release it as, for example, in case of mental disability or other serious diseases, the knowledge of which might prove injurious to the physical health of the applicant. Occasionally information that should not be given to the applicant may upon his authorization be given in confidence to his attending physician or to a hospital as an aid in diagnosis or treatment. If the applicant is already aware of the contents of the medical certificate it is not regarded as confidential as far as he or his authorized agent is concerned.

(iii) Information derived from a medical certificate is not disclosed to individuals or organizations (legal firms, insurance companies, employment agencies, etc.) not concerned unless the applicant gives his consent, or unless the Commission finds that it is in the public interest to do so.

(iv) Information officially requested by a Federal agency other than the employing agency, such as the Veterans' Administration, may be furnished as confidential, except fully confidential material furnished for the use of the Commission only.

(v) Exact or photostatic copies of medical certificates are usually furnished in confidence to other Federal agencies when requested. They are not furnished to other inquirers or to the applicant himself except under unusual circumstances. In such cases there is furnished a statement of the defects found or a statement that the certificate discloses no defects. The selection of medical facts to be disclosed is made by a medical officer of the Commission.

(vi) Copies of medical surveys that have been obtained from the Veterans' Administration are by law confidential. The Veterans' Administration reserves the legal right to make decisions regarding the disclosure of information contained in its medical surveys to the veteran concerned. No information is furnished by the Commission except upon authorization in each individual case from the Veterans' Administration.

(vii) Information received from State hospitals is treated as fully confidential. Disclosure of information received from other hospitals or private institutions is governed by the condition under which the information was furnished to the Commission.

(viii) Medical statements from Selective Service Boards are required only when the Commission's medical director determines that the statement is necessary. Such statements are kept strictly confidential.

(3) *Service records.* Records comprised under this heading are the employment records of present and former Federal employees. Such records are disclosed only to the individuals themselves upon request and to proper agency officials as required in connection with application for or employment in the Federal service.

(4) *Reports of investigations.* (i) Complete information contained in investigative reports is made available to properly identified investigative representatives of the Federal Bureau of Investigation, the Treasury Department, the Office of Naval Intelligence, the Military Intelligence Service, the Provost Marshal General's office, the Post Office Inspection Service, the Immigration and Naturalization Service and the State Department. Such reports are made available with the understanding that the information contained therein will be treated with the same confidence as information developed by representatives of the agencies themselves and that sources of the Commission's information will not be revealed outside the investigative agency.

(ii) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division, and the Director of Personnel (with respect to requests relating to employees of the Commission) are authorized to permit inspection of reports by properly identified representatives of the above agencies.

(iii) Analytical memoranda and other memoranda indicating actions or decisions reached as the result of the report of investigation are removed from the files before they are made available. Upon request the representatives may be advised of the Commission's final decision.

(iv) Upon showing a legitimate need for information contained in investigative files representatives of other Federal agencies are furnished an oral summary of the facts developed by investigation. Upon request the representatives may be advised of the Commission's final decision.

(v) Regional Directors, Chiefs of regional investigation divisions, the Chief of the central office Investigations Division and the Director of Personnel (with respect to requests relating to employees of the Commission) or officials designated by them are authorized to furnish oral summaries.

(vi) Information regarding cases in which investigative or rating action is pending is not furnished to Federal agencies other than those to which complete investigative reports are available.

(vii) Information contained in bar and flag files is strictly a confidential matter with the Commission and is for the official use of the Commission only. It is the policy of the Commission not to give out publicly any information that a particular individual has a bar or flag record.

(5) *Retirement records.* (i) Disclosure of information from the files, records, reports and other papers and documents pertaining to a retirement claim is made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

(ii) The name or address of a beneficiary designated by an employee or an annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(iii) Such information as may properly be disclosed to a claimant personally shall in the event of his death be disclosed upon proper request to the duly appointed representative of his estate or to such person as may be designated by such representative or to a duly designated beneficiary or to the claimant's next of kin.

(iv) Copies of documents or other records desired by or in behalf of parties to a suit may be furnished to the court on an order of the court or subpena duces tecum.

(v) The address of a claimant as shown by the Commission's record may be furnished to duly constituted police or court officials upon proper requests or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(vi) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social security administrative agency.

(vii) All records or documents officially required by any department or agency of the United States Government or by Senators and Representatives of the United States in their capacity as Members of Congress may be furnished in response to a proper request.

(viii) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government, copies of reports of examining surgeons, reports from the War Department or copies of records of other departments and other confidential matters will not be furnished.

(6) *Personnel classification records.* Classification specifications and statements of allocation standards are available for public inspection at the Commission's central, regional and branch offices.

§ 01.20 *Availability of final opinions and orders.* Cases in which the Commission formulates final opinions and orders within the meaning of the Administrative Procedure Act are those involving decisions in retirement death claims and in cases of alleged political activity on the part of officers or employees of a State or local Government whose principal employment is in connection with an activity financed in whole or in part by Federal funds (Section 12 (a), Act of August 2, 1939, as amended). Final opinions or orders issued by the Commission's Retirement Division in retirement death claims will be available for public inspection at the Retirement Division in the Commission's central office. Final opinions or orders issued by the Board of Appeals and Review in retirement death claims will be available for public inspection at the Board of Appeals and Review in the Commission's central office and in the Commission's regional offices. Final orders in political activity cases involving officers or employees of State or local Governments will be available for public inspection at the office of the Chief Law Officer in the Commission's central office and in the Commission's regional offices. (For addresses of regional offices see § 01.16.)

PART 02—FUNCTIONS OF THE COMMISSION

Sec.

02.1 In general.
02.2 Examining applicants for employment in the competitive civil service.
02.3 Retirement.
02.4 Enforcement of the Civil Service Act and Rules.
02.5 Enforcement of other statutes.
02.6 Notice of proposed rule making.

AUTHORITY: §§ 01.1 to 02.6, inclusive, issued under sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633.

§ 02.1 *In general.* The Commission's primary function is to serve as the central personnel agency for the Federal Government. In so doing, it holds examinations to test the fitness of applicants for positions in the competitive civil service of the United States; conducts investigations into the character and suitability of successful applicants; certifies the names of qualified persons in response to requests from appointing officers in the various agencies; establishes standards for reinstatement, promotion and transfer of Federal employees; and in general enforces the Civil Service Act and the Civil Service Rules relating to the employment and the conduct of Federal employees. In addition the Commission is charged with the functions of administering the Classification Act of 1923 as amended, which provides for the classification of positions according to duties and responsibilities; of administering an efficiency rating system for Federal employees; of maintaining service records of employees in the executive civil service; of administering the Civil Service Retirement Act, the Canal Zone Retirement Act, the Panama Canal Construction Annuity Act and the Alaska Railroad Retirement Act; of administering the Veterans Preference Act of 1944; and of enforcing the provisions of the Hatch Political Activities Act which prohibits political activity on the part of employees of State or local governments participating in Federally financed projects.

CROSS REFERENCE: For regulations relative to retirement, see Part 29 of this chapter.

Inasmuch as most of these functions pertain to the internal management of the Federal Government they are not set out in full in this part. Federal employees who are affected by their operations may generally obtain information or answers to their questions from their personnel office. Insofar as their operations affect persons outside the Federal service they are explained in the sections that follow.

§ 02.2 *Examining applicants for employment in the competitive civil service*—(a) *Announcement of examinations.* From data on net personnel requirements for positions in Washington, D. C., and in the field which are filled by the central office of the Commission, determination is made by the Commission as to what examinations will be held and which examinations will be given priority in announcement. In preparing to hold an examination the Commission and the agency or agencies in which the positions exist prepare a statement of the duties of the position and reach agreement as to the qualifications required for the satisfactory performance of these duties and the method of examining, including such factors as age, physical requirements, written tests, experience, training or education necessary. (Education may be prescribed only when the Commission has determined and made public its reasons for so doing, that the duties of a position of a scientific, professional or technical nature cannot be satisfactorily performed by an individual who has not met the specific educational requirements prescribed for the position.) The Commission then issues an announcement of the examination in which it incorporates the information needed by the applicant as to the requirements for the position, the method of examination, the location and salary of the position and the conditions of employment. Examination announcements may be given publicity by display and by newspaper publicity in the area from which applicants are accepted for the examination, and, when feasible, by publication in periodicals normally

read by persons engaged in the occupations related to the position for which examination is announced.

(b) *Applications.* The examination announcement specifies the application forms to be filed by the applicant and indicates the period during which applications will be accepted. The application forms specified in the announcement may generally be obtained from the Secretary, Board of U. S. Civil Service Examiners, at any first- or second-class post office, or from the Commission's central, regional, or branch regional offices. However, application Form 9, required for rural carrier and fourth class postmaster, and application Form 10, required for first-, second-, and third-class postmaster, may be obtained only from the post office for which the examination is announced, during the time an announcement for the position is open, or from the Examining and Placement Division, Civil Service Commission, Washington 25, D. C.

Applications for an examination which are received after the closing date specified in the announcement are cancelled and returned to the applicant, unless he is eligible for a reopened or delayed examination or has been granted the privilege of filing for a position for which there is no open announcement, as in the case of displaced career employees or those former status employees who failed of restoration after military service, service in the merchant marine or war transfer.

(c) *Examinations.* Applicants for assembled examinations are notified of the time, place and date to report for examination and are supplied any additional forms necessary. These forms are collected at the time of the written examination and become a part of the examination file. At the time of the written examination each competitor fills in a "declaration sheet" carrying an identifying number which is placed on each answer sheet used by the competitor during the examination. The identity of the competitors is maintained secret by keeping the applications, related forms, and the declaration sheets entirely separate from the answer sheets until the rating has been completed, after which the answer sheets are matched with the declaration sheets and the applications and related forms.

(d) *Ratings.* Examinations are rated on a scale of 100. The examination announcement specifies the relative weights given to each part of the examination. In general nonpreference competitors must obtain a rating of 70 for eligibility; 5-point preference competitors, a rating of 65; and 10-point preference competitors, a rating of 60. After rating of the written examination, the applications of eligibles are reviewed to ascertain that they meet the legal requirements for Federal employment and the age and physical requirements listed in the announcement and have proved legal or voting residence if the position is in the apportioned service. Failure to meet requirements renders the applicant ineligible; failure to prove residence permits the eligible to be considered only for the non-apportioned service. If the announcement of a written examination specifies that the competitors must show prescribed experience or training (which may represent a minimum qualification, or may be rated and incorporated in the final rating, according to the terms of the announcement) the application papers of the acceptable eligibles are reviewed to ascertain that the experience or training requirements are met, and the competitors failing to meet the minimum requirements are declared ineligible.

Applications filed for unassembled examinations are first reviewed to ascertain that the applicant meets the legal requirements for Federal employment, the age and physical requirements specified in the announcement and has proved legal or voting residence if the position is in the apportioned service. Applications not canceled during this review, are then rated on the basis of experience, training or education shown by the applicant which is pertinent to the position for which he is being examined, in accordance with a predetermined rating schedule which fixes the credit to be assigned for various grades of the required experience. To attain eligibility a competitor must meet the minimum requirements for the position as stated in the examination announcement. When necessary, the Commission may request the applicant to supply the additional detailed information necessary to evaluate his qualifications.

(e) *Register of eligibles.* From the applications and related papers of persons eligible under the terms of the announcement the list of eligibles, known as the register, is prepared. A register card is completed for each eligible and a permanent index card and notice of rating prepared for each competitor.

The register of eligibles is arranged in such manner that the provisions of section 7 of the Veterans' Preference Act of 1944, of Executive Order 9733 and of the apportionment (section 2 of the Civil Service Act, March 3, 1871, 16 Stat. 514; 5 U. S. C. 631) are observed in certification from the top of the register. Existing registers are combined with the newly established register, when, in the judgment of the Commission, it is expedient to do so. Names of persons whose eligibility for probational appointment was restored under the provisions of Executive Order 8937 and Executive Order 9733 are also entered on the new register, if the period of extended eligibility to which they are entitled has not already expired.

Eligibles are requested to inform the Commission of any changes in availability, and may be suspended from the register during a period of unavailability, with the privilege of restoration upon notification to the Commission at any time during the life of the register. Eligibles who decline offers of appointment without a reasonable explanation may be suspended from the register. Eligibles on the central office register may be transferred to a register maintained in a field office of the Commission, and vice versa: *Provided,* The following conditions are met:

(1) An appropriate register is maintained by the receiving office.

(2) The requirements stated in the examination announcement for both offices concerned are the same.

(3) When the transfer is from a register for the non-apportioned service to one for the apportioned service, the eligible must prove legal or voting residence for 1 year prior to the submission of proof.

(4) If the register to which transfer of eligibility is requested is subject to a zone of certification provision, the eligible must be a resident of such zone of certification.

(5) On certain field registers the eligible must be merely a resident of the area in which the examination was publicized.

(6) Transfer is not permitted from a register established from an announcement which closed later than the comparable announcement in the office to which transfer is desired.

(7) Transfer of eligibility is subject to the approval of the receiving office.

(f) *Certification of eligibles.* If an agency desires to fill a vacancy by original appointment and it has been notified by the Commission that a register of eligibles has been established for probational appointment to such position, the Personnel Director of the agency, or his authorized representative, forwards to the Commission a request for the name of eligibles from which to select new personnel. If, upon receipt of the request in the central office, it is decided that the existing register is appropriate, eligibles in sufficient number to permit the appointing officer to consider three eligibles for each vacancy are listed from the top of the register and the list, known as a "certificate of eligibles", is furnished to the agency, together with the applications of such eligibles. If a study of the request indicates that certification in regular order from the register would not provide persons properly qualified to fill the vacancy, selective certification may be made. This can be done in two ways: (1) by reviewing all eligibles on the register to locate those having the special qualifications required to perform the duties of the position; or (2) rerating the eligibles on the most nearly appropriate registers on the basis of a special rating schedule which emphasizes the importance of the special qualifications required. In either case, the resulting eligibles are listed in the order of rating as augmented by veteran preference (and in accordance with the apportionment list if the positions are in the apportioned service) and the certificate forwarded to the appointing officer for his consideration.

(g) *Selections from certificates.* The appointing officer is required to make selection in accordance with the rule of three (see section 8 of the Veterans' Preference Act of 1944). If the appointing officer passes over a veteran eligible and tentatively selects a non-veteran he is required to furnish to the Commission reasons for his action, which are subject to review by the Commission. (Section 8 of the Veterans' Preference Act of 1944.) The appointing officer is not permitted to appoint a non-preference eligible, tentatively selected, in place of a preference eligible passed over, until he has received

the Commission's opinion as to the sufficiency of his reasons for passing over the veteran. (If the appointing officer leaves a vacancy open for the selection of the preference eligible passed over, he may appoint the non-preference eligible.) If the Commission disagrees with the agency's reasons it requires the agency to submit any additional evidence in support of its action in passing over the veteran or a statement that there is no additional evidence in the case. In either event, the agency may, upon receiving a response to its second submission, appoint the non-preference eligible. The Commission is not empowered by the Veterans' Preference Act of 1944 to force the agency to appoint a veteran passed over by the agency without sufficient reason; however, it is directed by that act to furnish copies of the agency's reasons and its opinions of such reasons to the veteran or his authorized representative upon request.

The appointing officer, during the course of an interview with an eligible certified by the Commission, or in connection with any pre-employment check of an eligible's references, may receive information about the eligible which he believes would have disqualified the eligible from certification had the Commission been in possession of the information at the time the certificate was issued. In such cases, the appointing officer offers an objection to the eligible, and tentatively selects an eligible who would not have been within reach for consideration otherwise. He may not appoint such eligible selected out of order until the Commission has notified him whether the objection is sustained by the Commission. If the objection is sustained, the agency may appoint the eligible tentatively selected; if the objection is not sustained, the agency must reconsider the eligible to whom objection was offered. If the Commission lowers the rating of an eligible or declares him ineligible as the result of investigation following a sustained objection, the eligible is notified.

Since the regulations of the Commission do not require an appointing officer to give an eligible more than 3 considerations for the same position, a record of the certifications accorded each eligible is maintained on his record card, and, the number of considerations accorded the eligible as a result of each certification is recorded. If an eligible declines an offer of appointment, or fails to reply to the appointing officer's offer of appointment or inquiry as to availability, Form 1078, "Notice of Suspension of Eligibility" is sent to the eligible, informing him that if he does not reply to the questions with regard to the conditions under which he will accept an offer of appointment his name will be suspended from the register until such time as he notifies the Commission of his availability. If the agency's correspondence with the eligible is returned undelivered, the central office records are checked to insure that the correspondence was properly addressed; if so, the eligible is regarded as unavailable until he communicates with the Commission.

§ 02.3 *Retirement*—(a) *Filing death claims.* When an employee or an annuitant dies leaving any amount to his credit in the Retirement and Disability Funds it is the Commission's function to pay such amount to the person or persons who have a rightful claim to it. Such claims are handled as follows:

(1) The claimant must obtain a copy of Civil Service Commission Form 3000 either from the Retirement Division, or from the office in which deceased was last employed and complete it in accordance with the instructions contained therein. The completed form and supporting papers must be sent direct to the Retirement Division. There must be submitted with the application a certified copy of the public record showing the death of the employee or annuitant unless such death occurred while the employee was in the armed forces outside the continental United States. In the latter case the branch of the armed forces in which deceased was serving must be stated.

(2) A claim filed by or for a person who was designated by the deceased as beneficiary should be accompanied by the duplicate copy of the form on which such beneficiary was designated (Form 2806–1).

(3) If the application is filed by an executor, administrator, guardian, or committee, a certified copy of the court order showing such appointment must be submitted.

(4) If no beneficiary has been designated by deceased and no executor or administrator has been or will be appointed the claim should be filed by the legal heir or heirs under the laws of the State in which the deceased was domiciled.

(5) The application must be signed in the presence of two witnesses who must certify as to the identity of the person filing the claim.

(6) Upon examination of the application and the supporting documents the Commission adjudicates the claim.

§ 02.4 *Enforcement of the Civil Service Act and rules*—(a) *Discrimination.* Complaints by applicants who have been denied employment because of marital status, race or for political or religious reasons should be submitted in writing with all available evidence to the office of the Commission that has jurisdiction over filling the positions involved. The Commission investigates the allegation and notifies the appellant of the finding made. If a finding of a discrimination is made the Federal agency involved is notified and directed to take appropriate corrective action.

§ 02.5 *Enforcement of other statutes*—(a) *Hatch Political Activities Act.* Section 12 (a) of the Hatch Act prohibits political activity on the part of officers and employees of State and local governments whose principal employment is in connection with an activity financed in whole or in part by Federal funds. In exercising its function of enforcing this prohibition the Commission:

(1) Receives complaints alleging political activity.

(2) If the complaint so warrants, conducts an investigation.

(3) On the basis of the investigation issues a letter of charges.

(4) Reviews the answer to the letter of charges and either closes the case or conducts a formal hearing.

(5) Issues a final order embodying its findings as a result of the hearing.

(6) In the event of an appeal to the United States District Court, prepares the record for certification to the court and by arrangement with the Department of Justice represents the Government in the proceedings before the District Court.

CROSS REFERENCE: For the rules of practice under section 12 (a) of the Hatch Political Activities Act see Part 23 of this chapter.

§ 02.6 *Notice of proposed rule making.* Rules pertaining to the internal management of the Commission or of the Federal Government will be adopted and amended without prior notice or public participation. The procedure to be followed in the formulation of other rules will vary with the nature of the rule, the extent of public interest therein and the practicality of giving public notice. Details of the procedure to be followed will be incorporated in each notice of proposed rule making.

PART 1—COVERAGE

CIVIL SERVICE RULE I

Sec.
1.1 Positions and employees affected by these Rules.

REGULATIONS UNDER CIVIL SERVICE RULE I

1.101 Coverage of the Commission's regulations.

AUTHORITY: §§ 1.1 to 1.101, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE I

NOTE: Text of Civil Service Rule I is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE I

§ 1.101 *Coverage of the Commission's regulations.* Except as otherwise indicated in the part concerned, the regulations in this chapter shall apply to all positions and persons subject to the Civil Service Rules.

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

CIVIL SERVICE RULE II

Sec.
2.1 Competitive examinations and eligible registers.
2.2 Apportionment.
2.3 Nature of appointment.

REGULATIONS UNDER CIVIL SERVICE RULE II

2.101 Examinations.
2.102 Competition restricted to veterans.
2.103 Qualifications of applicants.
2.104 Disqualifications of applicants.
2.105 Delayed filing of applications by veterans and persons serving overseas.
2.106 Competitive rating.
2.107 Eligible registers.
2.108 Termination of eligibility.
2.109 Certification for appointment.
2.110 Apportionment.
2.111 Selection for appointment.
2.112 Appointments may be subject to investigation.
2.113 Probational appointment.
2.114 Temporary appointment.

AUTHORITY: §§ 2.1 to 2.114, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE II

NOTE: Text of Civil Service Rule II is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE II

§ 2.101 *Examinations.* (a) Examinations for original appointment shall be competitive except that noncompetitive examinations may be authorized when sufficient competent persons do not compete. Examinations for promotion, reassignment, transfer and reinstatement may be noncompetitive.

§ 2.102 *Competition restricted to veterans.* (a) Competition in examinations for the following positions is restricted by law to veterans as long as they are available: Guard, Elevator Operator, Messenger, and Custodian. It shall be the responsibility of each agency to restrict competition to veterans whenever, under delegated authority, it makes appointments to these positions.

(b) Until five years following the official termination of World War II competition in examinations for the following positions is restricted by Executive order to veterans as long as they are available: Correctional officer, Bureau of Prisons, Department of Justice; Veterans' relations adviser, Office of Price Administration; Assistant Contact Officer, Contact Officer, Contact Representative, and Senior Contact Representative, Veterans' Administration.

(c) Positions, examinations for which have been restricted to veterans under paragraphs (a) and (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, transfer or reassignment of a nonveteran as long as three or more qualified veterans are available for filling the position, except that a nonveteran employee may be promoted, transferred, or reassigned to a restricted position covered by the same generic title as the position in which he is presently serving.

§ 2.103 *Qualifications of applicants.* (a) Persons admitted to competitive examinations must be citizens of or owe allegiance to the United States. However, citizens of the Republic of Panama may be admitted to examinations for employment by the Panama Canal and the Panama Railroad Company, and until June 30, 1947, citizens of the Republic of the Philippines may be admitted to any examinations.

(b) When a veteran is rated in examinations where experience is an element of qualifications he shall be credited with time spent in the armed forces of the United States either: (1) As an extension of time spent in the position in which employed immediately prior to his entrance into such forces; or (2) On the basis of the actual duties performed therein; or both. Time spent in the armed forces shall be credited according to the method that will be of more benefit to the veteran.

§ 2.104 *Disqualifications of applicants.* (a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons:

(1) Dismissal from employment for deliquency or misconduct.

(2) Physical or mental unfitness for the position for which applied.

(3) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.

(4) Intentional false statements or deception or fraud in examination or appointment.

(5) Refusal to furnish testimony as required by § 5.3 of Rule V.

(6) Habitual use of intoxicating beverages to excess.

(7) Reasonable doubt as to loyalty to the United States Government.

(8) Any legal or other disqualification which makes the applicant unfit for the service.

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* (a) A ten-point veteran may file application at any time for any position he may specify for which there is an existing register, or a register about to be established, or to which any probational appointment has been made within the preceding three years. Examinations under this section shall be held not later than the quarterly period succeeding that in which the applications were filed.

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service other than in the United States proper, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the Canal Zone.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that closed either while he was in the armed forces or while he was in foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

§ 2.106 *Competitive rating.* (a) The subjects in examinations shall be given such relative weights as the Commission may prescribe. A scale of 100 shall be used and all competitors who meet the minimum entrance requirements and are rated 70 or more, including preference points, shall be eligible for appointment.

§ 2.107 *Eligible registers.* (a) The names of persons who qualify in competitive examinations shall be entered on appropriate registers in the order of their ratings, as may be augmented by veteran preference, subject to apportionment, residence, or other requirements of law or the Commission's regulations.

(b) When an eligible register has been established as the result of open competitive examination the names of the following classes of persons may be entered thereon provided they have a competitive status:

(1) Persons who have a legal right to restoration but fail to be restored to their former positions after service in the armed forces or the Merchant Marine of the United States;

(2) Persons who were transferred with reemployment rights but fail to be reemployed;

(3) Persons declared eligible by the Commission after appeal from separation under section 14 of the Veterans' Preference Act;

(4) Persons who, because of reduction in force, have been, or are about to be separated or furloughed for 30 days or more: *Provided*, That such persons may not have their names entered on more than two registers under this section.

(5) Veterans who have been furloughed or separated without delinquency or misconduct, or who have resigned from the service, and applied for reentry of their names on such register.

Application for entrance on a register under this paragraph must be filed within 90 days of separation or failure of restoration or reemployment. Applicants shall be examined under the same standards used in the open competitive examination and their names shall be entered on the register in the order prescribed by paragraph (a) of this section.

(c) (1) Veterans who were in the armed forces of the United States subse-

quent to May 1, 1940, and for that reason lost eligibility on a register during a period that the register was used for probational appointment, shall have their names entered on the appropriate successor register if they:

(i) Have been honorably separated from the armed forces;

(ii) Are still qualified to perform the duties of the position for which the register is used; and

(iii) Make application for entrance on the register within 90 days after separation from active service or from hospitalization continuing after discharge for a period of not more than one year.

Such persons shall be restored to the successor register, for the life of such register, in accordance with their former ratings as augmented by preference points, except as provided in subparagraph (2) of this paragraph.

(2) Persons who establish eligibility for entrance on a successor register in accordance with subparagraph (1) of this paragraph, shall have their names entered at the top of the appropriate group on the successor register if another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register. For the purpose of determining the appropriate group all 10-point veterans including such restored veterans, will be considered as one group, and all other eligibles including such restored 5-point veterans, as another group. However, for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, all eligibles will be considered as one group.

(3) Persons who meet the conditions for entrance on a successor register in accordance with subparagraph (1) of this paragraph shall have their names listed for certification for probational appointment if no successor register exists and another person standing lower on the register on which their names formerly appeared was given a probational appointment from such register.

§ 2.108 *Termination of eligibility.* (a) Elegibility on any register shall be terminated under the following conditions:

(1) By acceptance of appointment of other than temporary duration from such register.

(2) By action of the Commission terminating the eligibility of all eligibles on such register: *Provided*, That the eligibility of the following classes of persons shall not be terminated in less than one year unless a new register is established on the basis of more exacting requirements which have been determined to be more appropriate for the position concerned:

(i) Veterans entered on the register as a result of examination under section 10 of the Veterans' Preference Act, or of favorable determination of an appeal from dismissal or furlough, or application for restoration after furlough or separation without delinquency or misconduct, or resignation.

(ii) Eligibles entered on the register because of failure to receive mandatory reemployment after military or merchant marine service or transfer.

(iii) Eligibles restored to the register after separation because of reduction in force.

§ 2.109 *Certification for appointment.* (a) Upon receipt of a request for certification of eligibles, there shall be certified from the top of the appropriate register a sufficient number of names to permit the appointing officer to consider three eligibles in connection with each vacancy.

(b) Where no register exists appropriate as a whole for certification for filling a particular request, there may be certified selectively from the most nearly appropriate existing register, in the order of their ranking, the names of persons who are adequately qualified for the particular position to be filled. The Commission may, however, when appropriate, rerate the eligibles on the register on the basis of the particular requirements of the position.

(c) In order to fill existing vacancies in appropriate positions, and to require displacement of temporary and war service appointees who do not have eligibility for permanent retention, the Commission shall certify for probational appointment:

(1) Veterans who qualify in examinations under section 10 of the Veterans' Preference Act and who are entitled to 10-point preference and priority in certification under that statute; and

(2) Veterans entitled to priority in certification under § 2.107 (c) (3) because of lost opportunity for probational appointment due to military service.

(d) Certification shall be made without regard to sex unless the appointing officer, in accordance with the right conferred upon him by law, requests eligibles of a given sex.

§ 2.110 *Apportionment.* (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Positions in the professional and scientific service for which the entrance salary is over $3,000 per annum.

(iii) Positions in the clerical, administrative and fiscal service classified at Grade 14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, and telephone operator.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) Agency field offices in the metropolitan area of Washington, D. C.

§ 2.111 *Selection for appointment.* (a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer may pass over without further consideration any eligible (1) who has been considered for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.104.

(b) The following procedure shall be followed when an appointing officer passes over a veteran and tentatively selects a nonveteran:

(1) He shall file with the Commission his reasons in detail and in writing for passing over the veteran.

(2) The Commission shall determine the sufficiency or insufficiency of such reasons and notify the appointing officer of its findings.

(3) If the reasons are sufficient the nonveteran tentatively selected may be appointed.

(4) If the reasons are insufficient and the appointing officer still desires to appoint the nonveteran he shall submit:

(i) More detailed information concerning his reasons for passing over the veteran; or

(ii) A statement that he has no more information in support of his selection of the nonveteran.

(5) The nonveteran tentatively selected may not be legally appointed, except as provided herein, until the appointing officer has received the Commission's notice concerning his second statement.

(6) When a certificate has been issued for filling several vacancies a nonveteran may be appointed to one or more of the vacancies prior to receipt of the Commission's findings provided the appointing officer holds open one of the vacancies for further consideration of the veteran in case the reasons for passing him over are found insufficient. Where a seniority system of promotion is established by law, such appointment shall be made on a temporary basis until the vacancy held open is filled by probational appointment.

(7) A copy of the appointing officer's reasons and the Commission's findings

shall, upon request, be sent to the veteran or his designated representative.

(c) If, upon certification, reasons deemed sufficient by the Commission for passing over a veteran's name shall three times have been given by appointing officers, certification of his name for appointment will thereafter be discontinued, prior notice of which shall be sent to the veteran.

§ 2.112 *Appointments may be subject to investigation.* (a) In the following types of appointments investigation designed to further establish the individual's qualifications may be made at any time within one year of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment, and all such appointments shall be considered as subject to this condition:

(1) Original probational.
(2) Reappointments.
(3) Reinstatements.
(4) Temporary appointments pending establishment of a register.
(5) Temporary appointments which exceed or are extended beyond six months.
(6) Inter-agency transfers.
(7) Conversions from excepted, war service indefinite, or temporary indefinite positions to competitive positions.

§ 2.113 *Probational appointment.* (a) A person selected for other than temporary appointment shall be given a probational appointment. The first year of service under this appointment shall be a probationary period. The agency shall utilize the probationary period as fully as possible to determine the fitness of each employee and shall terminate his services during such period if he fails to demonstrate fully his qualifications for continued Federal employment.

(b) The following service will be counted toward completion of the probationary period:

(1) Service in the armed forces of the United States during a national emergency when the employee entered such service during his probationary period.

(2) All continuous service under war service indefinite appointment or temporary appointment rendered immediately preceding probational appointment, or acquisition of status under § 3.1 (b) (2), (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

(c) A probationer voluntarily or involuntarily separated from the service without delinquency or misconduct may be restored to the register of eligibles for the remainder of any period of eligibility thereon whenever in the opinion of the Commission he is suitable and eligible for further Federal employment.

§ 2.114 *Temporary appointment*—(a) *Pending establishment of register.* Whenever there are no eligibles upon a register appropriate for filling a vacancy, and the public interest requires that the vacancy be filled before eligibles can be certified, the Commission may authorize temporary appointment. Such appointment shall continue only for such period as may be necessary to make appointment through certification, and in no case, without prior approval of the Commission, shall extend beyond thirty days from the date of the receipt by the appointing officer of a certification of three or more eligibles.

(b) *Pending full certification.* Whenever there are fewer than three eligibles on any appropriate register for a position in which a vacancy exists, the Commission shall certify for consideration for probational appointment those eligibles who are on the register. If the appointing officer shall elect not to make probational appointment from such certification, the vacancy may be filled by temporary appointment pending establishment of a register but the appointing officer will be required to give reasons for passing over a veteran on the certificate.

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(d) *Temporary substitutes in Post Offices.* When, in the Post Office Service, the quota of substitutes is filled but the Post Office Department has authorized the appointment of additional substitutes for temporary work of indefinite duration, the Commission will, upon request of the Postmaster, certify eligibles, and selection shall be made, in the same manner as for probational appointment. However, the person selected shall not obtain a competitive status by such appointment, but shall be considered a temporary employee.

(e) *Agency authority to make temporary appointments.* Subject to the conditions specified, the Commission hereby delegates authority to agencies to make:

(1) Emergency appointments without examination in cases of extreme emergency where positions must be filled without delay, and where time does not permit the securing of prior authority of the Commission. Such emergency appointments may not continue for more than 30 days and may not be extended by the agency without the prior approval of the Commission.

(2) Temporary appointments pending establishment of a register, or for job employment as defined in paragraph (c) of this section, until the agencies have been notified that certification for filling particular positions should be secured from the Commission. In making such appointments the agencies shall:

(i) Give preference first to qualified ten-point veterans, second, to qualified five-point veterans, and third, to qualified former Federal employees. (Upon establishment before the Commission that this order of preference has not been followed in any case, the person appointed may be removed); and

(ii) Determine that the applicant meets the qualifications standards prescribed by the Commission for the position applied for.

(f) *Limitations on rights of temporary appointees.* Persons serving under appointments under this section may not be transferred between agencies and shall not be regarded as occupying permanent positions for the purpose of withingrade salary advancements under section 7 of the Classification Act of March 4, 1923, as amended, and shall not by virtue of such appointments be subject to the Civil Service Retirement Act.

CROSS REFERENCE: For regulations governing withingrade salary advancements, see Part 25 of this chapter.

PART 3—ACQUISITION OF A COMPETITIVE STATUS

CIVIL SERVICE RULE III

Sec.
3.1 Classes of persons who may acquire status.
3.2 Appointment without competitive examination in rare cases.

REGULATIONS UNDER CIVIL SERVICE RULE III

3.101 Incumbents of positions brought into the competitive service.
3.102 Certain persons entitled to veteran preference.
3.103 Disabled veterans who have completed a training course.
3.104 Employees who have served in the office of the President or on the White House staff.
3.105 Employees who have been reached on a register.
3.106 Employees reached on a register prior to the War Service Regulations.
3.107 Employees serving in competitive positions without competitive status.

AUTHORITY: §§ 3.1 to 3.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE III

NOTE: Text of Civil Service Rule III is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE III

§ 3.101 *Incumbents of positions brought into the competitive service.* (a) When the Commission has determined, upon request of the agency, that one of the following situations exists, a person occupying a position when it is brought into the competitive service may be appointed at that time to such position, and may acquire a competitive status therein subject to the requirements of this section:

(1) A permanent excepted position has been brought into the competitive service by statute, Executive order, or revocation of a paragraph of Schedules A or B in accordance with § 6.1 (a) of Rule VI.

(2) The Postmaster General has issued an order for the advancement of any post office from the fourth class to a higher class, or for the consolidation

of any post office with one in which the employees are in the competitive service.

(3) The Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and continues its functions on a permanent basis, and the Commission concurs with the agency concerned that the employees involved may be retained.

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed.

(2) Have rendered six months of satisfactory active service in the position that is brought into the competitive service, or in the civilian executive branch of the Government immediately prior to the effective date of the change in status of the position, and continued to serve in such position for sixty days thereafter. In determining this time period the following may be substituted for active service: (i) Active service in the armed forces of the United States; (ii) The period during which an employee's name is carried on the United States employee compensation rolls for disability; and (iii) Leave without pay when granted for educational purposes under Pub. Law 16, 78th Cong., approved March 24, 1943 (57 Stat. 43); Pub. Law 113, 78th Cong., approved July 6, 1943 (57 Stat. 374); and Pub. Law 346, 78th Cong., approved July 22, 1944, 58 Stat. 284 (Servicemen's Readjustment Act of 1944), or because of personal illness of the employee (including maternity leave) after all sick leave has been exhausted.

(3) Pass such examination as the Commission may prescribe. Any law, Executive order, civil service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

(c) Any person appointed under paragraph (a) of this section who fails to meet the requirements for acquisition of a competitive status may, in the discretion of the agency concerned and with the approval of the Commission, be retained in the position occupied at the time his position is brought into the competitive service without acquiring a competitive status, but may not be promoted or transferred to any other competitive position.

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active service in the armed forces of the United States between May 1, 1940, and the date of the official termination of World War II may acquire a competitive status provided:

(1) His position was brought into the competitive service during his service in the armed forces;

(2) He has been released from the armed forces under honorable conditions;

(3) He is recommended for reinstatement by the same or some other agency;

(4) He meets the requirements of paragraph (b) of this section.

(e) In order to acquire a competitive status any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section shall meet the following conditions:

(1) His Federal position has become permanent, and he has remained continuously employed in the same agency since such appointment; or

(2) His position in a public or private enterprise has become a permanent position, and he has remained continuously employed in the same establishment since his appointment; and

(3) He must have entered on duty in the Federal agency or public or private enterprise prior to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department; and

(4) He must meet the requirements of paragraph (b) of this section.

(f) Any person who was given a war-service indefinite appointment upon the date his position was brought into the competitive service under one of the situations described in paragraph (a) of this section and who entered on duty subsequent to March 16, 1942 for positions in the service generally, or October 23, 1943, for positions in the field service of the Post Office Department, shall be subject to displacement, or retention if qualified, as war-service appointees in accordance with § 10.112 (a) of this chapter.

§ 3.102 *Certain persons entitled to veteran preference.* (a) Any person who establishes the present existence of a service-connected disability of not less than ten per cent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war-service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year, may acquire a competitive status subject to the following requirements:

(1) The employee shall have served satisfactorily in, and been recommended by the agency concerned. However, the Commission may request an agency to determine whether or not it will recommend the employee for status under this section and shall assume that recommendation has been made unless the agency makes an adverse recommendation within thirty days of receipt of the Commission's request.

(2) If the employee has not satisfactorily completed one year of service he will be required to serve a one-year probationary period. All continuous service in the same line of work as the position in which status is acquired may be counted toward completion of such probationary period.

(3) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.103 *Disabled veterans who have completed a training course.* (a) When a disabled veteran shall have completed a course of training prescribed by the Administrator of Veterans' Affairs in accordance with the act of March 24, 1943, 57 Stat. 43, (Pub. Law 16, 78th Cong.), he may be appointed to the position for which the training was received provided the Commission determines that such training is adequate for the performance of the duties of the position. Such veteran may, upon recommendation of the agency concerned, acquire a competitive status upon passing such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment shall also disqualify an applicant for acquisition of a competitive status.

§ 3.104 *Employees who have served in the office of the President or on the White House staff.* (a) Any employee who has served at least two years in the immediate office of the President or on the White House staff may acquire a competitive status subject to the following requirements:

(1) His transfer to the competitive service must be requested by an agency.

(2) He must pass such examination as the Commission may prescribe. Any law, Executive order, Civil Service rule or regulation which would disqualify an applicant for appointment will also disqualify an applicant for acquisition of a competitive status.

§ 3.105 *Employees who have been reached on a register.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He has been continuously employed since his name was reached on such register.

(2) He is recommended for a competitive status, prior to expiration of the register on which his name appears, by the agency in which he was employed when his name was reached.

(b) Such employee will be required to serve a one-year probationary period which shall begin to run from the date he was reached for certification.

(c) A non-veteran employee may not be granted status under this section until all veterans standing higher on the register have been given appropriate consideration under the Veterans' Preference Act.

§ 3.106 *Employees reached on a register prior to the War Service Regulations.* (a) An employee who was serving when his name was reached for certification on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He was appointed to a competitive position for other than temporary job-employment lasting one year or less prior to the date such position was placed under the War Service Regulations.

(2) He has been continuously employed since his appointment and is recommended for a competitive status by the agency in which he is employed.

(3) He stood higher on such register than another eligible who received an original probational appointment therefrom.

§ 3.107 *Employees serving in competitive positions without competitive status.* (a) An employee who has served at least one year under an appointment not limited to one year or less and has received an eligible rating in an open competitive examination appropriate for the position occupied may acquire a competitive status subject to the following conditions:

(1) The Commission is about to require displacement of such employee by certification from the register;

(2) The lowest rating reached in the regular order of certification does not exceed his rating by more than five points.

(b) Where ten-point veterans are placed at the top of the register no person other than a ten-point veteran may be granted status under this section until all ten-point veterans standing higher on the register have been appointed or have been given appropriate consideration under the Veterans' Preference Act.

(c) In no event shall a non-veteran be granted status under this section until all veterans standing higher on the register have been appointed or have been given appropriate consideration under that act.

(d) In determining the required one-year of service, military service may be included when such service was an interruption of the employee's present civilian service.

PART 4—GENERAL PROVISIONS

CIVIL SERVICE RULE IV

Sec.
4.1 Prohibition against political activity.
4.2 Attempting to secure withdrawal from competition.
4.3 Method of filling vacancies.
4.4 Personnel reports.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

4.101 Investigations.
4.102 Investigation by correspondence.
4.103 Proposed order.
4.104 Hearing.
4.105 Final order.
4.106 Penalties.
4.107 Reemployment.

Withdrawal From Competition

4.201 Attempting to secure withdrawal from competition.

Definitions

4.301 Definitions.

AUTHORITY: §§ 4.1 to 4.301, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE IV

NOTE: Text of Civil Service Rule IV is contained in E. O. 9830, Title 3, *supra*.

REGULATIONS UNDER CIVIL SERVICE RULE IV

Prohibition Against Political Activity

§ 4.101 *Investigations.* (a) Investigations of cases involving charges of prohibited political activity on the part of an officer or employee (both hereinafter comprehended within the term "employee") subject to the provisions of § 4.1 of Rule IV shall be conducted jointly by representatives of the Commission and of the agency where the individual is employed, unless either the Commission or the agency signifies that it will be unable to participate in the investigation. The Commission shall be notified of any complaint of political activity received by an agency and shall be given an opportunity to cooperate in any investigation that the agency may decide to make. Likewise, the Commission will not proceed with any investigation until the agency has been notified and has been given an opportunity to participate.

(b) During the course of the investigation the employee shall be afforded an opportunity to make a statement, either personally or in writing, before the investigator, and shall be allowed to furnish names of witnesses who will support the statements he has made to the investigator.

§ 4.102 *Investigation by correspondence.* (a) In case the complaint involves a political activity violation that may be established by record evidence, the investigation may be conducted by correspondence. In such cases, the accused employee will be given an opportunity to furnish in writing any statement or information that he may desire and the employing agency will be furnished a copy of the letter directed to such accused employee allowing him the opportunity to furnish a statement.

§ 4.103 *Proposed order.* (a) When the Commission reaches the conclusion that a violation of § 4.1 of Rule IV has been established by the investigation, it shall issue a proposed order. This order, which shall include a statement of the charges against the employee and of the information in support thereof, shall be sent to the employee by registered mail, and he shall be allowed 15 days from the date of service to respond thereto in writing. A copy of this order shall also be sent to the agency in which the individual is employed. With his reply to the proposed order, the employee may request a hearing as hereinafter provided.

§ 4.104 *Hearing.* (a) The granting of a hearing shall not be a matter of right but shall be within the discretion of the Commission. No hearing shall be authorized in cases where the employee has admitted a violation or where a violation is established by indisputable record evidence.

(b) Hearings shall be held before a Hearing Examiner designated by the Commission and shall be at the Commission's office in Washington, D. C., unless the Commission shall order that the hearing be held elsewhere. All testimony shall be under oath or affirmation. The employee may appear personally or by or with counsel. Counsel appearing shall have been admitted to practice before the Commission in accordance with Rule 4 of the rules of practice under the act of August 2, 1939 as amended (§ 23.4 of this chapter).

(c) The hearing shall be of the limited scope necessitated by the Commission's lack of the power of subpena in proceedings under § 4.1 of Rule IV. Because of the absence of that authority, it cannot undertake to conduct said hearing se a proceeding de novo, or to have evidence introduced therein in support of the charges against the respondent. Owing to the lack of subpena power, evidence in support of charges must be limited to information given voluntarily. Such information is obtained upon an understanding of confidential treatment. Consequently, evidence supporting the charges cannot be introduced at the hearing. The hearing shall be unilateral, that is, it shall be only for the presentation of evidence on behalf of the employee in rebuttal of the charges disclosed by the proposed order. Counsel for the Commission may cross-examine witnesses.

(d) It shall be within the discretion of the Hearing Examiner to permit, and fix the time for, filing of briefs. The proceedings at the hearing will not be reported, unless the Commission shall so direct; but the employee shall have the privilege of himself having the evidence taken stenographically. If the proceeding is not taken by a reporter on behalf of the Commission, the employee and Commission counsel shall submit a summary thereof to the Hearing Examiner within a time fixed by him. Any disagreement concerning the contents of the summary shall be resolved by the Examiner, and the parties may file written exceptions. The summary and any exceptions shall be certified by the Hearing Examiner and shall become a part of the record.

§ 4.105 *Final order.* (a) The Commission's final order shall be based on the entire record of the case, including the report of the investigation, the reply of the employee to the proposed order, and in cases where a hearing has been granted, the report of the Hearing Examiner. If the employee does not reply to the proposed order within 15 days from the date of service, a final order shall be based on the report of investigation alone.

(b) The final order shall contain a statement of the charges that have been substantiated and shall prescribe the penalty to be imposed. Copies of the final order shall be served on the respondent and on the agency wherein the individual is employed.

§ 4.106 *Penalties.* (a) Since violations of § 4.1 of Rule IV are by law violations also of section 9 (a) of the Hatch Act, the penalty required by that act must of necessity be imposed. The employee must be immediately removed from the position or office held and may not again be employed in such position or office. If the appointing officer fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the head of the agency concerned for proceedings for withholding salary in accordance with § 5.5 of Rule V.

(b) When the Commission directs the removal of an employee for a violation of § 4.1 of Rule IV, and the Hatch Act, the penalty laid down in § 4.106 (a) shall be applied, even where the agency reports that the individual has been removed, on grounds other than a violation

of § 4.1 of Rule IV and the Hatch Act. Such individual may not again be employed in the position from which he was removed. The provisions of § 4.107 regarding reemployment in positions other than the one from which removal was effected shall also apply.

(c) The above procedure shall apply also where an employee has resigned from his position or office prior to the Commission's determination that he had violated § 4.1 of Rule IV, and the Hatch Act.

§ 4.107 *Reemployment.* (a) An employee removed for violation of § 4.1 of Rule IV may be reemployed in accordance with the provisions of the regulations in this chapter in any position for which he can qualify other than one the salary or compensation of which is payable under the same appropriation as the position from which removed: *Provided,* That in all cases involving a finding that a Federal employee has engaged in prohibited political activity, the Commission shall consider the matter from a suitability standpoint and shall establish a definite period of debarment applicable to the employee for all Federal positions within the Commission's jurisdiction.

Withdrawal From Competition

§ 4.201 *Attempting to secure withdrawal from competition.* (a) Applicants for competitive examination, or eligibles on any register, or officers or employees in the executive branch, shall not directly or indirectly persuade, induce, or coerce, or attempt to persuade, induce, or coerce any prospective applicant, applicant, or eligible to withhold filing application or to withdraw from competition or eligibility for positions in the competitive service for the purpose of either improving or injuring the prospects for appointment of any such applicant or eligible. The penalty for violation of this section by applicants or eligibles shall be cancellation of application or eligibility, as the case may be, and such other penalty as the Commission may deem appropriate.

Definitions

§ 4.301 *Definitions.* (a) As used in the regulations in this chapter:

(1) "Agency" means any executive department or independent establishment of the Federal Government, including a Government owned and controlled corporation, and any portion of the legislative and judicial branches and of the Government of the District of Columbia insofar as they have positions subject to the Civil Service rules and regulations.

(2) "Appointing officer" means a person having power by law, or by lawfully delegated authority, to make appointments.

(3) "Armed forces" means the armed forces of the United States.

(4) "Competitive service" shall have the same meaning as the words "classified service", or "classified (competitive) service" or "classified civil service" as defined in existing statutes and Executive orders. The competitive service shall include all civilian positions in the executive branch of the Government unless specifically excepted therefrom under statute or Executive order, and all positions in the legislative and judicial branches and of the District of Columbia Government which are specifically made subject thereto by statute. Persons occupying such positions shall be considered as being in the competitive service when they have a competitive status.

(5) "Competitive status" means a status which permits a person to be promoted, transferred, reassigned, and reinstated to positions in the competitive service without competitive examination, subject to the conditions prescribed by the Civil Service rules and regulations for such noncompetitive actions. A competitive status is acquired by probational appointment through competitive examination, or may be granted by statute, Executive order, or the Civil Service rules.

(6) "Continuous service" means an active duty status but may include a break in service of not more than 30 calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary during continuous service within the same agency.

(8) "Metropolitan area of Washington, D. C." means the area so defined by the Bureau of the Census, and includes the District of Columbia, and Alexandria City, Arlington County, and part of Fairfax County, Virginia, and parts of Montgomery and Prince Georges Counties, Maryland.

(9) "Military service" means active service in the armed forces of the United States.

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary during continuous service within the same agency.

(11) "Reassignment" means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) during continuous service within the same agency.

(12) "Removal" means separation from the service on charges of delinquency or misconduct, or because the employee's capacity is not sufficient to justify his retention in the service.

(13) "Rule" means Civil Service rule.

(14) "Suspension" means a temporary non-pay status and absence from duty required by the appointing officer for disciplinary reasons, or for other reasons pending inquiry.

(15) "Temporary indefinite" means temporary pending establishment of a register.

(16) "Transitional period" means the period from the revocation of the War Service Regulations to the establishment of registers of sufficient eligibles for probational appointment, or to the time particular positions can be filled by persons having a competitive status without the establishment of a register, as may be determined by the Commission.

(17) "Transfer" means a change of position during continuous Federal service from one agency to another, or within the same agency from one official headquarters to another or from one organizational unit to another.

(18) "Veteran" means a person entitled to preference under the Veterans' Preference Act of 1944, including a person entitled to wife or widow preference under that act.

(19) "War Service Regulations" means the regulations issued by the Commission pursuant to Executive Order No. 9063 of February 16, 1942, as amended, and in effect from March 16, 1942 to March 7, 1946.

PART 5—REGULATIONS, INVESTIGATION AND ENFORCEMENT

CIVIL SERVICE RULE V

Sec.

5.1 Regulations.
5.2 Authority of the Commission to make investigations.
5.3 Officers and employees to furnish testimony.
5.4 Authority of the Commission to issue instructions as to discipline or separation.
5.5 Withholding salary.

AUTHORITY: §§ 5.1 to 5.5, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE V

NOTE: Text of Civil Service Rule V is contained in E. O. 9830, Title 3, *supra.*

REGULATIONS UNDER CIVIL SERVICE RULE V

NOTE: No regulations have been issued under Civil Service Rule V.

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE RULE VI

Sec.

6.1 Positions excepted from the competitive service.
6.2 Assignment of excepted employees.
6.3 Requirements of the Veterans' Preference Act.
6.4 Lists of positions excepted from the competitive service.

REGULATIONS UNDER CIVIL SERVICE RULE VI

6.101 Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.

AUTHORITY: §§ 6.1 to 6.101, inclusive, issued under R. S. 1753; Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

CIVIL SERVICE RULE VI

NOTE: Text of Civil Service Rule VI is contained in E. O. 9830, Title 3, *supra.*

REGULATIONS UNDER CIVIL SERVICE RULE VI

§ 6.101 *Regulations for the administration and enforcement of the Veterans' Preference Act in connection with positions excepted from the competitive service.* (a) The regulations issued by the Commission pursuant to section 11 of the Veterans' Preference Act of 1944 for the administration and enforcement of the provisions of that act in connection with positions excepted from the competitive service shall be followed by agencies with respect to positions listed in Schedules A and B of the rules (§ 6.4

of Rule VI) and positions excepted from the competitive service by statute.

CROSS REFERENCE: For regulations governing appointment to positions excepted from the competitive service, see Part 21 of this chapter. For regulations governing appeals of preference eligibles under the Veterans' Preference Act, see Part 22 of this chapter.

PART 7—REINSTATEMENT

Sec.
7.101 General requirements for reinstatement of persons who have competitive status.
7.102 Extension of time limits after certain types of employments.
7.103 Commission approval required for certain reinstatements.
7.104 Agency authority for reinstatement.

AUTHORITY: §§ 7.101 to 7.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 7.101 *General requirements for reinstatement of persons who have competitive status.* (a) A person having a competitive status at the time of separation from the Federal service may be reinstated subject to the following requirements:

(1) Reinstatement must be made within one year of separation if the period of service was less than two years, within two years if the period of service was two years or more but less than three years, within three years if the period of service was three years or more but less than four years, within four years if the period of service was four years or more but less than five years, and without time limitation if the period of service was five years or more.

(2) If separated during his probationary period, reinstatement must be made within one year of separation; but such reinstatement may be made only in the same agency and in the same type of position, grade, and locality, and shall be subject to completion of probation.

(3) Veterans may be reinstated without regard to any time limitations specified in this section.

(4) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(5) The applicant must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the reinstatement is in the interest of good administration.

§ 7.102 *Extension of time limits after certain types of employments.* (a) The period of eligibility for reinstatement of any person with a competitive status who left his position and within thirty days entered on duty in one of the following described employments, shall begin to run from the date of termination of continuous and satisfactory service in such employment:

(1) An excepted position in the executive branch of the Government.

(2) A position in the judicial branch of the Government or in the executive or judicial branches of the insular possessions of the United States.

(3) The legislative branch of the Government.

(4) The service of an international governmental organization, or of a Territorial, State, county, municipal or foreign government in a position in which he has acquired valuable training and experience for the position to be filled.

(5) A training course in any educational institution of recognized standing when the Commission finds that he has acquired valuable training or experience for the position to be filled.

(6) Compulsory service on work of national importance under civilian direction as required by the Selective Training and Service Act.

§ 7.103 *Commission approval required for certain reinstatements.* (a) A certificate by the Commission authorizing the reinstatement must be obtained by any agency when:

(1) A waiver of the apportionment is requested in the interest of good administration.

(2) A former employee eligible under § 7.102 is proposed for reinstatement.

(3) The person proposed for reinstatement was removed for cause from his last position in the Federal or District of Columbia Government, or when his removal was made at the specific request of the Commission for any of the reasons stated in § 2.104 of this chapter.

(b) Prior approval of the qualifications of the person proposed for reinstatement must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.

(2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

§ 7.104 *Agency authority for reinstatement.* (a) The Commission hereby delegates authority to agencies to reinstate any person who meets the requirements of § 7.101 except where a certificate of the Commission is required by § 7.103 (a). However, prior approval of qualifications must be obtained in cases falling under § 7.103 (b).

(b) The Commission may disapprove any reinstatement, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

PART 8—PROMOTION, REASSIGNMENT, AND TRANSFER

Sec.
8.101 General requirements for promotion, reassignment, and transfer of employees who have competitive status.
8.102 Commission approval required for certain promotions, reassignments, and transfer.
8.103 Agency authority for promotion, reassignment, or transfer.
8.104 Status and tenure unchanged.

AUTHORITY: §§ 8.101 to 8.104, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 8.101 *General requirements for promotion, reassignment, and transfer of employees who have competitive status.* (a) An employee having a competitive status may be promoted, reassigned, or transferred subject to the following requirements:

(1) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(2) An employee serving in a position in the clerical, administrative and fiscal service classified at Grade 7 or a comparable or higher salary level, who has served continuously in the field or nonapportioned service of an agency for at least the three years immediately preceding, may be transferred, promoted, or reassigned to an apportioned position in the same agency without regard to the apportionment. In all other transfers, promotions, or reassignments the employee must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the transfer, promotion, or reassignment is in the interest of good administration.

(3) He must complete the probationary period in the new position if he is promoted, reassigned, or transferred before completion of probation.

§ 8.102 *Commission approval required for certain promotions, reassignments, and transfers.* (a) A certificate by the Commission authorizing the promotion, reassignment, or transfer must be obtained by an agency when a waiver of the apportionment is necessary and requested in the interest of good administration.

(b) Prior approval of the qualifications of the employee proposed for promotion, reassignment, or transfer must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, or transfer is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

§ 8.103 *Agency authority for promotion, reassignment, or transfer.* (a) The Commission hereby delegates authority to agencies to promote, reassign, or transfer an employee who meets the requirements of § 8.101 except where a certificate of the Commission is required by § 8.102 (a). However, prior approval of qualifications must be obtained in cases falling under § 8.102 (b).

(b) The Commission may disapprove any promotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 8.104 *Status and tenure unchanged.* (a) The status or tenure of an employee will not be changed by promotion, re-

assignment, or intra-agency transfer under this part. No time limit administratively placed on an appointment by inter-agency transfer shall affect the employee's right to permanent tenure in the agency in which employed unless he was transferred to a position with a time limitation of six months or less.

PART 9—SEPARATIONS AND DEMOTIONS

Sec.
9.101 Agency responsibility for separation or demotion of employees.
9.102 Procedure in separating or demoting permanent and indefinite employees.
9.103 Procedure in separating employee serving a probationary or trial period.
9.104 Procedure in separating temporary employees.
9.105 Authority of Commission to investigate separations.
9.106 Effect of removal on future employment.
9.107 Suspensions.

AUTHORITY: §§ 9.101 to 9.107, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 9.101 *Agency responsibility for separation or demotion of employees.* (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in § 2.104 of this chapter shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than a probational or temporary appointment in the competitive service shall not be removed, or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

(2) Discrimination shall not be exercised in removals or demotions because of an employee's religious opinions or affiliations, or because of his marital status or race, or except as may be required by law, because of his political opinions or affiliations.

(3) Like penalties shall be imposed for like offenses whenever removals or demotions are made, or when other disciplinary actions are taken.

§ 9.102 *Procedure in separating or demoting permanent and indefinite employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, or demotion of any permanent or war service indefinite employee in the competitive service unless he is serving a probational or trial period. The procedural requirements of this section shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of Rule V.

(1) *Charges preferred against nonveteran employees.* Prior to separation or demotion for cause, the agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth specifically and in detail the charges preferred against him. The employee shall be allowed a reasonable time for personally answering such charges in writing and for furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses nor a trial or hearing except in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. If, upon consideration of the evidence, the agency determines that the removal or other action is warranted, the employee shall be notified in writing of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal or other action, and of the notice of action taken shall be made a part of the records of the department or agency concerned.

(2) *Removal or other actions affecting veterans.* The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed in connection with the removal, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation of any veteran.

(3) *Separations or reductions in compensation required by official efficiency ratings.* The instructions promulgated by the Commission for the administration of the Uniform Efficiency Rating System required by section 9 of the Classification Act of 1923, as amended, shall be followed whenever the dismissal or reduction in compensation of an employee is based on the official efficiency rating assigned to him under that system.

(4) *Reduction in force.* The Retention Preference Regulations for use in reductions in force promulgated by the Commission pursuant to section 12 of the Veterans' Preference Act (Part 20 of this chapter) shall be followed whenever the employee's separation or furlough in excess of 30 days is caused by a reduction in force.

(5) *Demotion for administrative reasons.* A nonveteran whose demotion is proposed for administrative reasons shall be notified in writing of the reasons why his demotion will promote the efficiency of the service and of his right to appeal his demotion to the head of the agency concerned through the grievance procedures adopted by the agency. The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran's demotion is proposed for administrative reasons.

§ 9.103 *Procedure in separating employee serving a probationary or trial period.* (a) Any person serving a probationary or trial period shall be given a full and fair trial in the performance of the duties of the position to which appointed. If the performance of his duties or his conduct is not satisfactory to the agency his services shall be terminated by notifying him in writing of the reasons for his separation and of its effective date. The Retention Preference Regulations (Part 20 of this chapter) shall be followed whenever a probationer's separation is caused by reduction in force.

§ 9.104 *Procedure in separating temporary appointees.* (a) A person serving under a temporary appointment may be separated at any time upon notice in writing from the appointing officer.

§ 9.105 *Authority of Commission to investigate separations.* (a) Except as required by section 14 of the Veterans' Preference Act, the Commission shall not investigate or review the sufficiency of the reasons for removal, reassignment, or reduction in rank or compensation of an employee.

(b) The Commission may investigate the removal, reassignment, or demotion of an employee when such employee establishes a prima facie case that:

(1) The procedure prescribed by the Commission under § 9.102 (a) (1) has not been followed; or

(2) The removal, reassignment, or demotion was made for political reasons, except as may be required by law, or for religious reasons, or resulted from discrimination because of marital status or race.

§ 9.106 *Effect of removal on future employment.* (a) An employee who has been removed on charges shall not solely for that reason be ineligible for further employment in the competitive service. His suitability for further employment will be determined by the Commission upon receipt of an official request for his reinstatement or when he files application for an examination.

§ 9.107 *Suspensions.* (a) The regulations governing appeals to the Commission under section 14 of the Veterans' Preference Act (Part 22 of this chapter) shall be followed whenever a veteran is suspended for more than 30 days unless he is serving a probationary or trial period. Any nonveteran may be suspended for a period not to exceed 90 days pending action under § 9.102 (a) (1) or for disciplinary reasons. The period of suspension may be extended beyond 90 days with the prior consent of the Commission. The reasons for suspension shall at the time of the suspension be filed in the records of the department or agency concerned.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

Sec.
10.101 Method of filling vacancies.
10.102 Reappointment of war service indefinite employees during the transitional period.
10.103 Promotion, reassignment, and transfer of war service indefinite employees during the transitional period.
10.104 Promotion, reassignment, and transfer of temporary indefinite employees during the transitional period.
10.105 Agency authority to make promotions, reassignments, transfers and reappointments during the transitional period.

Sec.
10.106 Tenure under this part.
10.107 Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.
10.108 Statutory restoration after military service.
10.109 Regulatory restoration after military service.
10.110 Restoration in another agency.
10.111 Reemployment benefits after transfer.
10.112 Replacement of war service and temporary appointees.
10.113 Release requirements for appointment, reappointment, reinstatement or transfer under the regulations in this chapter.

AUTHORITY: §§ 10.101 to 10.113, inclusive, issued under R. S. 1753; sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633.

§ 10.101 *Method of filling vacancies.* (a) (1) Until agencies have been notified by the Commission that the procedures provided in the regulations in this part for the transitional period may no longer be used for particular positions, a vacancy may be filled by any person eligible under this part or by a temporary appointment pending establishment of a register in accordance with § 2.114 (e) of this chapter. A vacancy in any position for which such notice has been issued shall be filled only by a person having a competitive status or by selection for probational appointment from an eligible register.

(2) The requirements of Parts 7 and 8 of this chapter must be followed whenever a vacancy is filled by a person having a competitive status.

(b) The authority to fill vacancies by temporary appointment, or by persons eligible under this part, may be suspended by the Commission whenever, in accordance with § 2.109 (c) of this chapter, it certifies to an agency the name of veterans examined under section 10 of the Veterans' Preference Act or entitled to priority in certification because of lost opportunity for probational appointment due to military service.

§ 10.102 *Reappointment of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any former employee who served under a war service indefinite appointment at any time during his last continuous service may be reappointed within 30 days of separation if he meets the qualifications standards of the Commission for promotion or reassignment to the position: *Provided*, That this period may be extended to 90 days in the case of an employee who proves by a certificate signed by the head of a liquidated agency by which he was last employed that he had been required by the exigencies of the service to serve continuously in active duty during the final two months of the agency's operations and through the final date of its liquidation.

§ 10.103 *Promotions, reassignment, and transfer of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any employee who, during his current continuous service, has served under a war service indefinite appointment may be promoted, reassigned, or transferred if he meets the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.104 *Promotion, reassignment, and transfer of temporary indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), an employee serving under temporary indefinite appointment may be promoted, reassigned, or transferred only within the same agency. Such employee must meet the qualifications standards of the Commission for promotion or reassignment to the position.

§ 10.105 *Agency authority to make promotions, reassignments, transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agencies to promote, reassign, transfer, or reappoint any employee who meets the requirements of this part. However, prior approval of the qualifications of the person proposed for promotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(b) The Commission may disapprove any promotion, reassignment, transfer, or reappointment, or suspend or withdraw this authority whenever, after postaudit, it finds that the regulations in this part have not been followed.

§ 10.106 *Tenure under this part.* (a) The tenure of an employee will not be changed by promotion, reassignment, transfer, or reappointment under this part unless he is assigned to a position with a time limitation of six months or less. However, an employee who has served under war service indefinite appointment and then received an excepted appointment shall be considered as having a war service appointment when promoted, reassigned, transferred, or reappointed under this part.

§ 10.107 *Status and tenure of persons having competitive status who were transferred or reappointed under the War Service or Temporary Civil Service Regulations.* (a) No employee who was transferred from a probational or permanent civil service appointment during the period the War Service Regulations or the Temporary Civil Service Regulations were in effect shall by reason of such transfer, lose his right to permanent tenure. No time limit administratively placed on the appointment to the position to which transferred without his consent shall affect the employee's rights to permanent tenure in the agency by which employed.

(b) Any employee who, on or after March 16, 1942, (or in the case of the Post Office field service, on or after October 23, 1943) was appointed or reappointed (or whose appointment was automatically converted to a war service appointment) under the War Service Regulations without break in service of 30 calendar days or more after satisfactory service and separation from a probational or permanent Civil Service appointment, shall be entitled to the same benefits he would have had under reinstatement under the Civil Service rules. Such an employee has permanent tenure and competitive status in the agency in which employed unless he was appointed or reappointed with a time limitation of one year or less. An employee reappointed under the Temporary Civil Service Regulations will have the same civil service status and tenure in the agency to which reappointed as he had in the agency in which he last served unless he was reappointed with a time limitation of six months, or less.

§ 10.108 *Statutory restoration after military service.* (a) Any civilian employee of the executive branch of the Government who has left or leaves a position (other than a temporary position) in order to perform active service in the armed forces of the United States shall be restored to the position he left, or if that position does not exist, to a position of like seniority, status, and pay. Restoration shall be made within 30 days of application for reemployment. In order to be entitled to restoration under this section the employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; and (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to restoration. The employee's tenure with the agency will determine whether he left other than a temporary position. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

§ 10.109 *Regulatory restoration after military service.* (a) Any civilian employee in the competitive service who has left or leaves a temporary position in order to perform active service in the armed forces of the United States shall be reemployed either in the position he left, or one of like seniority, status, and pay in the same geographical locality in which formerly employed, so long as such a position is occupied by an employee with lower retention preference. His reemployment shall be subject to the following requirements: The employee shall (1) have been honorably separated from the armed forces; (2) be qualified to perform the duties of the position; (3) make application for reemployment within 90 days after he is relieved from active service, or from hospitalization continuing after discharge for a period of not more than one year; and (4) have

been serving under an appointment not limited to one year or less when he entered the armed forces. Reemployment under this section shall be made within 30 days of application but shall not require the removal through reduction in force of any employee with higher retention preference, nor extend the limitation placed on the employee's original appointment.

(b) Failure of the agency to act within the 30-day period will not affect the employee's right to reemployment. The fact that the last position the returning veteran held through promotion or reassignment carried a time limitation will not of itself affect his right to be restored to that position or one of like seniority, status, and pay.

(c) Any person who, in order to perform active service in the armed forces of the United States, has left or leaves a position in a public or private enterprise (other than a temporary position limited to one year or less) which was or is subsequently taken over by the Federal Government shall be entitled to reemployment in accordance with this section. Upon such reemployment he shall be entitled to all the benefits accorded other employees taken over by the Government.

§ 10.110 *Restoration in another agency.* (a) In lieu of restoration in the agency he left, any person who meets the conditions of §§ 10.108 or 10.109 for restoration after service in the armed forces may be reemployed under this section in any other agency, in that agency's discretion, in any position for which he meets the qualifications standards of the Commission for promotion or reassignment to such position. The prior approval of the Commission for such reemployment shall be required only when:

(1) It is desired to make an exception to the qualifications standards for the position to which reemployment is proposed;

(2) The Commission has not issued qualifications standards for such position unless reemployment is to be in a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

(b) Any person reemployed under this section may, to the extent consistent with law, be extended all of the benefits that he would have received if he had been restored in the agency he left to enter the armed forces. Reemployment under this section of a person having regulatory restoration rights shall not extend the limitation placed on his original appointment.

§ 10.111 *Reemployment benefits after transfer.* (a) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he:

(1) Gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights and that he has secured the consent of the agency in which he is employed, or upon appeal, of the Commission, to the exercise of such rights: *Provided,* That such notice may not be withdrawn by the employee without forfeiture of his rights under this section. If furloughed or separated from the activity to which transferred, he shall give such advance notice not later than 40 days after such furlough or separation. In any event, such notice shall be given not later than six months after the end of World War II as officially determined.

(2) Is still qualified to perform the duties of the position.

(b) Any person meeting the requirements of paragraph (a) of this section shall be entitled to the following rights:

(1) If his transfer was to another Federal agency, he shall be entitled to 30 days' notice from the agency to which he was transferred, prior to the termination of his services with such agency, unless such termination is for cause.

(2) He shall be reemployed within 30 days of his application in the same agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released: *Provided,* That such a position then exists that is not held by a person having higher retention preference.

(c) In the event of the transfer of any employee under a series of transfers, all of which were with reemployment rights, such reemployment rights shall continue to be applicable only to the agency from which the employee was originally transferred.

(d) An employee who was transferred within the Government service with reemployment rights, or an employee who was transferred with reemployment rights from a Government position for employment in an essential activity conducted by a public or private enterprise, and who, while employed in the agency or enterprise to which transferred, enters active service with the armed forces of the United States, shall be entitled to the same reemployment rights with respect to the Government position from which he was transferred as those to which he would have been entitled had he entered active military or naval service while employed in such Government position.

(e) A person initially appointed for the duration of the war who was transferred with reemployment rights will not be required to be reemployed at the cessation of the war (as officially determined) in the agency in which he was originally employed.

(f) Whenever an agency is considering filling any position by promotion from within the agency, it may give the same consideration to a former employee who has transferred from that agency with reemployment rights therein as he would have received if he still occupied the position he left. Such a former employee may be selected for the promotion, and, if he is not authorized to return at that time to the position to which promotion is made, his reemployment rights at the time application is made for reemployment in the agency shall be applicable to the position to which promotion was made during his absence.

(g) The regulations issued by the Commission pursuant to Executive Order No. 9721 of May 10, 1946 (Part 26 of this chapter), authorizing the transfer with reemployment rights of civilian employees of the executive branch of the Government to public international organizations in which the United States Government participates, shall be followed in connection with such transfers.

§ 10.112 *Replacement of War Service and temporary appointees.* (a) Upon the establishment of appropriate registers of eligibles through either restoration under § 2.107 (c) of this chapter of persons who lost opportunity for probational appointment because of military service, or entrance of the names of ten-point veterans under section 10 of the Veterans' Preference Act, or competitive examination, or when the Commission determines that positions can be filled by promotion, transfer, reassignment or reinstatement of persons having a competitive status without the necessity of establishing an appropriate register, the Commission shall require the displacement of persons occupying positions in the competitive service who do not have permanent tenure. The displacement of such persons shall be made in the following order:

(1) War-service and other temporary appointees who have not qualified in the appropriate examination.

(2) All other war-service and all other temporary appointees unless they are reached and selected for probational appointment, or acquire a competitive status in accordance with § 3.1 (b) (7) of Rule III.

(b) The Commission shall determine the duration of war-service appointments, but no such appointment may extend beyond the six months period following the official termination of World War II unless specifically authorized by the Commission.

§ 10.113 *Release requirements for appointment, reappointment, reinstatement, or transfer under the regulations in this chapter.* (a) A release shall be required before effecting an appointment, reappointment, reinstatement, or transfer under the regulations in this chapter of a person who is serving, or has served within 30 days, in another agency. This provision shall not apply to a person who is serving, or last served, under an appointment limited to six months or less.

(b) Such release may be granted by the agency of present or last employment or, upon appeal, by the Commission. An official notice of actual or impending separation because of reduction of force or an official notice of furlough shall constitute a release.

(c) An agency shall not deny a release except on the grounds of undue jeopardy to the operations of the agency and in no event shall a release be denied where to do so would constitute undue personal hardship to the applicant. Whenever a release is denied by an agency the appli-

cant shall be advised in writing of the reasons for denial and of his right to appeal to the appropriate office of the Commission. Such appeals shall be in writing and accompanied by the notice of denial by release by the agency.

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Sec.
20.1 Extent of part.
20.2 Definitions.
20.3 Retention preference; classification.
20.4 Completion of employee records.
20.5 Determination of competitive area.
20.6 Special rule relating to consolidations and mergers.
20.7 Compilation of retention register.
20.8 Sequence of selection.
20.9 Actions.
20.10 Notice to employees.
20.11 Reports to the Commission.
20.12 Special rules on liquidation.
20.13 Appeals.
20.14 Actions disapproved by the Commission.

AUTHORITY: §§ 20.1 to 20.14, inclusive, issued under sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

§ 20.2 *Definitions.* For the purpose of the regulations in this part definitions are given for words, terms, and phrases as follows:

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of thirty days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons. However, the term does not apply to (1) termination of temporary appointments limited to one year or less, (2) retirement of employees, or (3) separations for unsatisfactory service.

(b) "Retention groups" and "subgroups" means classes of employees entitled to the same degree of retention preference on the basis of tenure of employment and veteran preference.

(c) "Retention credits" are credits for length of service and efficiency ratings in determining retention order in each retention subgroup. They are computed by allowing one point for each full year of Federal Government service plus five points for an "Excellent" efficiency rating, three points for a "Very Good" efficiency rating, and one point for a "Good" efficiency rating. This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency: *Provided,* That, with respect to ungraded positions under the Navy Department this paragraph shall be effective on October 15, 1946.

(d) "Federal Government service" means the total of all periods of service eligible for consideration for civil service retirement purposes, without regard to whether the employee is eligible or will be eligible actually to receive retirement benefits. All active military service is counted whether or not veteran preferance is given therefor or whether it is eligible to be considered for civil service retirement purposes. Total service shall consist only of full years of creditable service, but fractions of a year shall be considered in arriving at the total.

(e) "Efficiency rating" means (1) for employees paid under the compensation schedules of the Classification Act of 1923 as amended or of Executive Order No. 6746, the current official efficiency rating under the Uniform Efficiency Rating System; and (2) for other employees the current efficiency rating under an efficiency rating system which is in general compliance with the uniform system.

Administratively adopted efficiency rating systems not in general compliance with the uniform system may be used for determining retention credits with the prior approval of the Commission.

(f) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944.

(g) "Department" means an entire executive department, parent organization with constituent agencies, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by Act of Congress or Executive order.

(h) "Governmental entity" means a department, bureau of a department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, an operating department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by Act of Congress or Executive order.

(i) "Competitive area" means a governmental entity, a combination of governmental entities, or that part of a governmental entity for which approval has been secured from the Commission, within which employees of a competitive level are considered to be in competition.

(j) "Competitive level" means all positions in the same grade of the same service, trade, or profession (although they may have different titles or different pay rates), in which interchange of personnel is feasible.

§ 20.3 *Retention preference; classification.* For the purpose of determining relative retention preference in reductions in force, employees shall be classified according to tenure of employment in competitive retention groups and subgroups, as follows:

Group A: All employees who have met all requirements for indefinite retention in their present positions. With respect to positions subject to the Civil Service Act and rules, this includes all employees currently serving under absolute or probational civil service appointments or who were appointed, reappointed, transferred or promoted from absolute or probational civil service appointments to war service indefinite or trial period appointments without a break in service of thirty days or more. With respect to positions excepted from the Civil Service Act and rules, this includes all employees currently serving under appointments without time limitation.

A–1 Plus during one-year period after return to duty, as required by law.
A–1 With veteran preference unless efficiency rating is less than "Good".
A–2 Without veteran preference unless efficiency rating is less than "Good".
A–3 With veteran preference where efficiency rating is less than "Good".
A–4 Without veteran preference where efficiency rating is less than "Good".

Group B: All employees serving under appointments limited to the duration of the present war or for the duration of the war and not to exceed six months thereafter, or otherwise limited in time to a period in excess of one year, except those specifically covered in Groups A and C.

B–1 With veteran preference unless efficiency rating is less than "Good".
B–2 Without veteran preference unless efficiency rating is less than "Good".
B–3 With veteran preference where efficiency rating is less than "Good".
B–4 Without veteran preference where efficiency rating is less than "Good".

Group C: All employees serving under appointments specifically limited to one year or less, all non-citizen employees serving within the continental limits of the United States, all employees continued beyond the automatic retirement age, and all annuitants appointed under section 2 (b) of the Civil Service Retirement Act, as amended.

C–1 With veteran preference unless efficiency rating is less than "Good".
C–2 Without veteran preference unless efficiency rating is less than "Good".
C–3 With veteran preference where efficiency rating is less than "Good".
C–4 Without veteran preference where efficiency rating is less than "Good".

§ 20.4 *Completion of employee records.* (a) Departments and governmental entities are responsible for maintaining current records of information necessary for determining retention preference of employees.

If these records are incomplete, they shall be supplemented by written statements from employees, supported by a signed certificate substantially as follows:

I certify that the information submitted herewith is true, correct, and complete to the best of my knowledge and belief.

(b) Employees who have served continuously without a break in service of thirty days or more in positions subject to the Civil Service Act and rules since before March 16, 1942 (October 23, 1943, in the field service of the Post Office Department):

(1) Are in Group A unless appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII), or new Civil Service Rule II and the Commission's regulations there-

under (§ 2.114 of this chapter), and have not acquired a civil service status.

(2) Are in Group B if appointed under authority of Executive Order Nos. 8257, 8564, or 8458 (former Civil Service Rule VIII) or new Civil Service Rule II and the Commission's regulations thereunder (§ 2.114 of this chapter), unless they acquired a civil service status under Executive Order Nos. 8833 or 8952, or the Commission's Departmental Circular 457 or 517, in which case they are in Group A.

(c) Employees appointed after March 16, 1942 (October 23, 1943, in the field service of the Post Office Department), initially or reappointed after a break in service of thirty days or more are in Group B unless:

(1) They are currently holding appointments definitely limited to one year or less—in which case they are in Group C.

(2) They are occupying positions excepted from the Civil Service Act and rules and not limited in duration—in which case they are in Group A.

(d) Whenever a department is unable to obtain from its records or from an employee information as to his classified (competitive) civil service status or length of service necessary to establish his retention preference standing, under the above rules, the Commission, upon the receipt of a request on Standard Form No. 66, will supply the information, if available, from its records.

§ 20.5 *Determination of competitive area.* The area in which a reduction in force is made should be a governmental entity as defined in § 20.3 (h).

No reduction in force affecting employees in retention groups A or B shall be made in any smaller competitive area in Washington, D. C., or vicinity, without obtaining prior approval from the Central Office of the Commission, or elsewhere without securing prior approval from the appropriate regional or branch office of the Commission. Approval will be given if the proposed competitive area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to protect the high retention preference of group A employees. Consideration will be given to the extent of the competitive level or levels to be affected, whether the proposed competitive area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the proposed competitive area is separately organized and clearly distinguishable from other units of the governmental entity, and whether it is within local commuting distance of other units of the governmental entity.

If there is doubt as to the size and scope of competitive areas, or if it is desired to establish competitive areas smaller than governmental entities as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas to the Central Office of the Commission. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) reorganization has affected the plan, or (c) there has been a change in the facts upon which the plan was originally based.

§ 20.6 *Special rule relating to consolidations and mergers.* Before any reduction in force is made as the result of the transfer of any or all of the functions of one department to another continuing department, all veteran preference employeees and all retention group A employees assigned to any such function shall be transferred to such continuing department.

§ 20.7 *Compilation of retention register.* Whenever there is to be a reduction in force there shall first be determined the competitive level or levels to be affected. Each employee whose official position is in such a competitive level shall be considered in competition in his retention group in any reduction in force, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level; excluding only those in the active military service of the United States or in the Merchant Marine.

A retention register shall be compiled for each competitive level in which a reduction in force is to be made, showing the names of all employees in competition by retention groups and subgroups. It shall be arranged in sequence showing subgroup A–1 plus with highest retention preference, followed in order by subgroups A–1, A–2, A–3, A–4, B–1, B–2, B–3, B–4, C–1, C–2, C–3, and C–4. Within each subgroup in retention groups A and B where some but not all employees may be affected by the reduction in force, names shall be arranged in sequence according to retention credits, with higher retention preference accorded to those with a greater number of retention credits. No computations of retention credits are necessary for employees in any retention subgroup which will not be affected by the reduction in force, in any subgroup where all of the employees are to be separated, or in retention group C. For this purpose, the employee records shall be reviewed and brought up to date with respect to length of service, efficiency ratings, and other particulars regarding which changes have occurred since the records were last made current.

This register shall be maintained in the order specified for inspection by employees, and shall at all times be available for inspection by representatives of the Commission.

§ 20.8 *Sequence of selection.* Within each competitive level, action must be taken to eliminate all employees in lower subgroups before a higher subgroup is reached, and within each subgroup of retention groups A and B, action must be taken concerning all employees with a lower number of retention credits before an employee with a higher number of retention credits is reached, except as provided below. Action may be taken at administrative discretion within any subgroup of retention group C. Whenever two or more employees are tied for position in retention group A or B, the ties shall be broken first by considering half years of service in excess of total years for which retention credits were granted, and then by giving consideration to such matters as official conduct, or established administrative policy.

In unusual situations, an employee performing necessary duties which cannot be taken over by any other available employee with higher retention preference without undue interruption to the activity involved, may be retained, although employees with higher retention preference may be affected. A written statement of the reasons for such exceptions shall be made for inspection by employees adversely affected and for review by representatives of the Commission.

When a reduction in force is necessary only because of a curtailment in funds from which excepted employees are paid, only employees in excepted positions shall be considered in competition for the reduction in force.

Seasonal employees shall be considered in competition only with other seasonal employees in reductions in force.

Employees serving on a when-actually-employed (WAE) basis shall be considered in competition only with other when-actually-employed employees in reductions in force.

No discrimination shall be exercised, threatened or promised in any reduction in force against or in favor of any employee because of race, sex or marital status, or his political or religious opinions or affiliations.

§ 20.9 *Actions.* Employees who cannot be retained in their positions because of a reduction in force shall be separated, except as provided below. Such actions may be effective at different times within 90-day periods, each 90-day period being considered as a separate reduction-in-force program, and may be made effective without the prior approval of the Commission.

(a) *Exceptions; furloughs.* Where the reduction in force is the result of a temporary condition which is not expected to continue for more than one year, employees reached for action may, in lieu of being separated, be furloughed for a period not to exceed the unexpired portion of the period of appointment and in no case shall it exceed one year: *Provided,* That notice of furlough to employees in subgroups A–1 and A–2 with competitive status shall conform to the one-year notice rule under § 20.10. In the event that vacancies are to be filled in positions in the competitive level and competitive area from which such employees have been furloughed, such employees shall be given the opportunity to return to duty before any original appointments are made to such positions: *Provided, however,* That since no position in the agency may be filled by original appointment of a person, or by the promotion, reassignment, or transfer of a retention group B or C employee if the agency has employees in subgroup A–1 or A–2 with competitive status on leave or furlough due to reduction in force who are available and qualified to fill the position without undue interruption to the activity, such status employees in subgroup A–1 or A–2 shall be con-

sidered for such positions. Offer of recall to duty in positions of the competitive level and competitive area from which furloughed shall be made in the order of retention preference of furloughed employees.

(b) *Exceptions; statutory retention.* Whenever an employee in Subgroup A–1 plus is reached for action in a reduction in force, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department, and, wherever possible, at the same geographical location.

(c) *Exceptions; status employees.* No employee in retention group A–2, A–3 or A–4 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for one year or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay, if necessary, or (2) he has reemployment rights to a position in another department. Subject to the other requirements set forth above, agencies shall consider such group A–2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–2 shall be made prior to the expiration of the first sixty days of nonduty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A–1 with competitive status and serving in a position subject to the Civil Service Act may be separated or furloughed in a reduction in force if there is a position subject to the Civil Service Act in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for one year or more not filled by an employee in subgroup A–1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A–1 with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A–1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position subject to the Civil Service Act if there is another position subject to the Civil Service Act in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for one year or more not filled by an employee in retention group A or subgroup B-1 which he could fill without undue interruption to the activity involved, unless (1) he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary, or (2) he has reemployment rights in another department.

(f) *Actions concerning displaced employees.* Additional actions necessary in connection with employees displaced, as a result of transfers or reassignments under paragraphs (b), (c), (d) and (e) of this section shall be determined on the basis of their retention preference in their respective competitive areas and competitive levels.

§ 20.10 *Notice to employees.* An employee in group A–1 or A–2 with competitive status affected by a reduction in force shall be given an individual notice in writing one year before the action becomes effective. His one-year notice period shall be composed of, whenever possible, at least 30 days in an active duty status; a non-duty status with pay for the duration of his leave, if any; and the balance of the year in a furlough or leave without pay status. Exceptions to this rule are authorized when the employee requests separation in lieu of furlough, or when the agency as a whole is liquidating, in which case the notice period shall terminate as of the day the agency is finally liquidated.

Each employee, except those in subgroups A–1 or A–2 with competitive status, affected by reduction in force shall be given an individual notice in writing at least 30 days before the action becomes effective. Where it is not possible to continue the employee in an active-duty status for the period specified in the notice, he shall have the greatest possible notice before he is relieved from active duty and shall thereafter be carried on the rolls for the remainder of the period. If the period of active duty after the notice is given and the period of accrued leave total less than thirty days, the employee shall be carried in a nonpay status for the remainder of the 30-day period. Notices to employees shall inform them of:

(a) The nature and effective date of the action,

(b) The proper office of the organization where he may examine a copy of these regulations and inspect the retention register and records,

(c) His right to appeal the proposed action to the Commission (departmental employees in the Washington area to the Central Office and others to the appropriate regional or branch office) within ten days from the receipt, and

(d) The procedure for exercising any restoration or reemployment rights he may have, and the channels (departmental and field) through which he may apply for other government employment.

§ 20.11 *Reports to the Commission.* As soon as employees are notified of the proposed action, and within the 10-day period allowed for the filing of appeals, a report shall be submitted to the appropriate office of the Commission of each reduction in force program. Such report shall include:

(a) The competitive area and competitive level in which the reduction in force is to be made,

(b) The retention subgroup and credit point above which employees will be retained in each competitive level, the names of any employees below such point who are retained, and the reasons for their retention,

(c) The period in which the reduction in force is to be completed,

(d) The total number of employees separated or furloughed, and

(e) A certification of compliance with the regulations.

§ 20.12 *Special rules on liquidation.* Whenever it has been determined that all functions and all positions in an entire department, an entire governmental entity, or an entire competitive area are to be abolished within a specified time period, actions may be taken in regard to individual employees at different dates at administrative discretion; except that no employee with veteran preference shall be separated before an employee without veteran preference where their positions are immediately interchangeable: *And provided further,* That notices to group A–1 and A–2 employees with competitive status shall be made to conform to the notice requirements of § 20.10.

NOTE: A mere limitation of authority to a specified date in the law which establishes, authorizes, or extends an agency is not a sufficient basis for the application of the provisions of this section.

In such cases, the employees of the particular department, entity, or competitive area shall be given individual notices in writing containing a statement of the law, Executive order, or authority which requires the liquidation of the department, governmental entity, or competitive area, and the time period in which the liquidation is to be accomplished, and informing them of their rights to appeal to the Commission if they feel that there has not been compliance with the provisions of the regulations in this part. The notices shall also inform employees of their rights to retention on the rolls for at least thirty days, or if a group A–1 or A–2 employee with competitive status, for the period provided for in § 20.10, of the procedures necessary to exercise any reemployment rights they may have to positions in other departments, governmental en-

tities, or competitive areas, and of the procedures necessary to secure other employment.

A report of all liquidation programs shall be made to the Commission which shall include (a) a copy of the law, Executive order, or other authority for the liquidation of the department, governmental entity, or competitive area; (b) a certificate that no employee with veteran preference is being separated in advance of any employee without veteran preference where their positions are immediately interchangeable; and (c) a list of all retention group A employees with classified (competitive) civil service status who have not been transferred or assigned to other positions. This report shall be submitted within ten days after the first individual notices of separation are given to the employees affected.

Where it is necessary to liquidate a major activity which is not an entire competitive area, or which is a part of two or more competitive areas, the Commission will consider a request to establish such activity as a competitive area for the purpose of such liquidation.

§ 20.13 *Appeals.* Any employee who feels that there has been a violation of his rights under the regulations in this part may appeal to the appropriate office of the Civil Service Commission within 10 days from the date he received his notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed 10 days. In order that employees may be informed of the facts on which action is based they shall have the right to examine a copy of these regulations and to inspect the retention register and records on which their names appear, including statements of reasons for passing over employees with lower standing on the retention list. Each appeal should set forth whether it is based upon an error in the records, an incorrect efficiency rating, violation of the rules of selection, restriction of the competitive area or competitive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records.

The question of an incorrect efficiency rating presented in a reduction in force appeal will be considered by the Commission only where the employee has made use of such appellate procedures as were provided by his agency for the administrative review of the rating at issue during such time limits as these procedures were available, or in the case of an employee in a position subject to the Classification Act, as amended, where he appealed such rating to the appropriate board of review established under the authority of section 9 of such act. However, appeals will be accepted by the Commission in any case where adverse actions are proposed to be taken too soon to permit diligent use of efficiency rating appeal procedures, where because of the urgency of the case it is impracticable to await the decision under the administrative review or board of review procedures, where employees were misinformed as to their rights under such procedure, or where coercive measures were employed to prevent recourse to such procedures.

§ 20.14 *Actions disapproved by the Commission.* Whenever the Commission, as the result of a decision on the appeal of an employee, disapproves the action taken under the regulations in this part, the head of the department or governmental entity shall restore the employee to active duty.

With respect to reductions in force outside the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals.

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SERVICE

Sec.

21.1 Extent of regulations.
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21.11 General provisions.

AUTHORITY: §§ 21.1 to 21.11, inclusive, issued under sec. 11, 58 Stat. 390; 5 U. S. C., Sup., 860.

§ 21.1 *Extent of regulations*—(a) *Positions covered.* The regulations in this part shall apply to all positions (1) in the executive branch of the Federal Government that are excepted from the competitive service; (2) in any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order which are excepted from the provisions of the Civil Service Act of January 16, 1883; and (3) in the civil service of the District of Columbia. Positions excepted from the competitive service include all positions excepted from the provisions of the Civil Service Act of January 16, 1883, by statute or Executive order, including positions listed in Part 8 of this chapter, positions which may be filled by persons under personal service contract, and positions in Government owned or controlled corporations. The civil service of the District of Columbia includes all positions in the Government of the District of Columbia, and positions under the Board of Education and the Board of Library Trustees of the District of Columbia.

(b) *Applicability.* The provisions of the regulations in this part respecting the examination, rating, and selection for appointment of applicants are required to be followed whenever a qualified person entitled to preference under § 21.2 applies for consideration for appointment. Such provisions may be followed, in the discretion of the agency, in making appointments when no preference applicant applies.

§ 21.2 *Persons entitled to military preference*—(a) *Five-point preference.* In actions taken under the regulations in this part, honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), shall be entitled to that military preference hereinafter referred to as five-point preference.

(b) *Ten-point preference.* In actions taken under the regulations in this part, the following persons shall be entitled to that military preference hereinafter referred to as ten-point preference:

(1) Honorably discharged ex-service men and women who have served in any branch of the armed forces of the United States and who have established the present existence of service-connected disability or receipt of compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(2) The wives of honorably discharged service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment; and

(3) The unmarried widows of honorably discharged deceased ex-servicemen who had served in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

(c) *Definition.* As used in this section "honorably discharged" shall mean any separation from active duty in any branch of the armed forces under honorable conditions. A transfer to inactive status, a transfer to retired status, the acceptance of a resignation, or the issuance of a discharge will be considered as covered by the above definition if such separation was under honorable conditions.

§ 21.3 *Receipt of applications; uniform treatment.* Each agency shall establish definite rules regarding the acceptance of applications for employment in positions covered by the regulations in this part. Such rules shall be made of record in the agency and shall be uniformly applied to all persons who meet the conditions of such rules. Information regarding the rules shall be furnished upon request.

§ 21.4 *Qualifications of applicants*—(a) *Standards.* Prior to making appointments to positions under the regulations in this part the agency shall establish standards for eligibility such as those relating to experience and training, citizenship, age, physical condition, etc., which standards shall relate to the duties to be performed. The establishment of standards relating to groups of positions or to a specific position may be delegated to the appropriate administrative level or subdivision of the agency and may be amended or modified from time to time in accordance with the needs of the locality in which the position is located, but the agency shall determine that all standards established are in conformity with the regulations in this part.

Any such standard shall be made a matter of record in the appropriate office of the agency and information concerning the standards for any position shall

be furnished upon request. The qualifications standards effective for each position shall be applied uniformly to all applicants for such position except for such waivers as are provided under the regulations in this part for persons entitled to preference.

No minimum educational requirement will be included in qualification standards except those for such scientific, technical, or professional positions the duties of which the agency decides cannot be performed by a person who does not have such education. The agency shall make a part of its records its reasons for such decision. A statement of the reasons shall be furnished upon request.

The qualification standards established for each position shall include:

(1) A provision for the waiver by the agency of any requirements as to age, height, and weight for any applicant entitled to preference under the regulations in this part whenever such requirements are not essential to the performance of the duties of the position; and

(2) A provision for the waiver by the agency of any physical requirements for any applicant entitled to preference under the regulations in this part whenever the agency finds, after giving due consideration to the recommendation of any accredited physician, that such applicant is physically able to discharge the duties of the position.

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) a reasonable doubt as to loyalty to the Government of the United States; (6) any legal disqualification for appointment; (7) lack of United States citizenship.

§ 21.5 *Examination of applicants*—(a) *Rating.* The agency may provide for an evaluation of the qualifications of all applicants for a position, who are available under §§ 21.3 and 21.4 at any time prior to appointment being made to such position. Numerical ratings shall be assigned on a scale of 100 and all applicants rated 70 or more shall be eligible for appointment: *Provided,* That no numerical ratings need be assigned whenever all qualified applicants will be offered immediate appointment: *Provided further,* That whenever there is an excessive number of applicants, only a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable length of time need be given numerical ratings; in such cases the agency shall adopt procedures which will insure consideration of all preference applicants in the order in which they would have been considered if all applicants had been assigned numerical ratings. To the earned numerical ratings of applicants entitled to five-point preference, five points shall be added and to the earned numerical ratings of applicants entitled to ten-point preference, ten points shall be added. A notice of the rating assigned shall be furnished upon request.

No consideration shall be given the application of any non-preference applicant, nor shall such application be rated, for the positions of elevator operator, messenger, guard and custodian as long as qualified applicants entitled to preference are available for such position.

Whenever experience is a factor in determining eligibility, an applicant entitled to five-point or ten-point preference under the regulations in this part shall be credited with time spent in the military or naval service of the United States when the position for which he is applying is similar to that he held immediately prior to his entrance into the military or naval service; credit shall also be given such applicant for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor.

§ 21.6 *Maintenance of employment lists*—(a) *Establishment of lists.* All applicants assigned eligible numerical ratings in accordance with § 21.5 shall have their names entered on either (1) the appropriate reemployment list or (2) the appropriate regular employment list. The names of all such applicants shall be entered on said lists in accordance with their ratings, except that the names of applicants entitled to five- or ten-point preference under the regulations in this part shall be entered on such lists in accordance with their respective augmented ratings, and the name of a preference applicant shall be entered ahead of all others having the same rating: *Provided,* That except on lists of applicants for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, the names of applicants entitled to ten-point preference under the regulations in this part shall be placed at the top of the appropriate lists.

(b) *Reemployment list.* The reemployment list will consist of the names of former employees of the agency who are to be considered for future employment, and shall, in any case, include the following:

(1) The names of former employees of the agency entitled to preference under the regulations in this part who have been furloughed or separated without delinquency or misconduct and who apply for reemployment; and

(2) The names of any former employees of the agency entitled to preference under the regulations in this part who are found by the Commission, in accordance with § 21.10, to have been unjustifiably dismissed from the agency.

(c) *Regular employment list.* Eligible applicants assigned numerical ratings who are not entered on the agency reemployment list shall be entered on the regular employment list.

(d) *Order of consideration.* (1) The names of all applicants who are assigned eligible numerical ratings for a given position shall, except as provided below for professional and scientific positions for which the basic entrance salary is over $3,000 per annum, be considered either in Order A or in Order B, below:

Order A. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iii) The names of all other qualified applicants on the agency's reemployment lists in the order of their numerical ratings.

(iv) The names of all other qualified applicants in the order of their numerical ratings.

Order B. (i) The names of qualified applicants entitled to ten-point preference under the regulations in this part whose names appear on the agency reemployment list, in the order of their numerical ratings.

(ii) The names of all other qualified applicants on the agency's reemployment list, in the order of their numerical ratings.

(iii) The names of all other qualified applicants entitled to ten-point preference under the regulations in this part in the order of their numerical ratings.

(iv) The names of all other qualified applicants, in the order of their numerical ratings.

(2) The names of all applicants assigned numerical eligible ratings for professional and scientific positions for which the basic entrance salary is over $3,000 per annum shall be considered in the following order:

(i) The names of applicants on the agency's reemployment list, in the order of their numerical ratings.

(ii) The names of all other applicants, in the order to their numerical ratings.

§ 21.7 *Selection and appointment*—(a) *Selection.* In making appointments from employment lists the agency shall make selection for appointment to each vacancy from not more than the highest three names available for appointment in the order provided in § 21.6 (d): *Provided,* That the agency need not accord eligibles on the agency reemployment list the preferential consideration provided in that section for such eligibles if such list contains the names of less than three applicants entitled to preference under the regulations in this part: *Provided further,* That the agency need not consider any applicant who has previously been considered three times, nor any preference applicant who has been disqualified under the provisions of paragraph (b) of this section. The second and any additional vacancies shall be filled in like manner.

(b) *Passing over a preference applicant.* Whenever an agency in making a selection of a non-preference applicant in accordance with paragraph (a) of this section passes over the name of a prefer-

ence applicant who, under § 21.6 (d), is entitled to prior consideration, it shall record its reasons for so doing. A copy of such reasons shall, upon request, be sent to the preference applicant or his designated representative.

When, in making appointments to a position, an agency has on three occasions passed over the name of a preference applicant and recorded its reasons for so doing, consideration of his name for such position may thereafter be discontinued.

§ 21.8 *Reappointment*—(a) *Persons granted preference.* A former civilian employee of the executive branch of the Federal government or the District of Columbia government who is entitled to preference under the regulations in this part may be reappointed to a position covered by the regulations in this part without regard to the names of qualified applicants on the agency reemployment list or regular employment list.

§ 21.9 *Promotion; qualifications.* In determining qualifications for promotion with respect to employees entitled to five- or ten-point preference under the regulations in this part, any requirements as to age, height, and weight shall be waived provided any such requirement is not essential to the performance of the duties of the position. After due consideration has been given to the recommendation of any accredited physician, the physical requirements shall be waived in the case of any such employee provided he is found physically able to discharge efficiently the duties of the position for which promotion is proposed.

§ 21.10 *Removal, suspension, furlough, or demotion of preference employees.* This section shall apply to permanent and indefinite employees entitled to five- or ten-point preference under the regulations in this part but shall not apply to (a) employees during their first year of current continuous Federal or District of Columbia service, or (b) employees appointed for periods specifically limited to one year or less.

Any employee subject to this section who is proposed for involuntary discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation, shall have at least thirty days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action. Such employee shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting. Such appeal shall be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided,* That, such employee shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with rules and regulations of the Commission. After investigation and consideration of the evidence submitted, the Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of the same to the appellant or his designated representative: *Provided further,* That the Commission may declare any such employee who may have been dismissed or furloughed without pay to be eligible for entry of his name on the agency reemployment list established under § 21.6 (b).

§ 21.11 *General provisions*—(a) *Exceptions.* (1) No provisions of the regulations in this part shall apply to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the Senate.

(2) The provisions of the regulations in this part relating to examination and appointment shall not apply to (i) positions filled under the Civil Service rules or the War Service regulations in the same manner as competitive positions are filled; or (ii) reemployment in the agency of former employees in accordance with reemployment rights acquired by reason of service in the armed forces or the merchant marine, or by reason of transfer under Executive Order Nos. 8973, 9067, or 9243 (3 CFR Cum. Supp.), or Directive X of the War Manpower Commission (7 F. R. 7298, 11050; 9 F. R. 3534).

(b) *Procedural modifications.* In view of the circumstances and conditions surrounding employment in the following classes of positions the agency concerned will not be required to apply to such positions the apppointment procedures of the regulations in this part: *Provided,* That the principles of veteran preference shall be followed as far as administratively feasible and the reasons for his nonselection shall be furnished upon request to any qualified and available preference applicant:

(1) Positions filled by persons appointed without compensation or at a compensation of $1.00 per annum;

(2) Positions outside the continental limits of the United States and outside the Territories of Hawaii and Puerto Rico when filled by persons resident in the locality, and positions in the Territories of Hawaii and Puerto Rico when compensated in accordance with local prevailing native wage rates;

(3) Positions which the exigencies of the war program demand be filled immediately before lists of qualified applicants can be established or utilized: *Provided,* That appointments to such positions shall be temporary appointments not to exceed one year and may be renewed for one additional year at the discretion of the agency;

(4) Intermittent positions;

(5) Positions paid on a fee basis; and

(6) Such positions as are included in Schedule A (Part 8 of this chapter) and similar types of positions, whenever the Commission agrees with the agency that such position should be included hereunder.

(c) *Special plans.* Any department or agency having positions subject to the regulations in this part may submit to the Commission a system for making appointments which will result in granting to veterans the preference provided for in the Veterans' Preference Act of 1944 but which does not conform to all of the procedural requirements set forth in the regulations in this part: *Provided,* That such a system may not be put into effect until it has received the prior approval of the Commission.

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Sec.

22.1 Applicability of regulations.
22.2 Notification of proposed actions; charges and opportunity for answer.
22.3 Adverse decisions of administrative officers of agencies.
22.4 Appeals to the Commission.
22.5 Form of appeal.
22.6 Where appeals shall be filed.
22.7 Preliminary consideration of appeals in the Commission.
22.8 Investigations.
22.9 Hearings.
22.10 Decision in the Commission.
22.11 Further appeals to the Commissioners.

AUTHORITY: §§ 22.1 to 22.11, inclusive, issued under secs. 11 and 14, 58 Stat. 387; 5 U. S. C., Sup. 860, 863.

§ 22.1 *Applicability of regulations*—(a) *Coverage.* The regulations in this part shall govern appeals to the Commission by permanent and indefinite preference eligible employees from adverse decisions of administrative officers of the Federal Government and the government of the District of Columbia, more specifically defined hereinafter.

(1) *Employees covered.* Employees affected are permanent and indefinite preference eligible employees who have completed a probationary or trial period in positions under the Civil Service Rules or War Service Regulations, or one year of current continuous employment in positions excepted from the competitive service, in the service of any establishment, agency, bureau, administration, project or department created by acts of Congress or Presidential order or in the service of the District of Columbia. The regulations in this part are not applicable to employees under the legislative or judicial branch of the Government, and employees who were appointed to any positions required to be confirmed by, or made with, the advice and consent of the United States Senate, other than postmasters in offices of the first, second and third classes.

(2) *Preference eligible employees.* The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have

themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions.

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions.

(3) *Adverse decisions which may be appealed.* Appeals may be made from the decisions of administrative officers in cases of discharges, suspensions for more than thirty (30) days, furloughs without pay and reduction in rank or compensation for reasons other than reduction in force which are covered by reduction in force regulations.

(b) *Appeals involving efficiency ratings.* The regulations in this part are applicable in cases of adverse decisions based on efficiency ratings, but the Commission will not consider the correctness of any efficiency rating which is appealable to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended. The correctness of an efficiency rating which is not appealable to a Board of Review will not be considered unless the employee has made use of his agency's administrative appellate procedures, if provided by the agency, in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, it is impracticable to await the decision under the administrative appellate procedures, the employee was misinformed of his rights under such procedures, coercive measures were used to prevent recourse to such procedures, or the employee presents satisfactory reasons for not resorting to such procedures.

(c) *Appeals not governed by the regulations in this part.* The regulations in this part are not applicable to decisions of the Commission relative to applications, examinations, promotions, transfers, reinstatements, reappointments, classifications and other civil service proceedings, nor to actions of administrative officers which are taken under instructions from the Commission in cases in which the Commission has jurisdiction. Appeals in such cases will continue to be entertained by the Commission in accordance with its established administrative procedures.

(d) *Notice in reduction in rank or compensation resulting from Commission's position allocation decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position allocation decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

§ 22.2 *Notification of proposed actions; charges and opportunity for answer*—(a) *Advance written notice of thirty days.* No employee covered by the regulations in this part shall be discharged, suspended for more than thirty (30) days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the employee whose discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty (30) days advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action.

(b) *Reasonable time to answer.* A reasonable time shall be allowed employees for answering personally and in writing, charges and notifications of proposed adverse actions, and for furnishing affidavits in support of such answers, and the reasonable time required shall depend on all the facts and circumstances of each case, and be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

(c) *Status of an employee during period of advance notice.* The advance written notice which is required when a proposed adverse action is sought by an employing agency shall be submitted to the employee at least thirty (30) days before the effective date of such proposed action, and during such thirty (30) day period the employee shall continue in an active duty status; but in cases of furlough without pay due to unforeseeable circumstances such as sudden breakdowns in equipment, acts of God or emergencies requiring immediate curtailment of activities, advance notice shall not be necessary.

In exceptional cases where the circumstances are such that the retention of the employee in an active duty status during the thirty (30) day period may result in damage to Government property, would be otherwise detrimental to the interests of the Government, or would be injurious to the employee, his fellow workers or the general public, and the employee cannot during such period be temporarily assigned to duties in which these conditions would not exist, he shall be placed on annual leave, provided he has sufficient annual leave to his credit to cover the required period, and otherwise, suspended for such period or periods during the thirty (30) days as the circumstances warrant: *Provided,* That a certificate is filed by the administrative officer in the records of the employing agency setting forth the specific circumstances in such exceptional cases. The reasonableness of such exceptions, including suspensions, will be considered in connection with the entire case in the event that the employee subsequently appeals from the final adverse decision reached by the administrative officer.

(d) *Notice and answer in efficiency rating cases.* In cases where it is proposed to take adverse action against an employee on the basis of an efficiency rating, the employee shall be given the advance notice in writing of the proposed action at least thirty (30) days before the effective date, and said notice shall allow the employee a reasonable time for answer and to object to the proposed action and show cause why it should not be taken. This right of advance notification does not affect the right of the employee to appeal for a review of his efficiency rating to a Board of Review established under the provisions of section 9 of the Classification Act of 1923, as amended.

§ 22.3 *Adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notifications of proposed adverse actions, charges and answers of employees, shall be in writing, dated and submitted to the employee promptly after such decisions have been made. The employee should at the same time be advised of his right to appeal the decision to the Civil Service Commission. If delay in submitting an appeal to the Commission occurs because the employee has not been so advised this fact shall be considered good cause shown for failure to file the appeal within the prescribed period of thirty (30) days after receipt of notice of the adverse decision as provided in § 22.4, but shall not otherwise affect the adjudication of the appeal.

§ 22.4 *Appeals to the Commission*—(a) *Right to appeal.* After receipt by the employee of notice of an adverse decision such employee may, as a matter of right, appeal to the Commission immediately or within a reasonable time thereafter. The Commission will not entertain a request for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to the receipt by the employee from the administrative officer of the adverse decision making effective the discharge, suspension for more than 30 days, furlough without pay, or reduction in rank or compensation.

(b) *Time limit for filing appeals.* (1) Thirty (30) days from the date of receipt of notice of an adverse decision shall be considered a reasonable time to prepare and submit an appeal under this regulation, but the Commission may, in its discretion, and where good cause is shown for failure to file the appeal within the prescribed period, consider appeals submitted after the expiration of thirty (30) days.

(2) Nothing in this section shall affect the right of an employee to appeal an adverse decision occurring between the time of the effective date of the Veterans' Preference Act of 1944 (June 27, 1944) and the date of the promulgation of the regulations in this part: *Provided,* That such an appeal is made to the Commission within six months after the effective date of the regulations in this part, unless good cause is shown for fail-

ure to file the appeal within the prescribed period.

§ 22.5 *Form of appeal*—(a) *Contents.* The appeal of the employee to the Commission shall be in writing and (1) shall set forth in detail all the facts and circumstances of the adverse decision; (2) shall be accompanied by copies of charges, answer, affidavits in support of answer, and notice of the adverse decision, and by such documentary evidence in support of the appeal as the employee may wish to submit; (3) shall state whether the employee desires to make a personal appearance or an appearance through or accompanied by a representative designated by him before a representative of the Commission; (4) shall be supported by acceptable evidence of entitlement to preference and (5) shall set forth detailed information regarding the employee's status, such as the date and nature of appointment and whether the employee has completed a probationary or trial period or one year of current continuous employment in the civil service of the Federal government or District of Columbia, and any other data bearing on whether the employee is within the purview of the regulations in this part.

§ 22.6 *Where appeals shall be filed.* Appeals from employees in the Departmental Service in Washington, D. C. and the metropolitan area shall be submitted to the Chief Law Officer, United States Civil Service Commission, Washington 25, D. C.; appeals from employees in the Field Service in Washington, D. C. and the metropolitan area shall be submitted to the Manager, Branch Regional Office, Fourth U. S. Civil Service Region, Washington 25, D. C., and appeals from employees outside of these areas shall be submitted to the Director of the appropriate Civil Service Region or Manager of any Branch Regional Office.

§ 22.7 *Preliminary consideration of appeals in the Commission.* When an appeal is received it will be examined for the purpose of determining whether or not it is within the scope of Public Law 359 and the regulations in this part. If the determination is that it is not, the employee will be so advised and informed as to the basis for such determination. Thereafter the employee or his designated representative may make request for reconsideration of this determination and may submit evidence and make representations in support of his request. The record will then be considered and the employee or his designated representative advised as to the decision reached. If it is found to be an appeal within the purview of Public Law 359 and the regulations in this part it will be docketed for investigation and adjudication and the employee or his designated representative and the employing agency will be so advised.

§ 22.8 *Investigations*—(a) *When made.* Investigations will be made as necessary, to develop all the facts and circumstances relative to the adverse decision and to obtain necessary copies of the official record, charges, answer, decision and the reasons therefor, and pertinent testimony of witnesses.

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however,* That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* The appellant shall have the right to appear personally or through or accompanied by a designated representative in connection with his appeal and if an appellant has expressed the desire for such a personal appearance arrangements will be made for a hearing at a stage of the proceedings agreed upon between the appellant and the regional office or the office of the Chief Law Officer, as the case may be.

(b) *Notice of hearings and where scheduled.* The hearing will be scheduled at Washington, D. C., or at any regional office or branch regional office and notifications thereof transmitted to the appellant or his designated representative and to the employing agency, advising the latter that it may participate, and informing both parties of a right to produce evidence and witnesses.

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses: *Provided, however,* That where the adverse action of the administrative officers with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

(d) *Admission of evidence.* Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant testimony.

(e) *Testimony taken under oath; record of hearing; not open to public.* The testimony at hearings shall be under oath. When the Chief Law Officer or the Regional Director, as the case may be, directs that the hearing be recorded stenographically, a complete verbatim report of the hearing shall be made stenographically. In other cases the hearing examiner will make suitable notes of the relevant portions of the testimony and at the conclusion of the hearing will summarize these notes and when agreed to in writing by all parties concerned the summary will constitute the report of the hearing. If the examiner and the parties cannot agree on the summary the parties shall be permitted to submit in writing exceptions to any part of the summary which they question and such exceptions will be considered in connection with the making of the finding and recommendation. Hearings will not be open to the general public or the press and attendance shall be limited to persons having a direct connection with the appeal.

(f) *Appearance of witnesses.* The Commission does not have the power of subpoena and appellants and their designated representatives, and employing agencies, will be required to make their own arrangements for the appearance of witnesses.

(g) *Transcripts of hearing.* Copies of transcripts of hearing will not be furnished.

§ 22.10 *Decision in the Commission*—(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

(b) *Copy of decision furnished appellant and agency; appeal to Commissioners.* Copies of the analysis, conclusions

and recommendation shall be furnished to the employing agency and to the appellant or his designated representative, and both parties shall be notified of the right of a further appeal to the Commissioners of the U. S. Civil Service Commission, Washington 25, D. C.

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

§ 22.11 *Further appeals to the Commission*—(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

(b) *Referred to Board of Appeals and Review.* Appeals under this regulation shall be referred to the Board of Appeals and Review of the Commission in Washington, D. C., for appropriate action and recommendation to the Commissioners.

(c) *Hearing before Board of Appeals and Review.* The Board of Appeals and Review shall review the record and in its discretion grant hearings with an opportunity for the production of evidence and cross-examination of witnesses.

(d) *Final appeal is to the Commissioners.* Decisions on appeals to the Commissioners will be transmitted to the appellant or his designated representative and the employing agency concerned with notifications to both parties that no further appeals will be entertained as to the particular case unless new and material evidence is submitted.

(e) *Further appeals.* The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, entertain a further appeal at the request of the appellant or his designated representative or of the employing agency, and may grant a hearing before them. In connection with such reopened appeal both parties to the proceeding shall be accorded opportunity to make written representations and to participate in any hearing which may be held.

PART 23—POLITICAL ACTIVITY OF STATE EMPLOYEES; RULES OF PRACTICE

Sec.
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AUTHORITY: §§ 23.1 to 23.22, inclusive, issued under sec. 12 (d), 54 Stat. 767; 18 U. S. C. 61*l*.

CROSS REFERENCE: For regulations governing political activity of Federal government employees, see Part 4 of this chapter.

§ 23.1 *The Commission*—(a) *Offices.* The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to United States Civil Service Commission, Washington 25, D. C., Attention, Chief Law Officer, unless otherwise specifically directed.

(b) *Hours.* The office is open on each business day from 8:45 a. m. to 5:15 p. m.

(c) *Proceedings.* The Commission may, by one or more of its members or by such examiners as it may designate, conduct any inquiry or hearing necessary to its duties in any part of the United States.

§ 23.2 *Executive officer.* The Executive Director and Chief Examiner is the executive officer of the Commission, and has legal custody of its papers, records, and property; and all orders of the Commission shall be signed by the Executive Director and Chief Examiner, or such other person as may be authorized by the Commission.

§ 23.3 *Service.* Letters of charges, orders, and other processes of the Commission shall be served by the Chief Law Officer of the Commission by registered mail, by registering and mailing a copy thereof addressed to the officer or employee charged with the violation and to the State or local agency employing such person.

When service is not accomplished by registered mail, letters of charges, orders, or other processes of the Commission may be served by anyone duly authorized by the Commission, or by an examiner of the Commission.

(a) By delivering a copy of the document to the person to be served, and/or to an officer of the State or local agency; or

(b) By leaving a copy thereof at the principal office or place of business of such person and/or State or local agency.

The return post-office receipt for said letter of charges, order, or other process registered and mailed as aforesaid, or the verified return by the person serving such letter of charges, order, or other process setting forth the manner of said service, shall be proof of the service of the document.

§ 23.4 *Appearance.* Any individual who is a party to any proceedings before the Commission may appear for himself or by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission. Any State or local agency may appear or be represented by an attorney at law possessing the requisite qualifications, as hereinafter set forth, to practice before the Commission.

Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Commission.

A written application for admission to practice before the Commission is required. A writtten notice of appearance on behalf of a specific party or parties in the particular proceeding shall be submitted by attorneys desiring to appear for such specific party or parties. Upon receipt of such notice, application forms for admission to practice before the Commission will be furnished. Any attorney, practicing before the Commission or desiring so to practice, who, in the judgment of the Commission does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct, may be disbarred or suspended from practicing before the Commission; and the Commission or its examiners shall have the right to suspend immediately any attorney for contumacy, contempt, or misconduct during the course of any proceeding.

No former officer, examiner, attorney, clerk, or other former employee of this Commission shall appear as attorney or counsel for or represent any party in any proceeding resulting from any investigation, the files of which came to the personal attention of such former officer, examiner, attorney, clerk, or other former employee during the term of his service or employment with the Commission.

§ 23.5 *Documents.* Documents required to be filed with the Commission in any proceeding shall be filed with the Chief Law Officer of the Commission.

(a) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(b) *Copies.* Five copies of documents other than correspondence shall be filed except as otherwise specifically required by these rules.

(c) *Form.* It is requested that documents not printed be typewritten on one side of paper only, letter or legal size, double or triple spaced, with ample margin.

The originals of all documents, whether printed or typewritten, shall be signed in ink by the duly authorized attorney, or if an interested party is appearing without counsel, by the interested party.

§ 23.6 *Letter of charges.* When the Commission has reason to believe that there is a violation of the law over which the Commission has jurisdiction, the Commission shall, by registered mail, send to the officer or employee charged

with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation, which instrument shall be known as a letter of charges.

§ 23.7 *Answers.* In the case of a desire to contest the proceedings, the respondent or respondents shall, within fifteen (15) days from the day the letter of charges is served, file with the Commission an answer to the letter of charges; or within thirty (30) days if the officer or employee and/or the local agency is in a Territory or possession of the United States of America.

Such answers shall contain a concise statement of the facts which constitute the ground of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the letter of charges, unless respondent is without knowledge, in which case respondent shall so state. Five (5) copies of answers shall be furnished the Commission at the time of filing the original answer. All answers and copies thereof shall be signed by the respondent or by his attorney at law and shall show the office and post-office address of the signer.

Failure of the respondent to file an answer and the copies thereof within the time above provided shall be deemed to authorize the Commission, without further notice to respondent, to proceed in the regular course on the charges set forth in the letter of charges. If respondent desires to waive hearing on the allegations of fact set forth in the letter of charges and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the letter of charges to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said letter of charges and to have authorized the Commission, without further evidence or other intervening procedure, to find such facts to be true, and, if in the judgment of the Commission, such facts admitted constitute a violation of the law as charged in the letter of charges, to make and serve findings of facts, and to thereupon make an order, if the violation so warrants, for the removal of the officer or employee, and to notify such officer or employee and the appropriate State or local agency of such determination.

Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief or in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of the law charged in the letter of charges.

§ 23.8 *Notice of hearing.* After the filing of answer or other appropriate response, the Commission shall fix a time and place for a hearing and shall, by registered mail, send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice of the time and place of hearing.

§ 23.9 *Motions.* Motions before the Commission or the hearing examiner shall state briefly the purpose thereof, and all supporting affidavits, records, and other papers, except such as have been previously filed, shall be filed with the motions and clearly referred to therein.

Motions in any proceeding before a hearing examiner which relate to the introduction or striking of evidence shall be made to the hearing examiner and shall be ruled on by the hearing examiner. No exception is necessary to the ruling of the hearing examiner to preserve the objection before the Commission or appellate courts.

§ 23.10 *Continuances and extensions of time.* Except as otherwise expressly provided by law, the Commission or its examiners, for cause shown, may extend any time limits prescribed for filing any papers, except time for filing appeal, which is fixed by statute, and may continue or adjourn any hearing. A hearing before a hearing examiner shall begin at the time and place ordered by the Commission, but thereafter may be adjourned from time to time by the hearing examiner or the Commission.

Applications for continuances and extensions of time shall be made prior to the expiration of the time prescribed by these rules, and must be accompanied by an affidavit showing exceptional circumstances.

§ 23.11 *Hearings of complaints.* All hearings before the Commission or hearing examiners on letters of charges issued by the Commission shall be public unless otherwise ordered by the Commission.

Hearings shall be stenographically reported by the official reporter of the Commission and a transcript thereof shall be made which shall be a part of the record of the proceeding. The record made shall be the sole official record. Transcripts will be supplied to a respondent or respondents (or to the public) by the official reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

§ 23.12 *Hearing examiners.* When evidence is to be taken in a proceeding upon a letter of charges issued by the Commission, a hearing examiner may be designated for that purpose by the Commission.

It shall be the duty of the hearing examiner to complete the taking of evidence with all due dispatch.

The hearing examiner is charged with the duty of conducting a fair and impartial hearing and of maintaining order in form and manner consistent with the dignity of the Commission. He will note on the record any disregard by counsel for his rulings on matters of order and procedure, and where he deems it necessary shall make special written report thereof to the Commission. In the event that counsel for the Commission or counsel for any respondent shall be guilty of disrespectful, disorderly, or contumacious language or conduct in connection with any proceeding, the hearing examiner may suspend the proceeding and submit to the Commission his report thereon together with his recommendation as to whether any rule should be issued to show cause why any such counsel should not be suspended or disbarred pursuant to § 23.4 or other appropriate action as provided under section 12, subsection (d) of the Hatch Political Activity Act. A copy of such hearing examiner's report shall be furnished to any counsel upon whose language or conduct such report is made, and the Commission will take disciplinary action after an opportunity for hearing has been accorded such counsel.

§ 23.13 *Subpenas.* Subpenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by the Commission or any member thereof. Application therefor must be made in writing either to the Chief Law Officer or to the presiding hearing examiner.

Subpenas for the production of documentary evidence will be issued only upon application in writing to the Commission or the presiding hearing examiner. The application must specify as exactly as possible the documents desired, and show their competency, relevancy, and materiality. An application by a respondent shall be verified by oath or affirmation.

In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof (sec. 12 (d) of the act of August 2, 1939, as amended).

§ 23.14 *Witnesses.* Witnesses shall be examined orally, except that for good and exceptional cause for departing from the general rule the Commission may permit their testimony to be taken by a deposition.

Witnesses summoned by the Commission shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witnesses whose depositions are taken for the Commission, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

§ 23.15 *Evidence*—(a) *Documentary.* Where relevant and material matters offered in evidence are embraced in a document containing other matters not material or relevant and not intended to be put in evidence, such immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.

(b) *Objections.* Objections to the evidence before a commissioner or a

hearing examiner shall be in short form, stating the grounds of objection relied upon, and the transcript shall not include argument or debate thereon, except as ordered by the Commission or hearing examiner. Rulings on such objections shall be a part of the transcript. No exception to the ruling is necessary to preserve the rights of the parties in an appeal to the Commission or in the appellate court.

§ 23.16 *Depositions.* The Commission may order evidence to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having the power to administer oaths or affirmations.

Unless notice be waived, no deposition shall be taken except after reasonable notice to the parties.

Any party desiring to take the deposition of a witness shall make application in writing, setting out the reasons why such deposition should be taken and stating the time when, the place where, and the name and post-office address of the person before whom it is desired the deposition be taken; the name and post-office address of the witness, and the subject matter or matters concerning which the witness is expected to testify.

If good cause be shown, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission shall name the witness whose deposition is to be taken and specify the time when, the place where, and the person before whom the witness is to testify, but such time and place and the person before whom the deposition is to be taken so specified in the Commission's order may or may not be the same as those named in said application to the Commission.

The testimony of the witness shall be reduced to writing by the officer before whom the deposition is taken or under his direction, after which the deposition shall be subscribed by the witness and certified in the usual form by the officer. After the deposition has been so certified, it shall, together with four additional copies thereof made by such officer or under his direction, be forwarded by such officer under seal, in an envelope addressed to the Commission at its office, Washington 25, D. C. Such deposition, unless otherwise ordered by the Commission for good cause shown, shall be filed in the record in said proceeding and a copy thereof supplied to the party upon whose application said deposition was taken or his attorney.

Depositions shall be typewritten on one side of paper only; letter or legal size; left margin 1½ inches; right margin 1 inch.

§ 23.17 *Admissions of fact and genuineness of documents.* At any time after answer has been filed the hearing attorney for the Commission may serve upon any respondent, or counsel for a respondent may serve upon the Commission's hearing attorney, a written request for admission of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in such documents. Copies of documents shall be delivered with the request unless copies have already been furnished. Each of the matters on which an admission is so requested shall be deemed admitted, unless within a period designated within the request, not less than ten (10) days after service thereof, or within such further time as the Commission or the hearing examiner may allow on motion and notice, the party so served serves upon the party making the request a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny those matters.

Service required hereunder may be made upon a respondent either by registering and mailing or by delivering a copy of the documents to be served to the respondent or his attorney or by leaving a copy at the principal office or place of business of either. Service upon the Commission's hearing attorney may be either by registering and mailing or delivering a copy of the documents to be served to such attorney.

§ 23.18 *Hearing examiner's preliminary report.* Except as stated in the next paragraph, the hearing examiner shall, as promptly as practicable after the receipt by him of the complete stenographic transcript of all testimony in a proceeding, make his preliminary report upon the evidence. He shall also transmit copies of this report to attorneys who appeared in the proceeding, and individually to any respondent unrepresented by counsel.

A hearing examiner's report is not a report of finding of the Commission. The preliminary report, like the final report hereinafter mentioned, is advisory only and is not binding upon the Commission.

§ 23.19 *Briefs.* At the conclusion of a hearing, the examiner shall prescribe the time and other directions for filing of briefs on behalf of parties to the hearing, if any party desires to submit a brief. The time within which initial briefs are to be filed, shall be calculated from the date of service upon the parties of copies of the examiner's preliminary report: *Provided,* That for good cause stated at the conclusion of the hearing, the examiner may eliminate the filing and service of a preliminary report: *Provided further,* That any interested party may apply in writing to the Commission for modification of any of the examiner's rulings concerning reports and briefs. Five copies of briefs shall be filed.

§ 23.20 *Hearing examiner's final report.* After expiration of the time for filing briefs, the hearing examiner, as promptly as practicable, shall re-examine the record, including the briefs, and shall make a final report to the Commission. If, in any instance, the recommendations of the final report shall so vary from the tentative recommendations of the preliminary report, that the Commission deems that notice and further opportunity to be heard should be given to the parties, it will so order and provide.

§ 23.21 *The decision.* Upon receipt of the hearing examiner's final report, the Commission shall review the report and shall make its own findings and determine whether any violation has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall, by registered mail, notify such officer or employee and the appropriate State or local agency of such determination. The Commission may, if the circumstances warrant, refer the case back to the hearing examiner for the purpose of obtaining additional evidence.

§ 23.22 *Appeal.* Appeal procedure is prescribed in section 12 (c) of the act of August 2, 1939, as amended by the act of July 19, 1940. This subsection is as follows:

(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C. 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effec-

tive as to such party in the same manner as if such provision had not been enacted.

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Sec.
24.1 Medical officer; all grades.
24.2 Dentist; all grades.
24.3 Veterinarian; all grades.
24.4 Consultant in education; all grades.
24.5 Student nurse, St. Elizabeths hospital.
24.6 Graduate nurse, general staff duty or psychiatric duty.
24.7 Graduate nurse (trainee).
24.8 Agronomist (field operations), P–1, Soil Conservation Service.
24.9 Soil scientist (field operations), P–1, Soil Conservation Service.
24.10 Dietitians.
24.11 Physical training, Veterans' Administration.
24.12 Teacher; all grades.
24.13 Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.
24.14 Office of Indian Affairs, teacher, community school: elementary; junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school.
24.15 Range conservationist, P–1, Department of Agriculture.
24.16 Social worker (psychiatric and medical) Veterans' Administration, SP–6 and SP–7.
24.17 Agronomist (research), P–1, Department of Agriculture, Bureau of Plant Industry.
24.18 Office of Education.
24.19 Forester, P–1, Department of Agriculture.
24.20 Psychiatric social worker, P–1, War Department, Fort Storey, Virginia.
24.21 Range conservationist (ecology), P–1, Department of Agriculture.
24.22 Biologist (land management), P–1, Soil Conservation Service.
24.23 Clinical psychologist, P–2 through P–5, in Veterans' Administration hospitals and outpatient clinics and in U. S. Public Health Service Clinics.
24.24 Land classification specialist, grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.
24.25 Educational consultant, grades P–7 and P–8, Army Air Forces.
24.26 Educational retraining.
24.27 Pharmacist, P–1 through P–4.
24.28 Chemist.
24.29 Physicist, P–1 through P–8.
24.30 Engineer, trainee, SP–3, SP–4, SP–5.
24.31 Geologist.
24.32 Bacteriologist, P–1, P–2, P–3 (option, agricultural).
24.33 Engineering positions involving highly technical research, design or development, or similar functions.
24.34 Instructor, academic subjects, apprentice schools, Navy Department.
24.35 Geophysicist, P–2 through P–6.
24.36 Junior professional assistant.
24.37 Occupational therapist, P–1 and above.
24.38 Physical therapist, P–1 and above.
24.39 Mathematician, P–2 through P–8, where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties.
24.40 Instructor, meteorology, P–2 through P–5.
24.41 Human biologist, P–7.
24.42 U. S. Coast Guard Academy.

AUTHORITY: §§ 24.1 to 24.42, inclusive, issued under sec. 5, 58 Stat. 388; 5 U. S. C., Sup., 854.

§ 24.1 *Medical officer; all grades*—(a) *Duties.* With responsibilities proportionate to the grade, appointees perform professional duties as doctors of medicine in hospitals, in dispensaries or in the field. As examples of the work performed: Conduct physical examinations, give anesthetics, perform minor surgical operations, assist in major operations, change dressings, supervise care of patients, and diagnose and treat diseases; including the administration of parenteral medication, administer first aid, give first aid instructions, supervise a ward or other hospital or dispensary clinic, serve as Officer of the Day in hospitals, determine whether government employees have tuberculosis or other disease in a communicable form.

(b) *Knowledge and training requisite for performance of duties.* A thorough understanding of the human body, its anatomy, its physiology, and its reactions to drugs; a thorough understanding of the symptoms of disease, the causes of disease and the treatment; a thorough understanding of the principles and procedures in the practice of all branches of medicine are necessary.

(c) *Method of obtaining basic knowledge and training.* It is a well-recognized fact that persons desiring to become physicians or doctors of medicine must obtain their education in a medical school of approved standing. There are no other sources in which knowledge necessary to provide for the health and welfare of the individual can be obtained.

§ 24.2 *Dentist; all grades*—(a) *Duties.* Appointees perform dental operations either under supervision or independently according to assignment. As examples of the work performed: In a large hospital or in a dental clinic make an examination of the oral cavity and independently or in consultation with dental specialists in the higher grades in the more unusual cases, make diagnoses of gums or pathological conditions and give treatment or perform dental operations as required; take, develop, and interpret X-ray films, make dental examinations, aid in medical diagnoses, and instruct, advise and assign dental interns, dental assistants, mechanics or others; make dental reports, requisition equipment, medicine and supplies, and act especially on the dental disabilities for compensation purposes or make dental ratings and authorize treatment.

(b) *Knowledge and training requisite for performance of duties.* Applicants must have an understanding of the anatomy and physiology of the mouth and the relation of mouth conditions to the rest of the body; the types of diseases affecting the mouth, gums and teeth; and the cure of such diseases. They must understand thoroughly safe and approved methods for treating teeth and gums and for removing damaged or diseased teeth. They must know all the proper methods for filling of teeth, making of crowns, inlays, and all other related repairs on teeth. They must be able to repair mouth fractures and dental damages resulting from accident or wounds incurred in war.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing a full four-year course in a dental school of recognized standing.

§ 24.3 *Veterinarian; all grades*—(a) *Duties.* The duties of this position include ante-mortem and post-mortem inspection of food animals and inspection of food products; administration of tests for disease, control and eradication of disease, sanitary inspection of establishments and plants. Appointees inspect dairies, make milk sanitation surveys, and advise state and local health departments on proper methods of milk sanitation for the United States Public Health Service. As examples of the work performed: Makes primary ante-mortem and post-mortem inspection of meat producing animals; detect diseases and/or other abnormal conditions; assist in enforcing sanitary requirements in meat-preparing establishments by making preliminary examinations or diagnoses and supervise the handling and preparation of meat and its products. Make preliminary inspection of cattle, sheep, swine, and other livestock in stockyards, and in the field for contagious, infectious and communicable diseases. Assist in the testing of cattle and other animals for tuberculosis, and the mallein testing of horses for glanders. Draw samples of blood from horses and other animals and prepare such material for shipment to a laboratory for serological and other examinations. Supervise the dipping of cattle and sheep in officially permitted solutions and the immunization of swine and other animals to prevent and control communicable diseases; make tests of dipping solutions to maintain them in a proper strength. Assist in the inspection of animals used in licensed biological establishments and in supervising the production of anti-hog cholera virus and serum for carrying out preliminary inspection, making preliminary diagnoses, and conducting the technique upon the results of which the decision of a superior is based. Organize and conduct animal disease control and eradication in small areas, such as one or more counties of a State, involving cooperative tuberculosis testing, tick or scabies eradication, or hog cholera control. Make scientific investigation of internal parasites of domesticated or wild animals; prescribe medical treatment of affected animals and determine the value of treatment and prophylactic methods.

(b) *Knowledge and training requisite for performance of duties.* The field of veterinary medicine and surgery is as complicated as that of human medicine and surgery and requires as intensive an education including intensive clinical experience. Veterinarians must have a full and complete knowledge of the anatomy, physiology, biochemistry, and functioning of the animal body. They must know all the various types of approved medicines and the effects on the animal body. They must be capable of recognizing animal disease and of correcting such disease.

(c) *Method of obtaining basic knowledge and training.* The knowledge required for the performance of the duties

described in paragraph (a) of this section can be obtained only by attending and completing a full four-year course in an approved school of veterinary medicine. There are no other sources from which an individual may obtain this basic knowledge and training.

§ 24.4 *Consultant in education, all grades*—(a) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(b) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(c) *Method of obtaining basic knowledge and training.* The method by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in adddition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He has access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and, in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training an individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

§ 24.5 *Student nurse, St. Elizabeths Hospital*—(a) *Duties.* The student attends classes which include theoretical study in the following subjects: Anatomy, physiology, microbiology, chemistry, psychology, sociology, social problems in nursing, introduction to medical sciences, pharmacology and therapeutics nutrition, foods, cookery, diet therapy, medical and surgical nursing, obstetrical nursing, nursing of children, psychiatric nursing. Classes are attended at which demonstration in the nursing care of patients for various types of diseases and conditions are given by nurse instructors. The students practice and return the demonstration to the instructors before being permitted to carry out any procedures on patients. Students then carry out the less complicated procedure on a specially assigned patient under close supervision of war instructors. As students gain more skill in carrying out nursing procedures and techniques they are then given more advanced nursing procedures in which they assume more responsibility in the nursing care of patients.

(b) *Knowledge and training requisite for performance of duties.* The student nurse is considered as a student in the same manner as a student who is learning to be a teacher, dentist, physician, or preparing for any other profession. The course requires three years and consists of a probationary term of six months, a freshman term of six months, a junior term of twelve months, and a senior term of twelve months. Completion of four years of high school, or its equivalent, with the subjects stated in paragraph (c) of this section is the minimum education necessary for a student entering a basic course in nursing.

The requirements of applicants for enrollment in the school of nursing at St. Elizabeths Hospital are necessary to meet the standards set by the District of Columbia Board of Nurse Examiners. Boards of Nurse Examiners are established by law and govern the standards for admission to accredited schools of nursing. If a school of nursing does not meet the standards, it loses accreditation. Nurses graduating from such schools are not eligible for registration as Graduate Professional Nurses, and would not be eligible to practice as such in the District of Columbia or in the States. In order to maintain its accredited standing, the exact requirements specified by the Board of Nurse Examiners for schools of nursing in the District of Columbia are necessary for entrancee as Student Nurse.

(c) *Method of obtaining basic knowledge and training.* To meet the standards set by the District of Columbia Board of Nurse Examiners, the Commission has determined that applicants must have been graduated from an accredited high school giving a four-year course. They must have completed at least 16 units of study, including: 4 units of English; 2 units of high-school mathematics; 2 units of science; preferably including general science, and a second science such as some form of chemistry or physics (home economics units do not constitute acceptable science units); and 2 units of social studies (1 unit must be United States history, except that one-half unit of civics may be substituted for one-half unit of United States history). (1 unit of study means one 36- to 40-week school year of study, five 40- to 60-minute class periods a week.)

§ 24.6 *Graduate nurse, general staff duty or psychiatric duty*—(a) *Duties.* Under supervision of the head nurse to perform general nursing duty or psychiatric nursing duty in the wards of hospitals which include the following: Administering or assisting in administering treatments and medications as prescribed by the medical staff; bathing critically ill patients, taking temperature, pulse, and respiration of patients, feeding patients, if necessary; supervising and instructing non-professional staff who give any type of nursing care to patients; charting and recording care and treatments given patients; performing duties requiring special training and experience; performing related duties as assigned which are of a professional nursing nature.

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse the Commission has determined an applicant must have the following minimum requirements:

(1) Graduation from a recognized school of nursing requiring a residence of at least two years in a hospital having a daily average of 50 bed patients or more; or where the course includes not less than six months' resident affiliation with a general hospital having a daily average of not less than 75 bed patients, or where the graduate has successfully completed a resident postgraduate course of not less than six months' duration in general nursing in a hospital having a daily average of not less than 50 bed patients.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* Graduate Nurses are to be employed in hospitals operated by the Army, Navy, Veterans' Administration, U. S. Public Health Service and the Indian Service, and to a very large extent, the patients will be ex-servicemen and women in need of the best of medical care. The medical directors of the various Federal agencies have confirmed the requirements stated in paragraph (b) of this section as being the minimum training for the effective performance of the duties of the nursing positions.

§ 24.7 *Graduate Nurse (Trainee)*—(a) *Duties.* Graduate nurses appointed to these positions will receive a period of special supervised training ordinarily of 6 months' duration in hospitals operated by Federal agencies, following which, if they prove satisfactory, they may be promoted to the position of Graduate Nurse (General Staff Duty or Psychiatric Duty).

(b) *Knowledge and training requisite for performance of duties.* To qualify for Graduate Nurse (Trainee), the Commission has determined an applicant must have the following minimum qualifications:

(1) Graduation from a full course in a recognized school of nursing requiring a residence of at least two years.

(2) Registration as Graduate Nurse in a State or Territory of the United States, or the District of Columbia.

(c) *Method of obtaining basic knowledge and training.* The Graduate Nurse (Trainee) position is established in order to utilize services of Graduate Nurses who have not had training in a hospital having a daily average of 50 bed patients. The medical directors of the various Fed-

eral agencies have confirmed the requirements contained in paragraph (b) of this section as being the minimum training necessary for the effective performance of the duties of Graduate Nurse (Trainee).

§ 24.8 *Agronomist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of an agronomist are, under supervision, to maintain and make preliminary interpretation of technical records of grass and legumes under scientific tests, including their climatic resistance, disease susceptibility, augmentation, germination and purity, and their response to environmental conditions of soil conservation culture; to plan crop rotations in accordance with proper land capabilities; to develop tentative pasture management plans in accordance with proper land capabilities, rotation with other crops, with the type and amount of livestock, with available irrigation facilities, and with any accessory pasture; to make chemical analyses tests of soils to determine their calcium and magnesium requirements for the production of any specific crop and to assist in developing a liming and/or fertilization program for the various crops and pastures produced; to take proper soil samples or to teach others the proper techniques of soil sampling for chemical determinations for nitrogen, phosphorus, potash and minor elements; to develop a strip cropping pattern for crop production in accordance with land capabilities, crops produced, and surface relief; to assist in developing a contour system of crop production designed in accordance with all other practices in soil and water conservation; to assist in developing a soil management system for commercial fruit production that will be in harmony with technical water disposal systems needed for the site, with biological, organic and inorganic components of the soil; to design and supervise the installation of proper vegetative engineering work in support of structural engineering installation; to aid in the development of land use capability tables and charts for his immediate area; and to supervise the technical phases of harvesting grass and legume seed, cleaning, seeding, and cultivating.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties of agronomist, include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of an agronomist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in chemistry.

3 courses in any one or in any combination of plant physiology, plant pathology, entomology, or bacteriology.

3 courses in any one or in any combination of principles of feeding livestock, animal husbandry, range management, principles of dairying, or poultry culture.

8 courses in farm crops, soils, or plant breeding of which at least 4 courses shall be in farm crops.

The student receives in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through a careful correlation of such material through directed classroom study and reading.

CROSS REFERENCE: For justification relative to Agronomist (Research) Department of Agriculture, Bureau of Plant Industry, see § 24.17.

§ 24.9 *Soil scientist (field operations), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a soil scientist are, under supervision, to perform work in field mapping; to make physical land surveys involving identification of: inherent soil characteristics in the soil profiles such as the proportions and composition of the textual separates, nature and stability of the structural aggregates, properties with respect to soil consistence, conditions of oxidation and reduction, and amount and nature of organic matter, all as a basis for classifying the effective depth of plant root feeding zone, the amount of water and the nutrients available for plant growth; types of parent rock and soil material; geomorphic relationships including the differentiation of concave and convex land surfaces and slopes in relation to differences in soil and in susceptibility to erosion that have significance in use and management of land; losses of soil by accelerated erosion, distinguishing between those of wind and water; water table conditions both temporary and permanent; amount and toxicity of soluble salts; character and significance of stoniness, surface soil crusting, etc.; also to take soil samples; to write soil profile and land area descriptions; to assist in interpretation of physical land factors for the development of land capability classification; and to assist in preparing land use and management recommendations and applying such recommendations to the land.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which soil science is based, as well as intensive training in soil science itself, and an intimate working knowledge of the theory and application of the scientific principles employed in technical soil conservation practices.

(c) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of soil scientist is through the successful completion in a college or university of recognized standing of the subjects specified below:

2 courses in advanced chemistry.

2 courses in plant science or bacteriology.

4 courses in either soil science or earth science, or in any combination of earth science and soil science.

The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a soil scientist, and works in well equipped chemistry, bacteriology, and soil science laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

§ 24.10 *Dietitians*—(a) *Student*—(1) *Duties.* The duties of a student dietitian consist of individual and class participation in an advanced and technical training course under the guidance and direction of an instructor in dietetics and the immediate supervision of graduate dietitians. In this course the student receives classroom instruction and on-the-job training in the field of dietetics. This involves the preparation and analysis of menus; studying and analyzing food specifications, studying methods of food preparation, serving, and storage; supervision of regular and special diet service and all phases of food preparation including special diets; contacting patients regarding diets; conducting diabetic and other special diet classes; and performing other duties incident to the administration of a hospital dietary department.

(2) *Knowledge and training requisite for performance of duties.* Since the training course for student dietitians is only 12 months in length it is necessary that persons entering this advanced course have already acquired a knowledge of the physical and social sciences upon which the field of dietetics is based. To comprehend the information and practical training presented in the course, students must have, and be able to apply, a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and a background of the organization and administration of a hospital dietary department.

The Commission has determined that the duties of the position of Student Dietitian are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing provided that this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6

semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management).

(3) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a student dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The student receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the student cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(b) *Staff (SP–5 and P–1)*—(1) *Duties.* With varying degrees of responsibility at the different grade levels, a dietitian performs or supervises the performance of other dietitians in the following duties: Planning and supervising the preparation and serving of therapeutic diets, charting components and measurements daily for conformance with type of diet prescribed by the doctors; conferring with physicians, and patients regarding prescribed diets, and instructing patients in the composition and preparation of discharge diets as required; planning and supervising the preparation and serving of the basic diet for patients and hospital personnel; compiling periodic analyses for conformance with standards of the agency; making annual budget estimates of food and allotments; determining the kind and amount of food to be procured; serving as a member of the board of awards on contracts for perishable food items; requisitioning dietary supplies and equipment; overseeing the care and sanitation of equipment, and work and storage areas; specifying the work assignments of dietary employees; interviewing and selecting applicants for nontechnical employment in the dietary department; formulating in-service training courses for food handlers; and performing related duties as assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of a dietitian require that she be able to apply in her daily work a knowledge of the physiology and digestive processes of the human body; the nutritional requirements of individuals of varying ages and occupations; the special diet requirements of persons suffering from a variety of diseases; bacteriological principles as applied to food spoilage and sanitation; and the organization and administration of a hospital dietary department.

The Commission has determined that the duties of dietitians at all levels are such that they cannot be performed by a person who does not have 36 semester hours of study in a college or university of recognized standing: *Provided,* That this study has included: 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery, and organization and management). The possession of a bachelor's degree in dietetics or institutional management from a college or university of recognized standing will be accepted as meeting the educational requirement for these positions.

(3) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a dietitian is through the completion of the courses outlined in subparagraph (2) of this paragraph. The individual receives, in such courses, competent instruction in the technical and theoretical subjects that she will have to apply as a dietitian, and works in well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories. The scientific information thus obtained cannot be acquired by individual study or through practical experience because the necessary facilities for laboratory experimentation are not available. Requisite studies other than the biological and physical sciences represent information from such a variety of fields that the individual cannot cover the material except through the careful correlation of such material into directed classroom study and reading.

(c) *Head (SP–6 and P–2).*

(d) *Assistant (SP–7 and P–3).*

(e) *Chief (SP–8 and P–4).*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (c), (d), and (e) of this section.

§ 24.11 *Physical training, Veterans' Administration*—(a) *Physical Director, P–2, formerly SP–6 (Revised)*—(1) *Duties.* The duties of a physical director are to direct the physical activities and the carrying out of therapy, both general and that prescribed for certain patients (neuropsychiatric); to promote athletic activities by forming teams and instructing the players; to direct indoor and outdoor classes in gymnasium ward work according to program; to conduct calisthenics in ward classes; to maintain equipment used in the work. This position exists only in Veterans' Administration Facilities.

(2) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the performance of these duties described in subparagraph (1) of this paragraph include knowledge of formal and informal exercise activities and their therapeutic application to specific and general treatment of the various types and needs of hospital patients—remedial and corrective exercises for general hospital patients, re-socializing exercises for psychotic patients, formal graduated exercises for regressed psychotic patients. The duties of the position require ability to observe intelligently the physical and mental reactions of patients and to make discerning reports to the medical staff so that an effective treatment program can be formulated and carried out.

(3) *Method of obtaining basic knowledge and training.* The Commission is of the opinion that the only method by which persons may obtain the knowledge required to perform adequately the duties of physical director is through the successful completion of at least:

(i) 16 semester hours in physical education in a school of physical education, a college, university, or teacher training institution of recognized standing, including:

4 semester hours in anatomy, physiology, hygiene, or kinesiology;

4 semester hours in psychology, tests and measurements, or education;

4 semester hours in physical fitness, therapeutic or corrective exercise, or physiology of exercise;

4 semester hours in methods of physical education, organization and administration of physical education, recreational leadership, or techniques and fundamentals of sports.

In addition, at least 2 years of responsible experience in any one or any combination of the following types of experience:

Planning, supervising, or conducting athletic activities or therapeutic exercise for hospital patients;

Administering, supervising, or teaching physical education in schools or colleges;

Supervising physical activities or athletic programs in camps, clubs, community playgrounds, or settlement houses;

Service in or for the armed forces in physical fitness or athletic programs.

(ii) Completion of the requirements for graduation from a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education, including at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph. In addition, at least 1 year of responsible experience in any one or any combination of the types of experience listed in subdivision (i) of this subparagraph.

(iii) Any time-equivalent combination of subdivisions (i) and (ii) of this subparagraph above: *Provided,* That at least 16 semester hours of work in the subjects listed in subdivision (i) of this subparagraph have been successfully completed. In any such combination, 1 year of study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education may be substituted for each 4 months of experience. For 1 year of the required experience, applicants may substitute 1 year of graduate study in a school of physical education, a college, university, or teacher-training institution of recognized standing with specialization in physical education. This

study must be in addition to that used for meeting the basic educational requirement.

(b) *Assistant Physical Director, P–1*—(1) *Duties.* The assistant physical director acts as full assistant to the physical director, P–2, acting in his absence and assists in initiating and executing a full program of calisthenics, athletics, and games for all patients for whom these activities are prescribed; planning and organizing physical exercise activities suited to the various types of neuropsychiatric patients; instructing, supervising, and directing hospital attendants assigned to assist in this work; interviewing patients, consulting with physicians, and reporting observation of patients' behavior reactions as helpful material for diagnosis and prescription for treatment; cooperating with the chiefs of all adjunct therapies in the promotion of group therapy; supervising the planning, building and upkeep of playing courts, athletic fields, bowling alleys, gymnasiums, swimming pools and other space allotted for physical exercise activities; arranging exhibitions and competitive sports events with outside organizations; preparing and submitting records, reports, etc., relative to the operation of this work.

(2) *Educational requirement.* Since this position is substantially identical although less responsible in nature than the duties of physical director, P–2, Veterans' Administration, the Commission has determined that the educational requirement established for physical director, P–2, covered in paragraph (a) (2) of this section, be the same for assistant physical director, P–1.

§ 24.12 *Teacher; all grades*—(a) *High School and special subjects*—(1) *Duties.* The duties of high school and special subject teachers consist of imparting basic knowledge of one or more subject matter fields of social, economic, vocational or cultural value to the student; training the student in effective, impartial thinking in the medium of a special subject; making use of the best methods of accomplishing these results; directing appropriate extra-curricular interests.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of various subject-matter fields; understanding of mental and physical characteristics of various age groups; knowledge of and skill in applying effective methods and techniques of instruction; and ability to evaluate the adequacy of methods employed.

In addition, experience in teaching is required for higher grade positions; the length, nature and extent of responsibility varies with the grade of the position.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing, including, or supplemented by relevant courses in educational psychology, theory and methods courses in the field of subject-matter specialization, and practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and to well equipped laboratories; and receives actual practice in teaching. The literature in most vocational and cultural subjects and in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(b) *Elementary teachers*—(1) *Duties.* The duties of elementary teachers consist of organizing and conducting classroom teaching; teaching elementary school subjects in such a way as to lay a broad foundation for later learning; training in habits of thinking; and evaluating results.

(2) *Knowledge and training requisite for performance of duties.* Knowledge of (i) mental and physical characteristics of various age groups, (ii) (accepted methods of classroom management, (iii) various subject-matter fields, and (iv) effective methods and techniques of instruction to meet a wide variety of needs of individual pupils as well as of groups; ability to apply such methods and techniques and to evaluate results.

(3) *Method of obtaining basic knowledge and training.* The method by which this fundamental knowledge of methods of classroom instruction can be obtained is in regularly organized teacher training departments of colleges or universities of recognized standing. In such institutions prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses and a system of supervised practice teaching. During his training the student works under competent instructors; has access to well stocked libraries and well equipped laboratories; and learns a variety of methods and techniques which have been demonstrated as effective. The literature in the field of education is so voluminous that an individual cannot master it by random study; guidance in reading is essential for mastery and proper evaluation of the materials in the field.

(c) *Teacher (academic subjects), Veterans' Administration facilities*—(1) *Duties.* The duties of this position are to teach an academic subject or a combination of such subjects to enlisted men in reconditioning centers.

(2) *Knowledge and training requisite for performance of duties.* To qualify for this work, applicants must have had at least 1 year of responsible experience in teaching academic subjects. Experience in teaching one or more subjects such as English, language, journalism, science, mathematics, history, above the elementary school level, may be offered to meet this requirement.

In addition, applicants must have successfully completed a full 4-year course of study leading to a bachelor's degree in a college, university, or teacher-training institution of recognized standing, with major study in education, including at least one course in practice teaching, provided that an additional year of the experience described above may be substituted for the required course in practice teaching. For this position applicants showing 12 semester hours in education will be accepted as having major study in education.

(Twelve semester hours in education are the requirements in some States for secondary teaching certificates, and twelve semester hours are all that are required by the New England and Southern accrediting associations.)

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(d) *Training specialist, War Department*—(1) *Duties.* The duties of the position of training specialist are the duties of a teacher position, and consist of teaching non-English speaking persons, illiterates, and slow learners in the Army who do not meet the standards of literacy established by the Army; preparing daily lessons, classroom exercises, and maintaining necessary class records; helping maladjusted trainee by means of frequent conferences and by special tutoring and securing the aid of the personnel consultant in cases of pronounced maladjustment; and assisting the trainee in Army indoctrination.

(2) *Knowledge and training requisite for performance of duties*—(i) *Education.* Applicants must have completed at least a 3-year course in a college, university or teacher-training institution of recognized standing with major study in education including at least one course in methods of teaching reading, provided that an additional year of the experience described below may be substituted for the required course in methods of teaching reading.

(ii) *Experience.* At least 2 years' experience in any one or in any combination of the following:

(*a*) Teaching non-English speaking persons;
(*b*) Teaching illiterates;
(*c*) Teaching remedial reading classes;
(*d*) Teaching backward children;
(*e*) Teaching grades 1, 2, or 3 in elementary schools.

(3) *Method of obtaining basic knowledge and training.* The method by which this essential basic knowledge and training may be acquired is in regularly organized teacher training departments of colleges or universities of recognized standing.

(e) *Instructor (academic subjects), CAF–6, War Department Reconditioning Centers.*

(f) *Secondary school teacher, P–1, War Relocation Authority.*

(g) *Elementary school teacher, SP–4, War Relocation Authority.*

NOTE: The provisions of paragraph (b) of this section are applicable to paragraphs (e), (f), and (g) of this section.

§ 24.13 *Navy Department, instructor, school activities, schools at Quantico, Va., Lejeune, N. C., and Patuxent River, Md.*—(a) *Principal, P–3*—(1) *Duties.* Serves as head of school; in this capacity, organizes and administers educational programs; advises on teacher selection; assigns teachers; supervises classroom procedures and instructional techniques; encourages faculty partici-

pation in programs of curriculum improvement; promotes extra-curricular activities; requisitions and assigns school supplies; prepares the school budget; maintains records; and performs such other duties as may be assigned.

(2) *Knowledge and training requisite for performance of duties.* The duties of an instructor, school activities, require that he be thoroughly familiar with the effective methods and techniques of instruction. He must be able to develop standards of instruction, to evaluate the effectiveness of the various methods used; and to offer constructive criticism concerning teaching methods and materials used by the classroom teachers under his supervision. In addition, he must know the basic principles of educational planning, organization, and management.

The enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of Naval personnel from one assignment to another. In order that the pupils may be able to transfer their credits, the schools must meet the requirements of the Board of Education of the State in which they are located. Among these requirements is the provision that the principals must be properly certified. The following educational qualifications for certification of secondary school principals and superintendents in the States of Maryland, North Carolina, and Virginia are required:

MARYLAND

Superintendent and high school principal:
(i) Bachelor's degree.
(ii) Professional requirements—1 year of graduate work.
(*a*) For superintendent—in education, including school administration, supervision, and methods of teaching.
(*b*) For high school principal—advanced study related to high school branches and approximately two-thirds in education, including high school methods, supervision and administration.

NORTH CAROLINA

Superintendent and principal:
(i) Hold or be qualified to hold class A teacher's certificate.
(ii) Master's degree.
(iii) Professional requirements:
(*a*) Superintendent—18 semester hours in education, including—

The curriculum	2
Supervision	2
General administration	2
School finance	2

(*b*) Principal—12 semester hours in education, including—

The curriculum	2
Supervision	2
High school administration	2
Elementary school administration	2

VIRGINIA

High school principal (two options):
(i) Collegiate professional certificate and two years of successful teaching experience. (A collegiate professional certificate is granted to those who have a bachelor's degree from an accredited institution and have completed 18 semester hours in education.)
(ii) Collegiate certificate and three years of successful teaching experience. (A collegiate certificate is a four-year non-renewable certificate issued to those who have a bachelor's degree but have not completed 18 semester hours in education.)

Superintendent:
(i) Master's degree.
(ii) Professional requirements—15 semester hours in education, including graduate courses in educational administration and finance.

(3) *Method of obtaining knowledge and training required.* It is believed that the requisite knowledge and training can be acquired only in regularly organized teacher training departments of colleges and universities. In such institutions prevailing theories and practices of instruction have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses which are presented by competent instructors. During his training the student is guided in his study and reading by persons who know the literature in the field and who are therefore able to help him select from the mass of available professional literature that which is significant. He is given an opportunity to observe various materials and methods of instruction, and he undergoes assignments in practice situations and receives constructive criticism concerning his methods of dealing with them.

(b) *High School Teacher, P–1 and P–2*—(1) *Duties.* Under supervision, organizes and conducts curriculum activities in a particular subject-matter field or related fields in a high school; prepares instructional materials; instructs by means of discussions, demonstrations, and group activities; devises and administers tests or measurements of pupils' development; counsels and guides students to facilitate their adjustment; suggests revisions or modifications of the curriculum and techniques to adapt the education program to available facilities and to the personal characteristics of the students; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

(c) *Elementary Teacher, P–1*—(1) *Duties.* Under supervision, plans, organizes, and directs the activities of elementary classes in government operated schools; provides instructional material for purposeful activities; instructs by means of group activities, demonstrations and discussions; plans or suggests modifications in curriculum as necessitated by changing needs; and, as assigned, engages in other activities designed to lead the students into well-adjusted citizenship.

(2) *Knowledge and training requisite for performance of duties.* The Commission has approved education as a requirement for the position of teacher according to § 24.12 (a) (2).

(3) *Method of obtaining basic knowledge and training.* Inasmuch as the enrollment in schools maintained by the Navy Department is extremely transient due to frequent shifting of naval personnel from one assignment to another, children must be prepared to take up their work in any school in any State to which they may be transferred. The schools must therefore meet requirements for approval from the State Board of Education in which they are located. There is reciprocity between the States in the acceptance of students from an approved or certified school. The educational qualifications for this position are the current requirements of the State in which the position is located.

§ 24.14 *Office of Indian Affairs, Teacher, community school; elementary, junior and senior high school; home economics, junior and senior high school; agriculture, junior and senior high school*—(a) *Duties.* Under general supervision to serve as teacher in an Indian school. Indian schools do not follow prescribed courses of study. Teachers are expected to draw upon the environment and upon their own general practical experience for much of the material for their educational program. Emphasis is placed upon free and spontaneous use of English, upon group discussions, and other informal processes. Teachers in Indian schools associate constantly with Indians, and it is necessary that they have a full appreciation of the Indian viewpoint and Indian culture, including native arts and crafts, music, and religious ceremonials. Indian service teachers are expected to be not only teachers in the usual sense, but to be active participants in the community in which they work and exercise educational leadership. They must be conversant with problems of rural economy and eager to elevate and dignify rural life.

The primary objectives of Indian schools are: To give students an understanding and appreciation of their own tribal lore, art, music, and community organization; to teach students through their own participation in school and government to become constructive citizens of their communities; to aid students in analyzing the economic resources of their reservation and in planning more effective ways of utilizing these resources for the improvement of standards of living; to teach, through actual demonstration, intelligent conservation of natural resources; to give students first-hand experience in livestock management, use of native materials in housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, and whatever other vocational skills are needed to earn a livelihood in the region; to develop better health habits, improved sanita-

tion, and higher standards of diet with a view to prevention of trachoma, tuberculosis, and infant diseases; to give students an understanding of the social and economic world immediately about them and to aid them in achieving some mastery over their environment; and to serve as a community center in meeting the social and economic needs of the community.

(b) *Knowledge and training requisite for performance of duties.* For teacher, community school (elementary), SP–4, applicants must have successfully completed two full years of study in a college, university, or teacher training institution of recognized standing.

For teacher, community school (junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree in a college, university, or teacher training institution of recognized standing.

For teacher, community school (home economics, junior and senior high school), SP–5, applicants must have successfully completed a full four-year course leading to a bachelor's degree with major study in home economics in a college, university, or teacher training institution of recognized standing.

For teacher, community school (agriculture, junior and senior high school), SP–6, applicants must have successfully completed two full years of study in an agricultural college of recognized standing and in addition must have had two years of practical farming experience.

(c) *Substitution.* Addditional study successfully completed in an agricultural college of recognized standing may be substituted year for year for the required practical farming experience.

§ 25.15 *Range conservationist, P–1, Department of Agriculture*—(a) *Duties.* Under supervision, but with individual responsibility for applying the fundamental scientific principles in the solution of range conservation problems, performs specific duties such as the following:

(1) Classifies and maps forage types, involving the identification of important forage and other native plants; secures basic information on the location and nature of the forage resources; evaluates the condition of the range in relation to the ecological stages of plant succession and determines whether it is progressing or retrogressing; determines proper rates of stocking and suitable grazing periods and systems of management based on utilization standards and the growth requirements of forage plants; and ascertains the need for range reseeding, rodent control, water development, eradication of noxious plants, and other range improvements required for the improvement and conservation of the range.

(2) Compiles and analyzes such data, and in correlation with information on the economic factors affecting management, prepares tentative recommendations and assists in the development of conservation or range management plans, requiring familiarity with grazing management practices and structural improvements, the conditions under which they are suitable, and the cost of their installation.

(3) Prepares information on feeding of domestic livestock on the basis of the nutritional requirements of animals and the local availability of feedstuffs; makes utilization surveys and instructs ranch operators in their use; evaluates the effectiveness of conservation practices and assists farmers and ranchers in establishing and maintaining such practices; keeps records and prepares preliminary reports and other informational material relative to the conservation and management of range lands.

(b) *Knowledge and training requisite for performance of duties.* Range conservation is the application of a number of separate, but related sciences in the physical, biologic, and economic fields. It embraces a body of scientific principles regarding plants and animals, both as individuals and as they are affected by other plants, animals, climate and other factors influencing their existence, growth and production on the range. Range management is closely related to plant ecology and animal husbandry, and these in turn are based on certain fundamental plant and animal sciences. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion in a college or university of recognized standing, the courses specified below:

1 course in each of the following: Plant ecology, plant physiology, soils, elementary surveying, and systematic botany or plant taxonomy.

4 courses in range management (any combination of general range management; range utilization and maintenance; range history and laws; range surveys; range or ranch economics; range plants).

3 courses in animal husbandry (any combination of animal nutrition and feeding; breeds and breeding; livestock management; market classes of livestock; livestock production).

3 courses in any one or in any combination of agronomy, general botany, silviculture, forest management, wildlife management, or zoology.

All of the above courses must have been acceptable for credit toward the completion of a standard 4-year curriculum leading to a bachelor's degree in agriculture, animal husbandry, botany, forestry, science, or range management.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in range management or plant ecology or in a combination of these two subjects, or with a minimum of 10 semester hours in a combination of these subjects and 10 semester hours in a combination of animal husbandry, pasture management, botany, agronomy, or forestry will be accepted as meeting the educational requirements for this position.

The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference materials and works in well-equipped laboratories. The Commission is of the opinion that the scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and it is believed the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.16 *Social worker (psychiatric and medical), Veterans' Administration, SP–6 and SP–7.* (These positions have been reallocated to P–2, P–3, and P–4; effective July 1, 1945).—(a) *Duties.* The duties of a social worker (psychiatric and medical) with the Veterans' Administration are to assist veterans who are suffering from physical or emotional illness. In collaboration with the physician, the social worker promotes the veteran's best response to treatment by recognizing and alleviating emotional and social problems that threaten the recovery of the veteran and thus prolong the necessity for treatment. When the veteran's personal adjustment is threatened by the nature of his emotional or physical handicap or by social circumstances and relationships, the social worker helps the veteran to develop resources within himself and the capacity for utilizing existing resources to overcome handicaps and to attain maximum self-reliance and independence. The social worker participates in diagnostic, trial visit, and discharge staff meetings, and in conferences with individual physicians. At such meetings the social worker presents the social data necessary to the medical profession in making vital decisions regarding the lives of disabled veterans.

Social workers (psychiatric and medical) assist veterans in planning their future activities following the period of hospitalization in order that the transition from hospital life to community life may be facilitated. A determination is made as to the social factors, personal circumstances, or community attitudes that are likely to prevent the carrying out of the health measures recommended by the doctors, and assistance is given to the veteran in order to prevent rehospitalization. In carrying out this responsibility it is necessary for the social worker to interpret to social and health agencies and other organizations within the community, the health problems of individual veterans and to cooperate with such agencies in utilizing their resources in advancing the rehabilitation of veterans.

(b) *Knowledge and training requisite for performance of duties.* In order to

give adequate service to physically and emotionally handicapped veterans, the social worker must have a knowledge of basic medical information including symptoms of disease and accepted forms of treatment; medical terminology; and the principles of psychosomatic medicine. There must be a knowledge of the field of psychopathology, including the structure of the various psychotic or neurotic personalities, motivations of human behavior, and the clinical study and treatment of neurotic and psychotic individuals.

The social worker must have a knowledge of and skill in judgment in applying the principles and methods of social case work. The social worker must have training in interpreting technical medical or psychiatric information in such a way as to make it intelligible to patients, their families, and other lay persons. Moreover, a knowledge of the differentiation between the functions of psychologists, psychiatrists, physicians, nurses, and other medical personnel concerned with the case of the patient is necessary.

In order to prepare communities for receiving the disabled veteran and helping him to make a normal adjustment, it is necessary for the social worker to have a knowledge of the aims and methods of urban and rural community organization; and the ability to develop within local communities a sense of their social responsibility to the returning veteran who is mentally or physically handicapped. This entails understanding of such centers of community activity as social, fraternal, and industrial organizations, school centers, and community health facilities.

(c) *Method of obtaining knowledge and training required.* The Commission is of the opinion that the only method known by which persons may obtain the basic knowledge required to perform adequately the duties of a social worker with the Veterans Administration, is through the completion of one year of training in an accredited school of social work including supervised field work and courses in psychiatric or medical information. The student receives, in such training, competent instruction in the technical and theoretical subjects that will have to be applied as a social worker. A definite part of the training period is devoted to supervised practice in a controlled setting. During this field work period, the student acquires ability in applying the skills and techniques necessary for dealing with people who may not be so adjusted as to conduct themselves in a socially acceptable manner. This necessitates the development of a concept of acceptance of individuals, a recognition of their rights, and of their potentialities for change. The student works in a social welfare or health agency of acceptable standards with a limited number of selected cases; is trained in techniques of psychiatric interviewing and social case recording; participates in case conferences with psychiatrists, psychologists, and highly skilled social workers; and throughout the period works directly under a case work supervisor especially selected by the school. The scientific knowledge and skill obtained cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies represent information from such a variety of fields that an individual cannot cover the material except through the careful correlation of directed classroom study and reading with the supervised field work.

§ 24.17 *Agronomist (Research), P–1, Department of Agriculture, Bureau of Plant Industry*—(a) *Duties.* The duties of a research agronomist are, under supervision, to conduct experiments on one or more of the following problems concerned in crop production or improvement:

(1) The effect of cultural practices and rotation sequences on soil moisture, nitrate accumulation, availability of soil nutrients, and the effect of these and allied factors on the growth, yield, composition, and nutritive value of crops under varying soil and climatic conditions as determined by physical, chemical, and biological tests;

(2) The effect of rate, date, method of seeding, fertilization, and other factors on the growth, time of maturity, yield, and nutritive value of crops or crop varieties as determined by physical and chemical tests;

(3) The effect of applying irrigation water to crops in varying amounts and under differing physiological conditions of the plants and degrees of approach to the wilting coefficient of the soil on yields and nutritive values;

(4) The effect of method, time of beginning, frequency of cultivation, shading, and other effects of competitive crops, and the rate, frequency and kinds of chemical herbicides applied on the physiological reactions of the weeds, and on the storage of carbohydrate and protein reserves in the roots of perennial weeds, the relation of these reserves to the rejuvenation, growth, and reproduction of perennial noxious weeds, and the development of weed control practices based on all these relationships;

(5) The development by self fertilization and selection of inbred lines of corn or alfalfa and hybrids between these lines, or of new varieties of other crop plants by hybridization and selection, which possess specific genetic characteristics valuable in improving these crop plants such as (i) resistance to the diseases of the crops involved (smuts of corn, sorghum, small grains and grasses, etc., rusts of small grains and grasses, and the root rot and leaf diseases of all crops); (ii) resistance to insects attacking the particular crop, (aphids, stalk borers, hessian fly, root borers, chinch bugs, etc.); (iii) resistance to stalk breaking and lodging; and (iv) plant, physiological, and yield characteristics which contribute to adaptation of the new hybrid or variety for a given region or locality;

(6) The genetic analysis of plant materials in order to determine the proper crosses for obtaining desired combinations of desired characteristics in improved hybrids or varieties;

(7) Field tests of hybrids, varieties, fertilizers, and other field practices, using appropriate experimental designs so that data can be analyzed statistically, and by analysis of variance and other appropriate statistical methods obtain data on relative yields and other factors necessary to determine values for farm use;

(8) The production and maintenance of foundation seed stocks of improved inbred lines, parent single crosses, and improved varieties for distribution to farmers, and growing such seed stocks under conditions necessary for each crop which insures absence of contamination by physical mixture or foreign pollen in order to insure genetic purity and integrity of type.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisites for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which agronomy is based, as well as intensive training in agronomy itself and an intimate working knowledge of the theory and application of the scientific agronomic principles employed in technical crop production or improvement.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of agronomist are such that they cannot be performed by a person who does not have the following: 6 courses in crops, including crop breeding or genetics; 2 courses in soils; 2 courses in advanced chemistry; 1 course in physics; 1 course in plant physiology; 1 course in plant pathology; and 1 course in entomology.

The possession of a bachelor's degree in agronomy, or in agronomy and soils combined, will be accepted as evidence that the applicant has met the above requirements.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of an agronomist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as an agronomist. He attends seminars and lectures, has access to a scientific library, and works in well-equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subjects.

CROSS REFERENCE: For Agronomist (Field Operations), Soil Conservation Service, see § 24.8.

§ 24.18 *Office of Education*—(a) *Education specialist, P–4 through P–8*—(1) *Educational requirements.* Completion of a full four year course in a college or university of recognized standing which must have included, or have been supplemented by, major study in education or in the particular field in which the duties as a specialist are to be performed.

(2) *Duties.* The duties of educational consultants or specialists consist of advising school administrators, supervisors, boards of education, or other official school or community groups concerning technical phases of educational programs; providing assistance in planning curriculum content and methods of teaching; and advising local officials in the application of approved educational methods to their individual school and to their community problems.

(3) *Knowledge and training requisite for performance of duties.* Thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written material and instructional methods related to the specialized fields; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school or the community as a whole.

In addition, except for positions in the P–1 grade, experience in research, teaching, or administration of educational programs is required for most positions; the length, scope, nature, and quality of the experience varies with the grade of the position involved.

(4) *Method of obtaining basic knowledge and training.* The only method known to the Commission by which the basic knowledge and training can be acquired is by successfully completing, in a college or university of recognized standing, a full, four-year course leading to a bachelor's degree, and, in addition, specialized study and training in the principles and methods of education. By such training the student learns under competent instructors, is guided in his reading and in his evaluation of materials read. He had access to well-stocked scientific libraries and to well-equipped laboratories; he is given an opportunity to observe various materials and methods of instruction in operation, and in a controlled and supervised setting, can experiment for himself under professional guidance. The literature in the field of education and related fields is so voluminous that an individual cannot master it on his own initiative or by random study. Without this basic college training on individual cannot recognize significant social data or draw valid conclusions.

The duties of an educational consultant require more than usual knowledge in the educational and subject-matter fields, as well as leadership ability.

(b) *Director, Division of School Administration (Assistant Commissioner)*—(1) *Duties.* The director, Division of School Administration (Assistant Commissioner), works under the general direction of the U. S. Commissioner of Education with full responsibility for nation-wide leadership in formulating developing, and executing the program of the Division of School Administration in the U. S. Office of Education, and the policies and plans for its most effective operation.

These responsibilities are carried through in such ways as the following: establishing cooperative arrangements with State and local educational authorities and with other agencies in planning and conducting essential studies of such problems as State participation in the financing of local school districts, legislation governing school textbooks, improved plans for school housing in rural areas, pupil transportation as a State responsibility, and business management in State departments of education and in county and city school systems; planning and conducting conferences, workshops, and training institutes; directing national surveys and studies and preparing reports and bulletins based on such studies; exercising national leadership in the improvement of school administration; and otherwise enabling the Office of Education to serve as a national clearing house of information on matters of State, county, and city school administration.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major work in school administration.

(c) *Director, Division of Secondary Education (Assistant Commissioner), P–8*—(1) *Duties.* Works under the general direction of the United States Commissioner of Education with full responsibility for nation-wide leadership in formulating, developing and executing the program of the Division of Secondary Education in the United States Office of Education and the policies and plans for its most effective operation. The divisional objective is to assist State and local authorities in promoting and improving the secondary school programs of the nation in the fields of organization and supervision, teacher training and instructional problems in the various subjects of instruction in secondary schools.

These responsibilities are carried through in such ways as the following: to analyze the need for and establish adequate research programs for the collection and interpretation of facts and information which will aid in the improvement of secondary education programs; to establish and effectuate cooperative arrangements with and through State and local educational authorities and with other agencies in planning and conducting essential studies of problems that lie within the purview of the Division's interests and functions (for example, analyzing and reporting trends in the development of the curriculum for secondary schools of the nation; instructional problems of secondary education as they relate to large and small high schools; urban and rural high schools, and high schools for white and negro youth); to provide expert and impartial consultative and field service in connection with the over-all Divisional program; to identify, describe, and evaluate innovational programs and practices; to cooperate with State boards or institutions in the administration of federal funds when and as required by law; to provide for and maintain liaison with officials of governmental and non-governmental agencies and organizations whose programs involve or are related to the constituent fields of work of the Division; to plan and conduct conferences, institutes and workshops, and address State, national and other organizations; to be responsible for the preparation of bulletins, reports and other published material covering all phases of Divisional activities; and otherwise to serve as a national clearing-house of information on secondary education.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in the field of secondary education.

(d) *Chief, Instructional Problems, P–7, Division of Secondary Education—Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of programs of instruction in secondary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in English, foreign languages, social sciences, health and physical education, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with secondary-school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist for social sciences and geography and the specialist for science assist the chief, instructional problems, in carrying out the duties and responsibilities described above.

Specifically, the specialist for social sciences and geography is concerned with secondary-school instructional problems in the social sciences (history, sociology, political science, economics, and geography), such as: the emphasis is to be given in social science instruction as a result of the new global geographical concepts due to more rapid means of communication and transportation; the organization of materials of instruction for developing ideals and attitudes for citizenship in a world society; the development of criteria to be used in evaluating the effectiveness of instruction; and the translation of a knowledge of political science into functioning civic activities on the part of students.

The specialist for science is concerned with secondary-school instructional problems in the natural sciences (physics, biology, chemistry, general science, geology, meteorology, aeronautics, gardening, floriculture, and other applications of the natural sciences), such as: the determination of the elements of the aeronautical sciences to be included in science courses; the differentiation of materials and methods of instruction in the natural sciences for students expecting to complete their formal schooling with high school graduation and for other students looking forward to collegiate specialization in sciences; and the relation of teaching of natural science in rural high schools to rural life and environment.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of secondary-school subjects.

(e) *Specialist for Social Sciences and Geography, P–6, Division of Secondary Education.*

(f) *Specialist for Science, P–6, Division of Secondary Education.*

NOTE: The provisions of paragraph (d) of this section are applicable to paragraphs (e) and (f) of this section.

(g) *Chief, Instructional Problems, P–7, Division of Elementary Education—*(1) *Duties.* The chief, instructional problems, is responsible for exercising national leadership in the improvement of instructional materials and methods in elementary schools; formulates and directs national studies revealing current problems, objectives, and outcomes of instruction in reading, history, geography, physical education, safety education, science, music, art, mathematics, and other subject fields; arranges for leadership of conferences and training institutes; provides for various field services; establishes and maintains liaison with officials of governmental and non-governmental agencies and organizations concerned with elementary school instructional problems; and directs the preparation for publication of manuscripts, reports, and articles reflecting the findings and developments in this field.

The specialist, health instruction and physical education, is responsible for promoting and assisting in the development of improved programs of health instruction and physical education in the elementary schools; serves as a consultant to school superintendents, members of school boards, officials of teacher-training institutions, State departments of education, and professional organizations of teachers on instructional problems in the teaching of health and physical education, including problems such as: making effective use of information gained from school health examinations, determining the physiological knowledge desirable as a basis for health and physical education at various ages and grade levels, and developing and utilizing visual aids to health instruction.

(2) *Knowledge and training requisite for performance of duties.* The duties to be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school administration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in education, including courses in the teaching or supervision of elementary school subjects.

(h) *Specialist, health instruction and physical education, P–6, Division of Elementary Education.*

NOTE: The provisions of paragraph (g) of this section are applicable to this paragraph.

(i) *Chief, European Educational Relations, P–7, Division of International Educational Relations—*(1) *Duties.* The chief, European educational relations, is responsible for planning, developing, and directing a program for the further development of relationships to improve understanding and appreciation between the schools, school systems, colleges, universities, and other educational agencies of the United States and those of European countries; formulates and directs field studies of education in European countries; participates in formulating plans, policies, and programs for educational relations between the United States and European countries; provides expert consultative assistance to officials of State departments of education, school systems, colleges, universities, and other educational institutions in the United States and to school and college officials of European countries on educational matters; administers programs of exchange of professors, teachers, and students between the schools, colleges, and universities of the United States and those of European countries; directs the preparation and exchange between the United States and European countries of instructional materials for use in schools and colleges; and establishes and maintains liaison with other governmental and non-governmental agencies and organizations with respect to programs of educational relations with European countries.

(2) *Knowledge and training requisite for performance of duties.* The duties to

be performed require broad knowledge of educational programs and practices at various levels, standards maintained in various educational institutions, patterns and procedures in school adminstration, curricula both conventional and experimental, and philosophies underlying educational systems in this and other countries.

(3) *Method of obtaining basic knowledge and training.* The Commission believes that the only satisfactory method by which the requisite knowledge and training may be secured is through the training obtainable in recognized colleges and universities. In such institutions, prevailing practices have undergone analysis and experimentation, and those found to be most effective have been organized into relevant courses of instruction. Through such training the student receives competent instruction in specialized fields of education and is expertly guided in his selection of readings from available literature which is so voluminous that in the opinion of the Commission no individual could master it by random study.

The Commission has therefore determined that requirements for this position include the following minimum educational requirement:

Applicants must have successfully completed a full year of graduate study in a college or university of recognized standing with major study in comparative education or related courses basic to the understanding of European educational relations, such as: international relations, contemporary European history or political science, and social anthropology.

§ 24.19 *Forester, P–1, Department of Agriculture*—(a) *Duties.* Under immediate supervision, but with individual responsibility for applying the fundamental scientific principles involved, participates in the management or administration of forest lands or in research thereon by performing the following duties:

(1) Classifies and maps topographic features, areas of different soil and site qualities, forest types and condition classes; collects field data and computes growth of trees and yield of timber; collects data and information on markets, prices, and costs of logging and manufacturing applicable to individual timber tracts; prepares preliminary timber appraisals, management plans, and recommendations for silvicultural treatment of forests;

(2) Administers small timber sales on national forests, or assists farmers and others in the sale of timber from small forested areas; selects and marks trees for removal in accordance with established practices and policies; scales, measures, and grades logs and other forest products, and inspects cutover areas for compliance with the terms of the sale;

(3) Assists in the preparation and application of plans for the prevention and control of forest fires, tree disease epidemics, and outbreaks of forest insects;

(4) Classifies and maps areas as to soil, erosion, and cover conditions and prepares recommendations for planting or otherwise revegetating barren or open areas; selects areas and times for collection of tree seeds; tests tree seeds for quality and germination; inspects the work of foremen in tree nurseries; trains planting crews and inspects their work; examines plantations and prepares reports thereon with recommendations as to future treatment;

(5) Makes measurements or observations on resources other than timber, such as forage, water, wildlife, and recreational values, on specified areas and assists in the preparation and application of correlated multiple use plans of management.

(b) *Knowledge and training requisite for performance of duties.* The Forest Service carries on specialized technical research for the whole field of forestry, not only on the national forests but also on land administered by other government agencies and on private land under a large and diversified ownership. The professional forester therefore, must be trained to perform skilled duties of a professional and scientific nature in managing and caring for forest areas. He must be able to diagnose and prescribe for the numerous diseases peculiar to forest trees, and to identify and eradicate the various insect pests, rodents, etc., in his area. Forest fires are such a universal threat to the forests of the country that special training in the principles governing their inception, spread, detection, and control is essential to professional status as a forester. Inasmuch as the national forests are valuable as grazing areas for livestock, and are also the home of vast numbers of wild game, the forester is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Forest management embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth, and production. Therefore, knowledge requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which forestry is based, as well as intensive training in forestry itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of forester are such that they cannot be performed by a person who does not have the following: one course in dendrology or taxonomic botany; one course in forest ecology, silvics, or plant physiology; five courses in any combination of forest mensuration, silviculture, forest planting, or forest management; three courses in any one or in any combination of forest entomology, forest pathology, or forest fire protection; three courses in wood technology and forest utilization; two courses in any one or in any combination of forest economics, forest finance, forest valuation, or forest history, policy, and law; one course in range management or wildlife management; one course in soil science, forest soils, or geology; two courses in any one or in any combination of plane surveying and mapping, topographic surveying and mapping; or forest improvements.

All of the above courses must have been acceptable for credit toward the completion of a standard four-year curriculum leading to a bachelor's degree in forestry, science, wildlife management or range management.

The possession of a bachelor's degree in forestry from a college or university of recognized standing will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a forester is through the completion of the courses listed above. The student receives, in such courses, competent instructions in the technical and theoretical subjects that he will have to apply as a forester. Teaching staffs keep up-to-date on the most recent developments in their respective fields and are in position to give instruction in basic scientific principles of forestry which have been repeatedly tested and confirmed. The student has access to pertinent reference material, and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.20 *Psychiatric social worker, P–1, War Department, Fort Story, Virginia.* This position is substantially identical to the position of social worker (psychiatric) in the Veterans Administration described in § 24.16. The Commission has determined that the same educational requirement, that is, one year of training in an accredited school of social work to include supervised field work and courses in psychiatric or medical information, be included in the requirements for psychiatric social worker, War Department, Fort Story, Virginia.

§ 24.21 *Range conservationist (Ecology), P–1, Department of Agriculture*—(a) *Duties.* Under the immediate supervision of conservationists of higher grade but with individual responsibility for applying the fundamental scientific principles involved and for the accuracy of tests, observations, and measurements made, performs specific duties such as the following:

Assists in the conducting of research in the management, use, and improvement of forested and other range lands, including the laying out of experimental plots for studying ecological changes on the range in response to use by domestic livestock and game; the intensive mapping of such plots involving the identification of plants thereon; the collection of data on growth and utilization of range plants and their physiological response to grazing, under different soil and climatic conditions; the laying out, planting, and recording of success in establishment of reseeded forage species on experimental plots; the compilation and preliminary analysis of data resulting from such studies; the preparation

of preliminary drafts of reports or portions thereof; and the performance of related duties as assigned.

(b) *Knowledge and training requisite for performance of duties.* The research problems involved in range conservation deal with an extremely complex set of relationships involving soil, water, climate, plants and animals. The range conservationist is concerned in the application of a number of separate, but related sciences in the physical, biologic, and economic fields. Range management is closely related to plant and animal ecology, and embraces a body of scientific principles regarding plants and animals, and the factors influencing their existence, growth and production on the range. Therefore, knowledge and training requisite for the successful performance of the duties of the position include a thorough knowledge of the supporting sciences upon which range conservation is based, as well as intensive training in range conservation itself.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of range conservationist (ecology) are such that they cannot be performed by a person who does not have the following: Seven courses in any combination of range management, plant ecology, pasture management, wildlife management, silviculture, forest management, animal ecology or animal husbandry, provided two courses in plant ecology or one course in plant ecology and one course in range management are shown; one course in plant physiology; two courses in systematic botany, plant taxonomy or agrostology; two courses in any one or in any combination of soil science, agronomy, or geology. All of the above courses must have been acceptable for credit toward the completion of a standard four year curriculum leading to a bachelor's degree in biology, botany, zoology, agronomy, or forestry.

The possession of a bachelor's degree from a college or university of recognized standing with a minimum of 20 semester hours in plant ecology, range ecology, or forest ecology or in any combination thereof, or with a minimum of 10 semester hours in plant ecology and 10 semester hours in any one or in any combination of plant physiology, systematic botany, soil science, geology, range management, pasture management, agronomy, forestry, or animal husbandry will be accepted as meeting the educational requirements for this position.

The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a range conservationist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a range conservationist. Teaching staffs keep up-to-date on the most recent developments in their respective fields, and are in position to give instruction in basic scientific principles of range conservation which have been repeatedly tested and confirmed. The student has access to pertinent reference material and works in well-equipped laboratories. The scientific information thus obtained cannot be secured by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.22 *Biologist (Land Management), P–1, Soil Conservation Service*—(a) *Duties.* The duties of a biologist are, under supervision, to assist with the planning and application of soil and water conservation practices requiring a special knowledge of biology and ecology; to appraise the interrelations of plants and animals as they affect soil and water conservation and land use; to assist with the ecological use of plants and animals, especially native species, in accordance with the capabilities of the land, particularly on eroded and waste areas unfit for tilled crops, pasture, or woodland; to identify and evaluate species of insects, birds, mammals and other animals, populations of which are influenced by the establishment of soil and water conservation practices and to suggest methods of reducing injurious organisms, especially by ecological methods; to prepare information on ecological aspects of soil and water conservation, including relation of conservation practices to populations of both beneficial and harmful wild plants, insects and other invertebrates, as well as rodents, predators, big game and other mammals; to assemble biological data useful in determining the effectiveness of conservation practices and to work with and assist farmers and ranchers with the use of ecological knowledge essential to the successful establishment and maintenance of such practices; to keep records and prepare reports and other informational material relative to biological and ecological aspects of soil and water conservation and land use; and to perform related duties.

(b) *Knowledge and training requisite for performance of duties.* Knowledge and training requisite for the successful performance of the duties described in paragraph (a) of this section include a thorough knowledge of the supporting sciences upon which biology is based, as well as intensive training in biology itself. The work of the biologist requires an intimate knowledge of living things and of environmental conditions—organic and inorganic, physical and biotic. It demands particularly familiarity with environmental conditions as they result from past and present use of the land, and appreciation of the relationship between such conditions and living things. Particularly important is an understanding of the interrelationships between wild plants and animals and the practices being applied to the land in order to achieve soil and water conservation. The biologist must possess a fundamental knowledge of the life histories, habits, and habitats of plants, birds, mammals, and other animals, and of plant and animal communities as dynamic forces of value in land management.

(c) *Method of obtaining basic knowledge and training.* The Commission has decided that the duties of the position of biologist are such that they cannot be performed by a person who does not have the following:

Twelve courses in biology, botany, zoology, or ecology which has included at least 4 courses in entomology, herpetology, ichthyology, mammalogy, or wildlife management;

Two courses in soil science or earth science or in any combination thereof;

Two courses in any one or in any combination of agriculture, horticulture, forestry, or range management.

The possession of a bachelor's degree from a recognized college or university with a major in biology including 12 or more courses in any combination of 3 or more of the following will be accepted as meeting the educational requirement for this position: ecology, botany, zoology, entomology, herpetology, ichthyology, ornithology, mammalogy, wildlife management, agriculture, forestry, range-management.

In the field of biology a great deal of scientific, technical, and applied knowledge is available in the educational institutions of the country which offer courses in the biological sciences. The Commission believes that the only method by which persons may obtain the basic knowledge required to perform adequately the duties of a biologist is through the completion of the courses listed above. The student receives, in such courses, competent instruction in the technical and theoretical subjects that he will have to apply as a biologist. He attends seminars and lectures, has access to a scientific library, and works in well equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities are not available. The requisite studies represent information from a variety of fields, and the Commission is of the opinion that the student cannot cover the material except through supervised progressive courses of study designed to provide a comprehensive understanding of the subject.

§ 24.23 *Clinical Psychologist P–2 through P–5 in Veterans Administration hospitals and out patient clinics and in U. S. Public Health Service clinics*—(a) *Duties.* Appointees to these positions apply psychological principles and techniques to the diagnosis and treatment of maladjusted individuals. With a degree of responsibility appropriate to the grade, they administer and interpret psychometric tests of intelligence, achievement, vocational aptitude, or personality, or use other diagnostic techniques; confer with psychiatrists, physicians, social workers, and professional staff members; contact representatives of schools or other institutions or individuals to secure information as a basis for diagnosis; carry out psychotherapeutic treatment as affected by the psychiatrists; perform psychological research in the field of mental health; promote public relations by radio and personal addresses; collaborate in the preparation of informational material; perform related work as assigned. At the higher levels also direct and supervise a clinical psychological program.

(b) *Knowledge and training requisite for performance of duties.* A thorough knowledge is required of the fundamental and supporting arts and sciences upon which psychology is based as well as intensive training in psychology and psychopathology. In order to make appropriate application of tests in a variety of situations involving maladjusted individuals, to analyze and interpret results of such tests in the light of available psychiatric, medical, social, and educational data, and to make recommendations for treatment of maladjusted individuals, it is essential that the clinical psychologist have knowledge of human behavior, of neurotic and psychotic variants, of basic medical information and terminology, and of the social forces that affect the development of the individual. In addition to the knowledge required, the clinical psychologist must have command of specialized techniques of measurement, of observation, and of interpretation of data.

(c) *Method of obtaining basic knowledge and training.* The Commission has determined that the duties of the position of clinical psychologist at all levels are such that they cannot be performed by a person who does not have, in addition to the experience required for the various levels, at least 10 courses in psychology in a college or university of recognized standing, including

Two courses in abnormal psychology, clinical psychology, mental hygiene, or personality adjustment;

Two courses in clinical techniques such as individual testing, interviewing, or the case study method;

Two courses in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude), or statistics;

One course in human biology, neurology, or physiological psychology; and

Three courses in general, experimental, child, adolescent, social, animal, or systematic psychology or additional courses listed in the foregoing paragraphs.

Completion of all requirements for the Ph. D. degree in psychology will be accepted as meeting this educational requirement.

The Commission is of the opinion that the only satisfactory method by which persons may obtain the basic knowledges and skills is through the training given at recognized colleges and universities. Through such training, the student receives competent instruction in both the theoretical and the practical aspects of the subject matter that he will later apply as a clinical psychologist. Such scientific knowledge and skill cannot be acquired by individual study because the necessary facilities and supervision are not available. Requisite studies include pertinent information from a variety of fields which are so voluminous that the student could not cover the material effectively on his own initiative or by random study.

§ 24.24 *Land Classification Specialist, Grades P–1 and P–2, Bureau of Reclamation, Department of the Interior.*

NOTE: The provisions of § 24.9 are applicable to this section.

§ 24.25 *Educational Consultant, Grades P–7 and P–8, Army Air Forces.*

NOTE: The provisions of § 24.4 are applicable to this section.

§ 24.26 *Educational Retraining, Veterans' Administration*—(a) *Instructor, SP–6.*

(b) *Instructor-Supervisor, SP–8.*

(c) *Instructor-Supervisor, P–2.*

(d) *Chief, P–3.*

NOTE: The statement showing justification for educational requirements for Teachers, All Grades (see § 24.12), is applicable to the position listed above.

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.27 *Pharmacist P–1 through P–4*—(a) *Educational requirement.* Applicants must hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia.

(b) *Justification of educational requirements.* Section 5, 59 Stat. 676; 38 U. S. C., Sup., 15d, an act to establish a Department of Medicine and Surgery in the Veterans' Administration, provides that a person to be eligible for appointment in the Department of Medicine and Surgery as a pharmacist must "hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia."

By authority of 59 Stat. 675; 38 U. S. C., Sup., 15–15n, the Administrator of the Veterans' Administration has established minimum qualifications for professional pharmacists' positions in that agency to include a degree in pharmacy or an equivalent degree from a four year standard college course. In view of the almost identical nature of duties of pharmacists wherever found it is not believed that different requirements may reasonably be established for pharmacists in Government agencies other than the Veterans' Administration.

§ 24.28 *Chemist*—(a) *Grade P–1*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; and in addition, sufficient appropriate experience which, when combined with the required 30 hours in chemistry, will give the applicant the substantial equivalent of a 4-year college course.

In either subdivision (i) or (ii) of this subparagraph above, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition any two of the following: (*a*) Advanced Inorganic Chemistry; (*b*) Biochemistry; (*c*) Organic Chemistry; (*d*) Physical Chemistry.

(2) *Duties.* The statements in subparagraphs (3) and (4) of this paragraph are with reference to those positions in chemistry of a highly involved technical nature having to do with original research in chemistry of a very difficult fundamental character or in other duties of comparable scope or scientific difficulty.

Appointees perform these duties in connection with a wide variety of chemical projects necessitating scientific research of more than ordinary difficulty and requiring a knowledge of other sciences connected with such chemical investigations.

(3) *Knowledge and training requisite for performance of duties.* These positions are characterized by investigations in new, untried and unfamiliar chemical fields. Incumbents must have aptitude for and training in the methods of original research coupled with scientific curiosity, decided ability to discover new methods or compounds or to do work necessitating the use of new instruments and the adoption of unusual means. In order to perform these duties and so that there be less likelihood of failure in them incumbents must have received broad training which has furnished a very adequate comprehensive and preferably an exceptional background and foundation in Chemistry, Physics, Mathematics and related sciences. They must have a thorough knowledge of recent accomplishments in the field of chemistry and a thorough knowledge of modern literature in chemistry and its related sciences. They must also have been trained in the use of written language and be fitted for advancement into more responsible and exacting positions.

(4) *Method of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of these duties is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

(b) *Grades, P–2 through P–8*—(1) *Educational requirements.* Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will to-

tal 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subdivisions (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) Advanced Inorganic Chemistry; (*b*) Biochemistry; (*c*) Organic Chemistry; (*d*) Physical Chemistry. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in chemistry at a college or university of recognized standing.

(2) *Restrictions of certification for highly technical positions.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in chemistry in a college or university of recognized standing.

(3) *Duties.* The duties of the P–2 to P–8 chemist are: to perform, conduct, plan, or direct scientific investigative, developmental, or fundamental research work in one or more of the specialized fields of chemistry; to collect, examine, and interpret scientific data; to coordinate assignments and programs; to prepare budget estimates for specified research programs; and to perform related duties as assigned.

(i) Those positions in chemistry requiring, as a positive requirement, formal education to the extent only of 30 semester hours of college study in chemistry supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which does not involve the application of all the principles of the scientific fields related to chemistry—in general, problems where a broad viewpoint or training is not necessarily required; conducting important chemical analyses of material; directing the standardization and testing of well-known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional chemistry.

(ii) Those positions requiring the successful completion of four years of college or university training in chemistry are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of chemistry and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(4) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in subparagraph (3) (i) of this paragraph consists of the completion of 30 semester hours of study in chemistry in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of chemistry. It includes courses in the principal fields of chemistry (analytical, inorganic, organic, and physical) which are required to furnish the basic knowledge for any type of professional work in chemistry. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in chemistry. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in subparagraph (3) (ii) of this paragraph is the competition of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 30 semester hours of study in chemistry. Such a college course consists of laboratory work (including the use of complex apparatus) lectures, recitations, seminars, and selected reading in chemistry and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in chemistry but in related subjects such as physics, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(5) *Method of obtaining basic knowledge and training.* Subparagraphs (1)–(4) of this paragraph contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of chemistry. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(6) *Justification of educational requirement.* The world of today is conscious that it is living in an atomic age and the people of the United States are aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal Government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences, during World War II, have been outstanding and of major importance. Particularly is this true of the field of chemistry in all of its branches and further advances will depend on the number of highly qualified and properly trained chemists who are competent to explore the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated scientific research in a specialized field of chemistry must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack these complex problems with which they are faced.

Private industry doing research in chemistry has long recognized the necessity for broadly trained men for professional chemists' positions who are well-grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in the science, and in many instances a doctor of philosophy degree with specialization in a particular field is demanded.

§ 24.29 *Physicist, P–1 through P–8*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(2) Courses in physics, in a college or university of recognized standing, con-

sisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (i) Electricity and magnetism; (ii) heat; (iii) light; (iv) mechanics; (v) modern physics; (vi) sound. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in physics at a college or university of recognized standing.

NOTE: For those positions involving highly complicated or fundamental scientific research or similar difficult duties, certification may be restricted to those eligibles who show the successful completion of a full college education in physics in a college or university of recognized standing.

(b) *Duties.* (1) Those positions in physics requiring, as a positive requirement, formal education to the extent only of 24 semester hours of college study in physics supplemented by appropriate experience or education are characterized as follows:

The solution of specific problems of limited scope which do not involve the application of all the principles of the scientific fields related to physics—in general; problems where a broad viewpoint or training is not necessarily required; conducting important physical tests of material and scientific instruments; directing the standardization and testing of well known types of equipment or instruments; developing modifications of standard procedures, tests, techniques, etc.; making literature surveys of the field; and preparing, editing, and reviewing technical reports on the results of the work performed in the field of professional physics.

(2) Those positions requiring the successful completion of four years of college or university training in physics are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of physics and related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex scientific laws and facts to the development of new processes, techniques, devices or products.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described under paragraph (b) (1) of this section consists of the completion of 24 semester hours of study in physics in a college or university of recognized standing. This study represents essentially the fundamental body of knowledge of the science of physics. It includes courses in the principal fields of physics (heat, light, sound, mechanics, electricity and magnetism) which are required to furnish the basic knowledge for any type of professional work in physics. In addition, it is supplemented by laboratory training in the application of the scientific principles involving the use of apparatus and equipment, and skills essential to work in physics. A familiarity with scientific literature, especially the methods by which such literature is compiled, classified, indexed and made available is also a necessary part of such education. And finally, the training will include experience in preparing technical reports in which it is necessary to organize material logically, to make clear distinctions between theory and facts, to make precise and unambiguous statements and to draw conclusions that are useful and fully warranted by experimental results.

The minimum amount of training required for the successful performance of the duties described in paragraph (b) (2) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing, including or supplemented by 24 semester hours of study in physics. Such a college course consists of laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in physics and other fields given under competent instruction and guidance. Such a curriculum is planned and integrated so as to provide a sound and comprehensive training not only in physics but in related subjects such as chemistry, mathematics, biology, engineering, etc. Training in the fundamentals of other fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledges, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtainining basic knowledge and training.* Paragraphs (a) – (d) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in two broad areas in the field of physics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.30 *Engineer, Trainee, SP–3, SP–4, SP–5*—(a) *Education requirement.* Applicants must have graduated from an accredited high school and must have successfully completed the following high school work:

English	3 units
Algebra	1 unit
Plane geometry	1 unit
Solid geometry	½ unit
History	1 unit

(b) *Duties.* The duties of an Engineer Trainee position will consist of a combination of (1) on the job training at Wright Field, Dayton, Ohio, and (2) scholastic training in Engineering at a university designated by the Air Matériel Command.

(c) *Knowledge and training requisite for performance of duties.* The applicant must be qualified to meet the university entrance requirements in order to enroll for scholastic training in Engineering. Graduation from an accredited high school and completion of the courses listed in the education requirement are required for admission into an engineering course at a college or university of recognized standing. The education prescribed above is therefore necessary for the adequate performance of the duties listed for the Engineer Trainee position.

§ 24.31 *Geologist*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course, in a college or university of recognized standing, including courses in geology consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours; or

(2) Courses in geology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory and field work totaling at least 30 semester hours plus additional appropriate experience or education which when combined with the 30 semester hours in geology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

In either subparagraph (1) or (2) of this paragraph, the 30 semester hours must include or have been supplemented by any five of the following: (i) Physiography; (ii) structural geology; (iii) geophysics; (iv) mineralogy; (v) petrology; (vi) optical mineralogy; (vii) economic geology (metals, non-metals or fuels); (viii) ground water geology; (ix) invertebrate paleontology; (x) stratigraphy; (xi) sedimentation; (xii) map interpretation; (xiii) field geology.

(b) *Duties.* Appointees conduct or assist in professional geological work in one or more of the specialized fields of geology. This work usually involves sci-

entific research of more than ordinary difficulty and requires a knowledge of the fundamental principles of other sciences connected with such geological investigations. In the higher grades in addition to performing difficult and responsible individual work many of these geologists occupy administrative and supervisory positions, planning the work of a group of geologists, or reviewing and directing the activities of lower grade geologists or assistants. The duties performed and the responsibilities assumed will vary with and be commensurate with the grade of the position.

Typical duties of geologists include: Making maps showing the location and character of rock formations, mineral deposits, ore deposits, underground water, etc., recording factual data about each and sampling systematically for laboratory study; examining and making generic and specific identification of fossil material requiring a knowledge of paleontology, systematic classification, the structure and evolution of various classes of organisms and the principles of nomenclature; making investigations of sedimentation resulting from accelerated soil erosion; classifying sedimentary deposits; preparing technically comprehensive and scientifically and economically sound reports including such items as the compilation of accurate maps from field triangulation, cadastral surveys and aerial photographs using photogrammetric and other methods; constructing cross sections, three-dimensional diagrams, charts and tables illustrative of observed, inferred or computed subsurface relationships of rock formations involved in folds, or offset by the several kinds of faults or cut by intersecting dikes or mineral bearing veins; the analysis, appraisal and summation of various kinds of geologic data.

(c) *Knowledge and training requisite for performance of duties.* For the successful performance of the duties described in paragraph (a) of this section, the geologist needs a basic general knowledge of the principles of stratigraphy, sedimentation, structural geology, paleontology, ore deposition, and mineralogy; and a specialized knowledge of the following: The various types of sedimentary, igneous and metamorphic rocks; the rank and grade of coals; the porosity and permeability of rocks as potential reservoirs of oil and of underground water; the distinctive structural features and paragenesis of ore veins; the criteria for the evalution of unconformities, the geomorphic cycles that have sculptured the landscape and their correlation with Tertiary and Quaternary sediments; the processes of erosion and sedimentation; the applications of mathematics and the physical and biological sciences to geological problems.

(d) *Methods of obtaining basic knowledge and training.* The only place to obtain broad reliable training in the fundamentals of the various sciences involved of the level and extent required for the proper performance of the duties described in paragraph (b) of this section is in a college or university of recognized standing where a full staff of competent instructors are available and where adequate laboratory facilities exist and suitable standards for completeness of the program and thoroughness of the methods of instructions are maintained.

§ 24.32 *Bacteriologist, P–1, P–2, P–3, (option, agricultural)*—(a) *Educational requirement.* Applicants must have successfully completed, in a college or university of recognized standing, courses consisting of lectures, recitations, and appropriate laboratory work totaling at least twenty semester hours in either bacteriology or in any combination of bacteriology, biology and biochemistry which includes at least ten semester hours in bacteriology.

(b) *Duties.* Appointees conduct or assist in scientific, investigative or fundamental research work in one or more of the specialized fields of bacteriology. This work involves the careful collection of scientific data and the examination, study and interpretation of this data requiring a knowledge of the fundamental principles of Bacteriology and related sciences and the ability to apply them. The work also necessitates a knowledge of and ability to apply laboratory methods and techniques and requires familiarity with the apparatus and instruments used.

With supervision received and responsibilities carried varying in accordance with the grade occupied, appointees study, describe and identify organisms which are responsible for: the deterioration and spoilage of foodstuffs, the changes in and the improvement or degradation of soils, the precipitation from solution of valuable chemicals, etc. They work out details for carrying out plans and programs. They supervise the work of laboratory aides and technicians engaged in bacteriological examinations. They observe, tabulate, and study results and they write reports describing the work and discussing the results.

(c) *Knowledge and training requisite for performance of duties.* The science of Bacteriology includes the study of the properties of bacteria as living animal or plant organisms capable of producing beneficial or harmful effects on other organisms directly or by means of substances resulting from their growth or metabolic processes. Such study involves investigation of the physical and chemical changes that accompany the growth, development and degradation of the species and therefore demands a knowledge of the related sciences of Biology, Chemistry and Physics. The laboratory techniques of the latter sciences as well as those used in bacteriological examination such as methods of bacterial culture, development of strain virility, and the isolation of friendly bacteria, etc., is in turn demanded in order to solve the problems of the sciences. Closely supervised training and knowledge of specialized equipment and its use can only be obtained in institutions that have been thoroughly investigated and found to possess competent instructors, adequate resources, and the essential scientific laboratory equipment.

(d) *Method of obtaining basic knowledge and training.* The technical knowledge required for the performance of the duties described in paragraph (b) of this section can be obtained only by attending and completing courses in a recognized college, university or medical school.

§ 24.33 *Engineering positions involving highly technical research, design or development, or similar functions*—(a) *Educational requirement.* Applicants must have successfully completed a full college course in engineering.

(b) *Duties.* Professional engineering positions which require the successful completion of four years of college or university training are those positions "involving highly technical research, design and development or similar functions", the duties of which include the performance of such functions as the following:

(1) A critical investigation requiring a high level of intelligence and a sound knowledge of fundamental scientific concepts, principles, and terminology and having for its aim the discovery of new facts or principles, the interpretation of new knowledge or the more complete interpretation of facts already known, or the revision of accepted conclusions, theories, and laws in the light of newly discovered facts; or

(2) The application of known complex scientific laws, facts and discoveries, in new and untried ways to develop new or improved processes, techniques, methods of production, devices, or products; or

(3) In general those scientific activities of an extremely complex nature in which new methods are devised, or new and advanced contributions to knowledge are developed.

(c) *Knowledge and training requisite for performance of duties.* It is widely recognized that improvement in, and the safeguarding of, the health, security, and welfare of the nation and the modernization and safe and adequate design of large and complicated engineering structures is dependent upon the quality and extensiveness of the scientific and engineering research and development activities of the nation. These problems are recognized as of such vital importance to the activities and existence of the nation that the Federal government, through its various departments and agencies, is required by Congress to engage in scientific research and development.

In their infancy scientific and engineering research were of necessity concerned with the discovery of the simpler and more elementary facts, laws and processes of nature. However, so much has now been learned about the facts, laws, materials and processes of nature, and so complex are the concepts and tools of modern science and engineering that personnel engaged today in carrying out highly technical scientific and engineering research, design, or development and similar functions must possess special qualifications if their work is to be productive and in step with the times.

The more successful establishments throughout the country now require of applicants for research and similar scientifically exacting positions at least a bachelor's degree and frequently a doctorate in scientific subjects. Because of the complexity of scientific knowledge, concepts and specialized tools required for satisfactory achievement in modern

engineering research, design and development, and because of the difficulty of acquiring proficiency in the scientific fields, agencies of the Federal government must have for certain positions in scientific work, personnel who have a sound fundamental knowledge in the sciences and the ability to apply this theoretical knowledge to the interpretation of data gathered in the fields of research or to the production or development of new processes, devices or techniques.

(d) *Method of obtaining basic knowledge and training.* Positions in the engineering field as defined in paragraph (b) of this section require the completion of a full four year course in engineering in a college or university of recognized standing to insure technical knowledge and training of the level and extent required for the proper performance of these duties. In the professional schools of such institutions a student receives competent instruction and guidance in the technical and theoretical subjects that he will have to apply in his profession. He attends seminars and lectures, has access to scientific libraries and works in well equipped laboratories provided by the professional schools. In these schools prevailing practices have undergone analysis and those found to be most effective have been organized into relevant courses of instruction. Through training received in the professional schools the student receives competent instruction in specialized fields and is expertly guided in his selection of readings from available literature which is so voluminous that no individual could master it by random study. The required studies represent information from a variety of fields and the student cannot cover the material except through supervised courses of study designed to provide a comprehensive understanding of the subject.

§ 24.34 *Instructor, Academic Subjects, Apprentice Schools, Navy Department.*

NOTE: The provisions of § 24.12 are applicable to this section.

§ 24.35 *Geophysicist, P–2 through P–6*—(a) *Educational requirements.* For those positions involving highly complicated or fundamental scientific research or similar difficult scientific duties, certification may be restricted to those eligibles who show the successful completion of a full college education in a pertinent field in a college or university of recognized standing.

(b) *Duties.* The duties of the P–2 to P–6 geophysicist are: (1) Planning, directing, and making geophysical observations in the field or at fixed stations, interpreting the results, preparing charts, tabulations, and securing other scientific information required in observations for interpretations, designing or assisting in constructing specialized operatives and equipment for use in connection with geophysical investigations; (2) conducting or assisting in geophysical prospecting, explorations, or other geophysical observations; (3) making reports, and preparing articles for publication.

These positions involving the duties described in subparagraphs (1)–(3) of this paragraph and requiring the successful completion of four years of pertinent college or university training are characterized as follows:

(i) Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of geophysics and the related sciences and having for its objective the discovery of new facts, the development of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

(ii) The application, in new ways, of known complex scientific laws and facts to the development of new techniques or devices.

(iii) The coordination and planning of a broad research program requiring the combined efforts of several specialists in different scientific fields, in which the leader of the program must have a thorough understanding of the scientific principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of training required for the successful performance of the duties described in paragraph (b) of this section is the completion of a 4-year college course leading to a bachelor's degree in a college or university of recognized standing including a minimum of 30 semester hours credit in either geology, mathematics, physics, geophysics, engineering, or closely allied subjects, or any combination thereof. Such college courses include laboratory work (including the use of complex apparatus), lectures, recitations, seminars, and selected reading in various fields all given under competent instruction and guidance. Such curricula are planned and integrated so as to provide a sound and broad training in related scientific fields. Training in the fundamentals of various related scientific fields affords the necessary breadth of knowledge as well as an understanding of the inter-relationships of different fields. New advances in science flow from the combination of new knowledge, sometimes from widely separated fields. The justification for requiring a full 4-year college course for certain positions is that it is the only known method by which a broad understanding of the fundamentals of various related fields may be acquired. Full recognition is also given to the importance of training in verbal facility and the development of facility in logical thinking and expression. The research scientist must be able to present the results of his work clearly and concisely both orally and in written form.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional complex research work in the field of geophysics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

(e) *Justification.* All people throughout the world today are conscious that they are living in a rapidly moving world and the people of the United States are particularly aware of the urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, health, and general welfare. The Congress has given recognition to the vital necessity for such scientific research and developmental work and has authorized, through appropriations, the spending of large sums of money for varied and important programs. These programs are carried on by the various departments and agencies of the Federal government, and have resulted in very notable achievements in scientific research during World War II.

The advances in the various physical sciences, during World War II, have been outstanding and of major importance. This is especially true in the field of geophysics and many of the advances in the allied sciences have been useful in the field of geophysics. Further advances will depend on the number of highly qualified and properly trained geophysicists who are competent to explore the particular phase of the work on which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge from all fields, so that persons engaged in highly complicated scientific research in geophysics must of necessity possess the fundamental scientific knowledge characteristic of their own field and in addition that of certain allied fields in order that they may successfully attack those complex problems with which they are faced.

§ 24.36 *Junior Professional Assistant*—(a) *Educational requirements*—(1) *Mathematician.* Mathematicians will perform or assist in performing mathematical calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc. These duties include mathematical and statistical analyses of observational data, computation of scientific tables, preparation of graphs and charts, writing scientific reports and practical computations on engineering and scientific problems involving higher mathematics. This work requires a thorough knowledge of basic mathematics such as trigonometric equations, differentiation, integration, solution of differential equations, development and application of formulea, etc. as well as familiarity with other related scientific fields.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in mathematics. This study must have included courses in mathematics consisting of lectures and recitations totaling at least 24 semester hours, and courses in the physical sciences (engineering, physics, geol-

ogy, astronomy, chemistry, etc.) totaling 12 semester hours.

(ii) Courses in mathematics, in a college, or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education in scientific fields which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course prescribed under (i) above. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional experience in the mathematical or statistical analysis of observational data in the physical or biological sciences which provided a working knowledge of the theory and application of mathematical principles.

Research experience in such fields as physics, chemistry, engineering, biology, etc. which involved the evaluation of reports and the organization of experimental data. Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytic geometry, differential calculus, integral calculus and in addition, any four of the following: (*a*) trigonometry, (*b*) theory of equations, (*c*) vector analysis, (*d*) statistics, (*e*) higher algebra (beyond elementary college algebra), (*f*) differential equations, (*g*) advanced differential calculus, (*h*) advanced integral calculus.

(2) *Physicist.* Physicists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in one or more of the specialized fields of physics; and collect, examine, and interpret data relative to any assigned project or specific problem in a specialized field of physics. These duties require a working knowledge of the basic laws, concepts, and terminology of physics which includes the fundamental phenomena of electricity and magnetism; geometrical and physical optics; the thermal properties of matter as related to mechanical applications, molecular motion and radiation; the nature, propagation and detection of sound waves; mechanics; radioactivity and nuclear transformation; and the theory and application of methods of precise measurements in physics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in physics. This study must have included courses in physics consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; or

(ii) Courses in physics, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in physics will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific publications.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Work in physics of a professional grade such as described in the duties of positions to be filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included a fundamental course in general physics and in addition any two of the following: (*a*) electricity and magnetism, (*b*) heat, (*c*) light, (*d*) mechanics, (*e*) modern physics, (*f*) sound.

(3) *Chemist.* Chemists will conduct or assist in conducting scientific investigative developmental or fundamental research work in one or more of the specialized fields of chemistry. This involves highly technical operations, the use of complex apparatus and the application of the scientific principles of the fundamental branches of chemistry and other related scientific fields to the solution of chemical problems. The duties include the collection, examination, and interpretation of scientific data and require a thorough knowledge of the laws, concepts, and theories of chemistry and other related sciences, nomenclature, measurements, methodology and the ability to apply this knowledge in the laboratory.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in chemistry. This study must have included courses in chemistry consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; or

(ii) Courses in chemistry, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 30 semester hours; plus additional appropriate experience or education which, when combined with the 30 semester hours in chemistry, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature.

Research experience in such fields as physics, chemistry, engineering or biology, which included the analysis of data and the preparation of reports.

Chemical work of professional grade, such as that described in the duties of the positions filled from this examination.

In either subdivision (i) or (ii) of this subparagraph, the courses must have included analytical chemistry, both quantitative and qualitative, and in addition, any two of the following: (*a*) advanced inorganic chemistry; (*b*) biochemistry; (*c*) organic chemistry; (*d*) physical chemistry.

(4) *Metallurgist.* Metallurgists will conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting, flotation, leaching, crystallization, precipitation, and electrolysist of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in metallurgy or metallurgical engineering. This study must have included courses in metallurgical subjects consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in metallurgical subjects, in a college or university of recognized standing, consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education, which when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course.

The following are types of experience which will be accepted in combination

with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with matters closely related to the field of metallurgy.

Research experience in such fields as physics, chemistry or engineering which included the analysis of data and the preparation of reports.

Metallurgical work of professional grade such as that described in the duties of the positions to be filled from the examination, or related work of a subprofessional grade.

In either subdivision (i) or (ii) of this subparagraph the courses must have included at least 3 of the following:

(*a*) Physical metallurgy; (*b*) metallurgy of iron and steel; (*c*) metallurgy of non-ferrous metals; (*d*) metallography; (*e*) mineral dressing; (*f*) electrometallurgy; (*g*) process metallurgy.

(5) *Geographer.* Geographers will perform or assist in performing professional work in the field of geography; perform related cartographic work including the compilation and the analyzing of geographic data; assist in studies and researches relating to industrial and commercial geography, soils, soil erosion and land utilization mapping, climatology, vegetation distribution, and allied fields; prepare reports on the geography (physical, economic, social, and political) of specified areas; and assist in the establishment and use of map collections.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree. This study must have included or been supplemented by courses in geography consisting of lectures and recitations totaling at least 24 semester hours. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography provided the applicant shows at least 15 hours in purely geographic subjects; or

(ii) Courses in geography, in a college or university of recognized standing, consisting of lectures and recitations totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in geography will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. Study in closely allied fields such as geology, archaeology, cartography, etc., may be included in the 24 semester hours of geography, provided the applicant shows at least 15 hours in purely geographic subjects. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Library or field research dealing with the collection and analysis of geographic of closely allied data.

Assisting in editing, abstracting, or translating documents, scientific literature and preparing reports relating to geography, or closely allied fields such as geology, or meteorology, etc.

Experience gained in such positions as geographic aid, scientific aid in geology, air intelligence specialist, or cartographer.

Subprofessional or higher grade experience in the field of oceanography, nautical science, air navigation, and other related fields.

(6) *Textile technologist.* Textile technologists will conduct, or assist in conducting, scientific investigative, developmental, production, or fundamental research work in textile technology. These duties include work in such branches of textile technology as yarn and fabric manufacturing, processing, and utilization; textile chemistry; fiber technology; determination of the physical characteristics of textiles and textile fibers. All of these duties involve the collection, examination, and interpretation of scientific and operating data and require a knowledge of the scientific laws and concepts underlying textile processing, manufacturing, designing, and utilization.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree in textile technology. This study must have included courses in textile technology consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; or

(ii) Courses in textile technology, in a college or university of recognized standing, consisting of lectures, recitations and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experiences or education which, when combined with the 20 semester hours in textile technology, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional and higher grade laboratory work, production or manufacturing involving technical duties, and similar types of work which provide a means of obtaining a working knowledge of the theory and application of the scientific principles of a physical or natural science or of technology or engineering.

Experience in patent examining, or in abstracting, editing, or translating reports or scientific literature dealing with textiles and related matters.

Research experience in such fields as physics, chemistry, engineering, or biology, which included the analysis of data and the preparation of scientific reports.

Technological work of professional grade, such as the duties of the position shown above, or professional and subprofessional work in related duties.

(7) *Archivist.* Archivists will analyze, evaluate, and appraise government records for the purpose of determining which ones are of historical value. They may be responsible for classifying the documents and for preparing index cards containing a brief summary of the contents of the material. Their duties may also include reference and research work to locate information requested by specialists in various fields who are engaged in identifying, classifying and preserving documentary materials.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, including or supplemented by 12 semester hours in U. S. history and 18 semester hours in any one or in any combination of the following: (*a*) history; (*b*) political science; (*c*) sociology; (*d*) economics; (*e*) public administration; or

(ii) Courses in a college or university of recognized standing as described in (i) above; plus additional appropriate education or experience which, when combined with the 12 semester hours in U. S. history and 18 semester hours in the other above-mentioned subjects, will total 4 years of education and experience and give the applicant the substantial equivalent of the 4-year college course. The following are types of experience which will be accepted in combination with education to meet this requirement:

Experience as an archivist in a Federal, State, church, business, or other archives.

Experience as a records analyst engaged in the management and retirement of non-current records in a Government agency.

Responsible experience in the Historical Records Survey.

(8) *Economist.* Economists will conduct elementary professional economic research, including the evaluation and briefing of expository data, the appraisal and compilation of statistical data, and the preparation of tentative economic reports on some phase of a major economic problem.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree, in a college or university of recognized standing, with 24 semester hours in economics and 3 semester hours in statistics.

(ii) Courses consisting of 24 semester hours in economics and 3 semester hours in statistics, in a college or university of recognized standing; plus additional appropriate experience or education which when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in the appraisal of economic data (not of a statistical nature), and the preparation of economic outlines, briefs and reports.

Progressively responsible clerical experience in the appraisal of economic data, both expository and statistical; the compilation of appropriate statisti-

cal data; and the preparation of economic outlines, briefs and reports.

(9) *Statistician.* Statisticians will conduct elementary professional statistical research including the use, under guidance, of technical statistical method; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts and graphs.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, leading to a bachelor's degree, in a college or university of recognized standing, with 20 semester hours in statistics; or 30 semester hours of college work consisting of a combination including 6 semester hours in statistics and 24 semester hours in any one of the following: (*a*) economics; (*b*) agricultural economics; (*c*) sociology; (*d*) political science; (*e*) social service; (*f*) education; (*g*) psychology; (*h*) home economics; (*i*) biology; (*j*) public health; (*k*) agriculture; (*l*) mathematics; (*m*) engineering; (*n*) physics.

(ii) Courses as given under (i) above; plus additional appropriate experience or education which, when combined with these courses, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course. The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible clerical experience in (*a*) use of frequency distributions; (*b*) calculation of measures of central tendency, measures of variation and skewness, or index numbers; (*c*) graphic analysis, time series analysis or correlation analysis under the direction of a professional statistician.

Progressively responsible experience in planning statistical surveys; processing statistical data, including the collection, compilation, verification and appraisal of consistency of numerical data; and analyzing statistical data.

(10) *Agricultural bacteriologist.* Agricultural bacteriologists will assist in performing research or other professional or scientific work in the field of bacteriology, including the study of micro-organisms in agricultural products, such as dairy products, food and foodstuffs, textiles and soils. These duties require a working knowledge of the basic principles, concepts and terminology of bacteriology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biological science including not less than 6 semester hours in bacteriology.

(ii) Courses in biological science in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 hours of which not less than 6 are in bacteriology; plus additional appropriate experience or education which, when combined with the 20 semester hours prescribed, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement.

Technical experience in a biological science laboratory.

Teaching bacteriology courses.

(11) *Agricultural economist.* Agricultural economists will assist in research or other scientific or professional works in the field of agricultural economics, applying basic economic laws and principles in connection with the collection of agricultural data and will assist in the preparation of reports on farm policies and on the production and distribution of agricultural commodities. These duties require a working knowledge of the basic principles, concepts and terminology of agricultural economics and a knowledge of the application of statistics to economic research.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in agricultural economics. Study leading to a major in the closely allied fields of general economics, political science or sociology may be substituted for a part of the courses usually taken in obtaining a major in agricultural economics provided the applicant shows at least 12 semester hours in agricultural economics and 3 semester hours in statistics.

(ii) Courses in agricultural economics in a college or university of recognized standing, consisting of lectures and recitations totaling 21 semester hours in agricultural economics and 3 semester hours in statistics plus additional appropriate experience or education which when combined with the 21 semester hours in agricultural economics and 3 semester hours in statistics will total 4 years of education and experience and will give the applicant the substantial equivalent of a 4-year college course. Study in the closely allied fields of general economics, political science or sociology may be included in the 21 semester hours in purely agricultural economic subjects and 3 semester hours in statistics.

The following is a type of experience which will be accepted in combination with education to complete the 4-year requirement:

Progressively responsible experience in the collection and preliminary analysis of statistical and narrative economic data in the agricultural fields, such as production, distribution, prices and income.

(12) *Agronomist.* Agronomists will perform research or other scientific or professional work in the field of agronomy. They will assist in crop adaptation surveys; develop field survey reports, identify soil types; advise on use of fertilizer and other soil amendments; assist in developing suitable crop rotations; identify weeds and crop seeds; supervise the production of elite and other types of improved farm crop seeds; assist in research projects such as crop improvement, breeding and disease resistance programs. These duties require a working knowledge of the basic principles, concepts and terminology of agronomy, crop genetics, cultivation, fertilization and rotation.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in agronomy, or

(ii) Courses in plant science and agronomy in a college or university of recognized standing consisting of lectures and recitations and laboratory work totaling at least 30 semester hours including 10 semester hours in farm crops, 6 semester hours in soils, and 4 semester hours in animal husbandry; plus additional apropriate experience or education which when combined with the 30 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible technical experience on a farm growing hybrid corn or similar class of seed commercially.

Responsible agronomic experience on a college or other experiment station.

(13) *Animal husbandman.* Animal husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of domestic animals, other than dairy animals, and in the investigation of the effect of environment on animal products. These duties require a working knowledge of the basic principles, concepts and terminology of animal husbandry, animal nutrition and animal production.

Applications must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in animal husbandry, or:

(ii) Courses in animal husbandry, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours in animal husbandry plus additional appropriate education or experience which when combined with the prescribed courses will total four years of education and experience and give the applicant the substantial equivalent of a four-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental group of farm or ranch animals.

Responsible experience with a large commercial group of farm or ranch animals.

(14) *Aquatic biologist.* Aquatic biologists will assist in research or other scientific, or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry. These duties require a working knowledge of the basic principles, concepts and terminology of

aquatic biology, economic biology, fish conservation and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in biological science including 6 semester hours in the biology of aquatic organisms.

(ii) Courses in biology in a college or university of recognized standing consisting of lectures and recitations totaling 30 semester hours in biology, including at least 6 semester hours in the biology of aquatic organisms; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in aquatic biology or closely related fields.

Research experience in aquatic biology or related fields.

Other work in aquatic biology of a professional nature.

(15) *Biologist (Wildlife).* Wildlife biologists will assist in the performance of research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals and other animal life and their relation to agriculture and other interests. These duties require a working knowledge of the basic principles, concepts and terminology of zoology and botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in biology including at least 10 semester hours in zoology;

(ii) Courses in biology in a college or university of recognized standing consisting of lectures, recitations and laboratory work, totaling 30 semester hours of which at least 10 must have been in zoology and 10 in botany; plus additional appropriate experience or education which when combined with the 30 semester hours in biology will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical laboratory work in biology dealing with some phase of wildlife.

Responsible experience in the field in making surveys of wildlife habits and foods.

(16) *Botanist.* Botanists will assist the planning and execution of field and laboratory work in botanical research or other scientific or professional work in the field of botany, including the making of observations, and the collection, examination and statistical analysis of data. They will assist in identification and description of plants and seeds, and the investigation of their distribution, habits of growth and economic value. These duties require a working knowledge of the basic principles, concepts and terminology of botany.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing, leading to a bachelor's degree with a major in botany.

(ii) Courses in botany in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience which when combined with the 20 semester hours in botany will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provides a means of obtaining a working knowledge of the theory and application of the scientific principles of a botanical science.

Experience in abstracting, editing, or translating reports or scientific literature in botany or closely related fields. Research experience in botany or related fields.

Work in botany of a professional grade, such as described in the typical duties of the positions to be filled from this examination.

Teaching botany.

(17) *Dairy husbandman.* Dairy husbandmen will assist in research or other professional or scientific work in the breeding, nutrition and management of dairy cattle. These duties require a working knowledge of the basic principles, concepts and terminology of dairy husbandry, dairy animal nutrition and animal production.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy husbandry, or in animal husbandry including at least one course in dairy husbandry.

(ii) Courses in dairy husbandry and animal husbandry in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the 20 hours in dairy and animal husbandry will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the breeding, nutrition and management of a large pure bred or commercial dairy herd.

Responsible experience in the breeding, nutrition and management of a college or experiment station dairy herd.

(18) *Dairy manufacturing specialist.* Dairy manufacturing specialists will assist in performing research or other professional or scientific work in the development and introduction of improved methods in the manufacture or processing of milk and milk products. These duties require a working knowledge of the principles, concepts and terminology of dairy practice, milk testing, the manufacture of dairy products, and dairy economics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in dairy manufacturing, or;

(ii) Courses in dairy manufacturing in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling not less than 20 semester hours plus additional appropriate experience or education which when combined with the 20 semester hours in dairy manufacturing will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience in the following:

Laboratory analysis and research of milk and milk products.

State or municipal inspection of creameries.

Butter maker, cheese maker, ice cream maker or processor of whole milk in a large commercial milk plant.

(19) *Entomologist.* Entomologists will assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects. They will make field collections and tentative identifications of insects, breed and care for insects under laboratory conditions; test fumigants and other insecticides, apply treatments and assemble and summarize results in report form. These duties require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in entomology or in zoology including at least one course in entomology; or

(ii) Courses in entomology or in entomology and zoology combined in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate education or experience which when combined with the 20 semester hours in entomology or entomology and zoology will total 4 years of education and experience and give the applicant the sub-

stantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in entomology and closely related fields.

Research experience in entomology or related fields.

Work in entomology of a professional nature.

(20) *Farm management supervisor.* Farm management supervisors advise on or perform technical or other professional work in the field of farm management involving the extension of credit and the supervision of operators of family type farms. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of farm management, farm credit, and crop and livestock management.

Applicants must have successfully completed one of the following:

(i) A full 4-year course leading to a bachelor's degree in a college or university of recognized standing with a major in farm management, or in other fields within agricultural economics, or in agronomy, animal husbandry, or agricultural engineering; or

(ii) Courses in farm management or one of the other agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) farm management, agricultural finance, or other fields within agricultural economics; (*b*) soils; (*c*) crops; (*d*) animal, dairy or poultry husbandry, including feeds and feeding or animal nutrition; (*e*) horticulture or agricultural engineering; plus additional appropriate experience or education which, when combined with the 40 semester hours of course work outlined above, will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of rural rehabilitation work, vocational agriculture, soil conservation or agricultural extension.

Experience involving responsibility for the operation or management of a farm.

(21) *Geneticist.* Geneticists will assist in research or other scientific or professional work in the field of plant or animal genetics, including breeding programs and investigation of the inheritance of economically important characteristics such as yield and resistance to disease and insects, and other similar activities. They will assist in related cytogenetical and cytotaxonomic studies. These duties require a working knowledge of the basic principles, concepts and terminology of genetics in relation to plant and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in a biological science with six semester hours in genetics including cytogenetics.

(ii) Courses in biological science with a minimum of six semester hours in genetics and cytogenetics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a biological science.

Experience in abstracting, editing or translating reports or scientific literature in genetics or closely related fields.

Research experiences in genetics or related fields.

Work in genetics of a professional nature.

(22) *Home economist.* Home economists perform research or other scientific or professional work in the field of home economics. They will provide homemaking education and guidance to farm families; perform laboratory research in one or more specialized areas of home economics; carry on statistical or economic studies of family economics, food consumption, or nutritional status. These duties require a working knowledge of the principles, concept and terminology of home economics, home management, family economic problems, foods and nutrition, textiles and clothing, economics, sociology and statistics.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in home economics; or

(ii) Courses in home economics in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 24 semester hours plus additional appropriate education or experience which when combined with the 24 semester hours in home economics will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted as meeting the 4-year requirement:

Teaching home economics.

Experience as a laboratory assistant in a research laboratory engaged in research related to the field of home economics.

Experience as the supervisor of a quantity food service.

Participation in statistical or economic research related to the field of home economics.

Technical experience in home demonstration work with farm families.

(23) *Horticulturist.* Horticulturists will assist in the performance of research or other scientific or professional work in horticulture, including the collection examinations and statistical analysis of data and the introduction and testing of fruits, vegetables and ornamental plants. The duties of this position require a working knowledge of the basic principles, concepts and terminology of horticulture, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in horticulture (olericulture, pomology or floriculture).

(ii) Courses in horticulture, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 10 semester hours and at least 10 semester hours in plant sciences including plant physiology; plus additional appropriate education or experience which when combined with the 20 semester hours in horticulture and plant science will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory or field work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in horticulture or closely related fields.

Research experience in horticulture or related fields.

Work in horticulture of a professional nature.

(24) *Plant pathologist.* Plant pathologists will assist in the performance of research or other scientific or professional work in the field of plant pathology, including investigations of the cause, characteristics, and control, or prevalence and distribution of specific plant diseases and their relation to planting, cultivation, transportation, and storage methods. The duties of this position require a working knowledge of the basic principles, concepts and terminology of botany, plant science, and plant pathology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in botany or plant science including at least 10 semester hours in plant pathology.

(ii) Courses in botany or plant science totaling at least 20 semester hours with a minimum of 10 semester hours of plant pathology in a college or university of recognized standing consisting of lectures, recitations and laboratory work plus additional appropriate experience or education which when combined with the 20 semester hours prescribed will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant pathology or closely related fields.

Research experience in plant pathology or related fields.

Work in plant pathology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(25) *Plant physiologist.* Plant physiologists will assist in the performance of research or other scientific or professional work in plant physiology, including studies of the effect of toxic substances, soil and nutritional conditions upon plant growth and maturity and of conditions affecting the storage life of fruits and vegetables. The duties of this position require a working knowledge of the principles, concepts and terminology of botany, plant science and plant physiology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing leading to a bachelor's degree with a major in botany or plant science with a minimum of 10 semester hours of plant physiology.

(ii) Courses in plant science totaling at least 20 semester hours including at least 10 semester hours of plant physiology in a college or university of recognized standing consisting of lectures, recitations and laboratory work; plus additional appropriate education or experience which when combined with the 20 semester hours in plant science will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles of a natural science.

Experience in abstracting, editing or translating reports or scientific literature in plant physiology or closely related fields.

Research experience in plant physiology or related fields.

Work in plant physiology of a professional grade, such as described in the duties of the positions to be filled from this examination.

(26) *Poultry husbandman.* Poultry husbandmen will assist in research or other professional or scientific work in the care, breeding and feeding of poultry and in the investigation of the effect of environment on poultry products. The duties of this position require a working knowledge of the principles, concepts and terminology of animal husbandry, poultry husbandry, animal nutrition, and animal breeding.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a degree with a major in poultry husbandry or in animal husbandry including at least one course in poultry husbandry; or,

(ii) Courses in poultry husbandry or poultry husbandry and animal husbandry combined, in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling 20 semester hours plus additional appropriate education or experience which when combined with the prescribed courses will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Responsible experience with an experimental poultry flock.

Responsible experience with a large commercial poultry flock or hatchery.

(27) *Soil conservationist.* Soil conservationists advise on or perform technical or other professional and scientific work in the field of soil conservation, involving farm planning and soil or water conservation practices. The duties of this position require a practical working knowledge of the basic principles, concepts and terminology of water conservation, sound land use, and control and prevention of soil erosion.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in soil conservation or one of the other agricultural sciences; or,

(ii) Courses in soil conservation or one of the other related agricultural sciences acceptable toward a degree in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 40 semester hours, including at least one course in each of the following groups: (*a*) soils or soil conservation; (*b*) woodland management, plant ecology or economic biology; (*c*) farm crops and pasture management; (*d*) feeds and feeding or animal nutrition; (*e*) farm or range management or agricultural economics; (*f*) farm drainage, hydraulics, hydrology or plane surveying; plus additional appropriate experience or education which when combined with the 40 semester hours will total 4 years of education or experience and give the applicant the substantial equivalent of a 4-year college course in agricultural science.

Applicants for positions in range country must show at least one course in range management.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Technical experience in the fields of soil conservation, agricultural extension or rural rehabilitation work.

(28) *Soil scientist.* Soil scientists will assist in research or other scientific or professional work in the field of soil science including making soil classification surveys, recommending soil management treatments; assuming major responsibility for elementary soil tests and analyses. The duties of this position require a working knowledge of the basic principles, concepts and terminology of soil science.

Applicants must have successfully completed one of the following:

(i) A full 4-year course in a college or university of recognized standing leading to a bachelor's degree with a major in soils or closely related subjects (agronomy, physical geography, geology (not economic)); or,

(ii) Courses in soils or closely related subjects (agronomy, physical geography, geology (not economic)), in a college or university of recognized standing consisting of lectures, recitations and laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education which when combined with the 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year course.

The following are types of qualifying experience which will be acceptable in combination with education to complete the 4-year requirement:

Responsible experience with a soil survey crew.

Responsible experience in a soils laboratory.

Teaching experience in soils.

(29) *Zoologist (Parasitology).* Zoologists will assist in performing research or other professional or scientific work in the field or laboratory relating to parasites and parasitic diseases of domestic animals, fur-bearing animals and poultry. The duties of this position require a working knowledge of the basic principles, concepts and terminology of zoology.

Applicants must have successfully completed one of the following:

(i) A full 4-year course, in a college or university of recognized standing, leading to a bachelor's degree with a major in zoology including at least one course in parasitology; or,

(ii) Courses in zoology and parasitology, in a college or university of recognized standing, consisting of lectures, recitations and laboratory work totaling at least 20 semester hours plus additional appropriate experience or education which when combined with the prescribed 20 semester hours will total 4 years of education and experience and give the applicant the substantial equivalent of a 4-year college course.

Applicants must show at least one course in parasitology or 6 months' technical experience working with animal parasites.

The following are types of experience which will be accepted in combination with education to complete the 4-year requirement:

Subprofessional or professional grade laboratory work which provided a means of obtaining a working knowledge of the theory and application of the scientific principles involved in operations of a zoological laboratory.

Research or technical experience in parasitology or closely related fields.

(b) *Restriction of certification for highly technical positions.* For positions involving highly technical research, design or development, or similar functions, certification may be restricted to eligibles who show the successful completion of a full college course in the appropriate option.

(c) *Duties.* The options selected for the current Junior Professional Assistant examination are of highly specialized nature, having to do with original research, design or development or other functions of comparable scope or difficulty.

Appointees perform professional work in the appropriate specialized field or option in connection with (1) the study, collection, investigation, classification, analysis, preservation and interpretation of data, documents, exhibits or publications in one or more of the social or physical sciences, or (2) a wide variety of projects requiring the use or development of technical equipment, laboratory apparatus, chemical compounds and solutions, other scientific instruments, or research methods and devices.

(d) *Knowledge and training requisite for performance of duties.* The Junior Professional Assistant positions are at the entrance level to a career in the scientific and professional service. Appointees must have an understanding of the fundamental important basic principles, methods and skills required in the appropriate scientific or professional field, and they must be equipped with considerable specialized knowledge if they are to deal in an effective manner with the varied and diversified problems to be encountered. This may only be obtained through instruction and training where an adequate comprehensive and preferably an exceptional background and foundation in the appropriate scientific or professional field is furnished. A thorough knowledge of the literature of the scientific or professional field is essential together with the ability to understand and make use of that which has been written. Incumbents must, to a marked degree, be fitted to advance into more responsible, more technical and more exacting positions.

(e) *Method of obtaining basic knowledge and training.* The professional and scientific knowledge and training, of the level and extent required for the proper performance of these duties, can be obtained only by attending and completing major study in the appropriate option at a college or university of recognized standing, where a full staff of competent instructors and adequate library, laboratory and other research facilities are available and where suitable standards regarding completeness of program and attainment of proficiency may be enforced.

§ 24.37 *Occupational Therapist, P–1 and above*—(a) *Educational requirement.* Applicants must show graduation from schools of occupational therapy approved by the American Medical Association.

(b) *Duties.* Occupational therapists work under medical supervision administering occupational therapy treatments to patients in Government hospitals involving programs in functional treatment for physical disabilities such as orthopedic conditions, fractures, lacerations, amputations, nerve injuries, plastic surgery and neuro-psychosis disabilities; keeping daily records of treatments, work and progress of each patient under treatment, planning and executing projects in trades, industries, agriculture, crafts, habit, training, etc. In the higher grades, occupational therapists, in addition to administering occupational therapy, direct the work of occupational therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The field of occupational therapy has developed to such an extent that the scope which it now encompasses is very dissimilar to that after World War I. Occupational Therapy has progressed to such an extent that detailed study is necessary to learn the application of arts and crafts and trades and industries in the treatment of injured and disabled patients. These occupations are utilized not to amuse the patients or to give recreation, but are to be used as a means of treatment. As directed by the Medical Officer, the occupational therapist instructs the patient in occupations in order to regain, for example, flexion of the fingers, or to loosen adhesions in a stiff joint such as the knee joint.

Occupational Therapists must learn anatomy, kinesiology, physiology, normal and abnormal psychology, and basic arts and crafts. They must be instructed how to apply the occupations in the treatment of patients. They must learn thoroughly what treatments may be given and how to give them; they must learn what they must not do. They must fully understand the indications and contra-indications for occupational therapy treatment to a particular patient. The Occupational Therapists must be trained to recognize symptoms of over-exercise or fatigue or certain functional difficulties which may be developed in a patient under treatment. This knowledge can only be obtained in properly equipped schools with capable instructors.

The teaching of arts and crafts and trades and industries under occupation therapy programs differs from the manner in which such things are taught to enable persons to learn a trade. The emphasis on the type of work done for this and the type of work assigned to a particular individual is different, that is, the objective is fundamentally therapy for the patient.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n, has prescribed the educational requirements set forth in paragraphs (a)–(c) of this section for occupational therapists in the Veterans' Administration. The desirability of having uniform requirements for occupational therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed in paragraphs (a)–(c) of this section can be obtained only by attending and completing a full course in an approved school of occupational therapy justify the prescribed educational requirements.

§ 24.38 *Physical Therapist, P–1 and above* — (a) *Educational requirement.* Applicants must show graduation from schools of physical therapy approved by the American Medical Association, or, if graduation was prior to 1936, graduation from schools of physical therapy approved by the American Physical Therapy Association.

(b) *Duties.* Physical therapists administer under medical supervision physical therapy in its special branches including massage, electrotherapy, actinotherapy, hydrotherapy, and remedial exercise; keep a daily work record of the progress of the patients under treatment.

As examples of work performed as Physical Therapists: Give general and local massage; give or supervise active, passive, or resistive exercise; administer ultraviolet ray and electrotherapy; give thermotherapy, hydrotherapy, and mechanotherapy; watch temperature and length of treatment and take the necessary precautions to protect the patient from heat, prolonged cold, etc.; keep clinic in order; make daily, weekly, and monthly reports of progress of patients; keep apparatus in order. In the higher grades, physical therapists, in addition to administering physical therapy, direct the work of physical therapists of lower grades. The duties performed and the responsibilities assumed vary with and are proportionate to the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* During the last twenty years, the field of Physical Therapy has progressed to such an extent that the Physical Therapy duties, as now required, cannot compare to those of World War I and the years immediately following that time. Physical Therapy treatments are exacting and also dangerous if not performed by persons with adequate knowledge of the indications and contra-indication for such treatments and the symptoms of patients under treatment. The equipment is varied and consists of a large number of different types of more or less intricate apparatus which must be thoroughly understood in order to give adequate treatments safely. Improper treatment, in extreme cases, can result in the death of the patient, or, when using heat through water or electrical apparatus, it can result in stubborn burns which are

very difficult to heal and which may seriously handicap the patient in the endeavor to bring him back to health.

(d) *Method of obtaining basic knowledge and training.* The Administrator of Veterans' Affairs, acting under authority vested in him by 59 Stat. 675; 38 U. S. C., Sup., 15–15n has prescribed the above educational reqquirements for physical therapists in the Veterans' Administration. The desirability of having uniform requirements for physical therapist positions for all Government agencies plus the fact that the technical knowledge required for the performance of the duties listed above can be obtained only by attending and completing a full course in an approved school of physical therapy justify the prescribed educational requirements.

§ 24.39 *Mathematician P–2 through P–8 where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* The successful completion of a four-year course in a college or university of recognized standing leading to a bachelor's have included courses in mathematics degree in mathematics. This study must consisting of lectures and recitations totaling at least 24 semester hours and in addition courses in the physical sciences (engineering, physics, geology, astronomy, chemistry, etc.) totaling 12 semester hours. The courses must have included analytical geometry, differential calculus, integral calculus and in addition any 3 of the following: Theory of Equations, Vector Analysis, Statistics, Higher Algebra (beyond elementary college algebra), Differential Equations, Advanced Differential Calculus, Advanced Integral Calculus.

(b) *Duties.* The duties of the P–2 to P–8 mathematician are: performing, conducting, planning, or directing mathematical work involving calculations and computations incident to investigative, developmental and research work in the scientific fields such as engineering, physics, astronomy, etc.; collecting, examining and interpreting scientific data; coordinating assignments and programs; planning mathematical procedures for scientific field trips; preparing reports and manuals, and editing or preparing articles for publication.

Those positions requiring the successful completion of four years of college or university training are characterized as follows:

Critical investigative work requiring a sound knowledge of the fundamental laws, theories, principles and terminology of mathematics and related sciences and having for its objective the development of new or improved methods of analysis, the development or extension of new theories or principles, or a new interpretation of known facts, leading to a revision of accepted theories and laws.

The application in new ways of known complex mathematical laws and facts to the development of new techniques or devices.

The coordination of a broad research program requiring the combined efforts of several specialists in different scientific fields. The leader of such a program must have an understanding of the mathematical principles, procedures and potentialities of the scientific fields involved, and the ability to coordinate the activities of the various specialists.

(c) *Knowledge and training requisite for performance of duties.* The urgent need for fundamental research and developmental work in all scientific fields in order to safeguard and improve the nation's security, and general welfare is apparent. The Congress of the United States has recognized the vital necessity for such scientific research and developmental work and has authorized through appropriations the spending of large sums of money for varied and important research programs. These programs are carried on by the various departments and agencies of the Federal government and have resulted in very notable achievements in scientific research during World War II.

The advances in the various sciences during World War II have been outstanding and of major importance. Especially in the fields of physical science and of engineering have these advances been dependent upon and interrelated to mathematics in all its branches. Mathematics is an indispensable tool in expressing basic laws and concepts in these fields, in interpreting experimental data, in extending old or establishing new concepts of matter and energy, and in establishing basic hypotheses for experimental work in new fields. Further advances in the physical sciences and in engineering will depend on the number of highly qualified and properly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. Concurrent with these advances in the fields of science is the flow of new scientific knowledge, so that persons engaged in highly complicated mathematical computations in a specialized field must of necessity possess the fundamental knowledge characteristic of mathematics and in addition that of pertinent allied fields in order that they may successfully attack complex problems.

Private industry requiring mathematicians for research positions has long recognized the necessity for broadly trained men for professional mathematics positions who are well grounded in the fundamentals of the sciences involved. They are required to have education represented by at least the attainment of a bachelor's degree in mathematics and, in many cases, a higher degree with specialization in a particular field is demanded.

(d) *Method of obtaining the basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional research work in the field of mathematics. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.40 *Instructor, Meteorology P–2 through P–5*—(a) *Educational requirement.* All applicants must have successfully completed a resident course of study in Weather Forecasting Theory at a military school or college, or a curriculum of study which included or has been supplemented by at least 20 semester hours of study consisting of laboratory work in synoptic meteorology and forecasting, and fundamental courses in synoptic and dynamic meteorology at a college or university of recognized standing.

(b) *Duties.* With varying degrees of responsibility commensurate with the grades indicated, to instruct military personnel in one or more of the following subjects: Surface Charts and Weather Forecasting, Auxiliary Charts and Diagrams, Air Mass Analysis, Synoptic Meteorology, Dynamic Meteorology, Limited Data Analysis, World Geography and Climatology, Extended and Long Range Forecasting, Weather Station Operation, Staff Weather Subjects, Oceanography, Applied Micro-Meteorology, Tropical Meteorology, Anomalous Radar Propagation, In-Flight Weather Observation, and other related subjects, in accordance with a definite instructional program, or prescribed course of study; to prepare or assist in preparing material for instruction; and to perform related duties as assigned.

(c) *Knowledge and training requisite for performance of duties.* The advances in the field of meteorology have been largely the result of the application of the laws and concepts of the physical sciences to the solution of the problems of meteorology. A knowledge of the pertinent physical sciences is indispensable in interpreting observational data, in designing and improving the instruments used in making scientific observations, and in extending old or developing new concepts and theories used in forecasting weather. Further advances in meteorology must depend on the number of highly qualified and properly trained meteorologists who are competent to explore the field and make further applications of the new developments in the physical sciences to the science of meteorology. Instructors, therefore, must be fully qualified to teach such technical subjects to those who will be engaged in gathering and interpreting meteorological data.

In order to perform successfully these Instructor duties the applicant must have a knowledge and training in weather forecasting at the full professional level. This knowledge and training can be obtained in either of the following ways: (1) Through four years of experience in meteorology at either a professional or subprofessional level supplemented by the successful completion of a resident course in Weather Forecasting Theory, or (2) Through the successful completion of a four year college course with a major in the physical sciences such as physics, meteorology, mathematics, chemistry, or engineering, including or supplemented by the successful comple-

tion of a course of training in Weather Forecasting Theory.

It is not believed that a knowledge of weather forecasting at the full professional level can be acquired without at least some formal training at the professional level. In order to complete a course in Weather Forecasting Theory a knowledge of physics and mathematics is necessary. The necessary background to weather forecasting cannot be obtained without at least some formal educational training in these subjects.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully professional work in the field of meteorology. The only method by which such professional knowledge and training may be acquired is by attending a college or military school or university where competent instruction and guidance are available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided, and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.41 *Human Biologist, P–7*—(a) *Educational requirement.* Applicants must show the successful completion of a full college course in a college or university of recognized standing with courses totaling at least 20 semester hours credit in either (1) physiology or, (2) a combination of biophysics, biochemistry and physiology which includes at least 10 semester hours credit in physiology.

(b) *Duties.* The human biologist plans, directs and coordinates research programs in environmental biology to determine the kind and degree of man's physiological responses to all variations of environmental stresses to which he may be subjected upon a world wide scale, as these responses are related to his protection against or adaptation to such stresses. Directs the activities of scientists, working principally in research in biophysics, biochemistry, physiology and anthropology to determine man's physiological responses to varying kinds and degrees of environment and how these are modified by such factors as occupation, racial background, anthropological type, age, preconditioning to extreme environmental changes, mental attitudes, etc., to determine the capacities and limitations of the human body in coping with adverse environments, the causes and effects of the environment upon man and possible compensations. Coordinates research programs under his direction with those being conducted elsewhere within the organization to determine the clothing, clothing assemblies, and other specialized types of equipment which will provide maximum protection against and resistance to destructive environmental forces and to analyze and evaluate the elements of environment and develop formula for their correlation with the physical and human biological problems being studied.

(c) *Knowledge and training requisite for performance of duties.* The duties of this position call for research in environmental effects on a much greater scale than has been done previously. The incumbent of the position must have a broad, extensive background in physiology or in a combination of physiology, biology, bichemistry and biophysics. The training must have been such as to demonstrate ability to develop and direct research programs of sound, practical scope.

(d) *Method of obtaining basic knowledge and training.* Paragraphs (a)–(c) of this section contain statements of the minimum knowledge and training required to carry on successfully the duties of the position. The only method by which such knowledge and training may be acquired is by attending a college or university where competent instruction and guidance is available, where courses are arranged in a systematic progressive schedule and where adequate laboratory facilities and libraries are provided and where objective evaluations are made of a person's progress in acquiring professional and scientific information.

§ 24.42 *U. S. Coast Guard Academy*—(a) *Instructor of Electrical Engineering, P–4*—(1) *Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree in engineering or physics in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in electrical engineering including alternating and direct current machines and circuits and engineering electronics. Under the supervision of the head of the engineering department he will prepare daily assignments, using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom and laboratory instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in education methods so that cadets may receive a knowledge of fundamental concepts and techniques in electrical engineering and develop analytical ability which will enable them to perform the duties of commissioned officers of the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Electrical Engineering P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

(b) *Instructor of Mathematics, P–4*—(1)—*Educational requirement.* Applicants must have successfully completed a 4-year course of study leading to a bachelor's degree with study in mathematics or civil engineering in a college or university of recognized standing.

(2) *Duties.* The appointee to this position will instruct cadets at the U. S. Coast Guard Academy in mathematics and surveying and related subjects including plane and spherical trigonometry, analytical geometry, plane and hydrographic surveying, differential and integral calculus and analytical mechanics. Under the supervision of the heads of the departments of mathematics and civil engineering he will prepare daily assignments using as guides the assigned textbook, reference texts, Coast Guard instructions and manufacturers' and other technical publications. He will give classroom instruction and prepare and grade examinations. He will be required to keep himself informed of the latest developments in his technical field and in educational methods so that cadets may receive a knowledge of fundamental concepts and techniques and develop analytical ability which will enable them to perform the duties of commissioned officers in the Coast Guard.

(3) *Justification of educational requirement.*

NOTE: Justification for Instructor of Mathematics, P–4 is the same as the justification for Teacher, All Grades (see § 24.12).

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AUTHORITY: §§ 25.101 to 25.508, inclusive, issued under sec. 605, 59 Stat. 304; 5 U. S. C., Sup., 945. Additional authority is noted in parentheses following provisions affected.

SUBPART A—OVERTIME PAY REGULATIONS

EXTENT OF REGULATIONS

§ 25.101 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.102.

§ 25.102 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except that § 25.143 (d) shall be applicable to such employees whose basic rate of compensation is fixed on an annual or monthly basis;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App., Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police, and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.121 *Basic workweek for full-time officers and employees.* "Basic workweek" for full-time officers and employees means the forty-hour workweek established pursuant to § 25.131.

§ 25.122 *Administrative workweeks.* (a) "Administrative workweek" means a period of seven consecutive calendar days.

(b) "Regularly scheduled administrative workweek" for full-time officers and employees means the period within an administrative workweek, established pursuant to § 25.131, when such officers and employees are required to be on duty regularly.

§ 25.123 *Basic rate of compensation.* (a) "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work, but inclusive of (1) any salary differential for duty outside the continental United States, or in Alaska, and (2) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

(b) Hereafter for all pay computation purposes basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic workweeks of forty hours.

§ 25.124 *Irregular or occasional overtime duty.* "Irregular or occasional overtime duty" means hours of employment not scheduled in the regularly scheduled administrative workweek.

REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS AND AGENCIES

§ 25.131 *Establishment of basic workweek and regularly scheduled administrative workweek.* (a) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, shall, with respect to each group of full-time employees to whom this subpart applies, establish by regulation:

(1) A basic workweek of forty hours in length which shall not extend over more than six of any seven consecutive days. Except as provided in paragraph (b) of this section, such regulation shall specify the calendar days constituting the basic workweek and, for each of such calendar days, the number of hours of employment included within the basic workweek.

(2) A regularly scheduled administrative workweek which shall consist of the forty-hour basic workweek established in accordance with paragraph (a) (1) of this section, plus such period of overtime work as will be regularly required of each group of employees. Except as provided in paragraph (b) of this section, the periods of time included in such regularly scheduled administrative workweek which do not constitute a part of the basic workweek shall be identified by calendar days and by number of hours per day for purposes of leave and overtime pay administration.

(b) Whenever it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek may be established as the basic workweek; and all additional hours of officially ordered or approved duty within the administrative workweek shall be treated as overtime.

(c) In the case of employees whose work includes periods during which they are required to remain on duty and render "stand-by service" at or within the confines of their stations, the length of the regularly scheduled administrative workweek, for the purpose of this subpart, shall be the total number of regularly schedules hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or independent establishment, agency, or corporation.

§ 25.132 *Compensatory time off for irregular or occasional overtime duty.* Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may, with respect to officers and employees to whom this subpart applies, prescribe regulations for the granting of compensatory time off from duty, in lieu of overtime compensation, for irregular or occasional duty in excess of forty hours in any administrative workweek, to those per annum employees requesting such compensatory time off from duty.

OVERTIME WORK AND OVERTIME COMPENSATION

§ 25.141 *Overtime compensation authorized.* (a) Officers or employees to whom this subpart applies shall be paid overtime compensation, computed as provided in § 25.143, for all hours of employment officially ordered or approved in excess of forty hours in any administrative workweek, including irregular or occasional overtime duty.

(b) In accordance with administrative regulations which may be issued pursuant to § 25.132, any per annum employee may request compensatory time off, in lieu of overtime pay, for irregular or occasional duty in excess of forty hours in any administrative workweek. In case no such regulations are issued, or if under such regulations compensatory time off for such irregular or occasional overtime duty is not specifically requested by the employee it shall be paid for in money when due.

(c) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations, may delegate to any officer or employee authority to order or approve overtime in excess of any that may be included in the regularly scheduled administrative workweek. No such excess overtime shall be ordered or approved except in writing by an officer or employee to whom such authority has been specifically delegated by the head of the department or independent establishment or agency, or Government-owned or controlled corporation.

§ 25.142 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave acts of March 14, 1936, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, non-work days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.132 and 25.141 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the acts cited shall not be charged for any absence which does not occur during the forty hours prescribed as the basic workweek.

(b) *Leave without pay.* For any period of leave-without-pay within an employee's basic 40-hour workweek, an equal period of service performed outside the basic workweek, but during the same administrative workweek, must be substituted and paid for at the rate applicable to his basic workweek, before any remaining periods of service can be paid for at the overtime rate.

(c) *Absence during overtime periods.* Except as expressly authorized by law, as in the case of jury duty under the act of June 29, 1940 (54 Stat. 689), and except to the extent authorized while the employee is in official travel status, no overtime period shall be counted in computing overtime compensation unless the employee performs actual duty during such period or is taking the compensatory time off provided for in §§ 25.131 and 25.141 (b). For employees in official travel status but not performing actual duty, no overtime period shall be paid for at overtime rates unless it falls within the regularly scheduled administrative workweek.

(d) *Night or holiday duty.* Extra holiday compensation paid under Subpart D of this part shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs. Hours of night or holiday duty shall be included in determining for overtime pay purposes the total number of hours of employment within the same administrative workweek. Any extra compensation for night or holiday duty shall not, however, be included in any basic rate in computing overtime compensation under this part.

(e) *Service subject to other overtime statutes.* Overtime services for which overtime compensation is paid under any of the following statutes shall not form a basis for overtime employment under this part: Act of February 13, 1911, as amended (19 U. S. C. 261, 267) involving inspectors, storekeepers, weighers, and other customs officers and employees; act of July 24, 1919 (41 Stat. 241; 7 U. S. C. 394) involving employees engaged in enforcement of Meat Inspection Act; act of June 17, 1930, as amended (19 U. S. C. 1450, 1451, 1452) involving customs officers and employees; act of March 2, 1931 (46 Stat. 1467; 8 U. S. C. 109a and 109b) involving inspectors and employees, Immigration and Naturalization Service; act of May 27, 1936, as amended (52 Stat. 345; 46 U. S. C. 382b) involving local inspectors of steam vessels and assistants, U. S. shipping commissioners, deputies and assistants, and customs officers and employees; act of March 23, 1941 (55 Stat. 46; 47 U. S. C., Sup. 154 (b) (2)) involving certain inspectors of the Federal Communications Commission; act of June 3, 1944 (58 Stat. 269) involving customs officers and employees.

§ 25.143 *Computation of overtime compensation.* (a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided,* That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the basic per annum rate by two thousand and eighty (2080).

(b) For employees whose basic compensation is at a rate of $2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule, subject to the limitation contained in paragraph (c) of this section:

Basic rate of compensation per annum:	*Overtime rate of compensation per 416 overtime hours*
$2,980.00	$894.000
$3,021.00	890.852
$3,146.40	881.223
$3,271.80	871.595
$3,397.20	861.967
$3,522.60	852.338
$3,648.00	842.710
$3,773.40	833.081
$3,898.80	823.453
$4,024.20	813.624
$4,149.60	804.196
$4,275.00	794.567
$4,400.40	784.939
$4,525.80	775.310
$4,651.20	765.682
$4,776.60	756.053
$4,902.00	746.425
$5,027.40	736.797
$5,152.80	727.168
$5,278.20	717.540
$5,403.60	707.911
$5,654.40	688.654
$5,905.20	669.397
$6,144.60	651.016
$6,384.00	632.634
$6,440.00 and over	628.334

NOTE: In the foregoing schedule the overtime rate for 416 overtime hours for any basic rate of compensation in excess of $2,980 per annum is computed by subtracting from $894, 7.6782 per centum of the amount by which such basic rate is in excess of $2,980 per annum with the condition that the rate for 416 overtime hours for all salaries of $6,440 or more shall be $628.334.

(c) Notwithstanding the provisions of paragraph (b) of this section, the overtime compensation payable to any officer or employee to whom this subpart applies shall, with respect to any pay period, be limited to such rate as will not cause his aggregate compensation for such pay period to exceed a rate of $10,000 per annum: *Provided, however,* That any such officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately.

(d) Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the act of March 28, 1934 (48 Stat. 522, 5 U.S.C. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(1) If the basic rate of compensation of the employee is fixed on an annual

basis, divide such basic rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half; and

(2) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand eighty (2080) and multiply the quotient by one and one-half.

(e) Whenever, for the purpose of computing overtime pay under this sub-part it is necessary to convert a basic monthly or annual rate to a basic weekly, daily or hourly rate the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate:

(2) An annual rate shall be divided by 52 to derive a weekly rate:

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

EXTENT OF REGULATIONS

§ 25.201 *Officers and employees to whom this subpart applies.* This subpart applies to all officers and employees, except those who are appointed by the President, by and with the advice and consent of the Senate, who (a) are compensated on a per annum basis, (b) occupy permanent positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, and (c) have not reached the maximum rate of compensation for the grade in which their positions are respectively allocated.

DEFINITIONS

§ 25.221 *Permanent positions.* "Permanent positions" means positions other than those designated as temporary by law and other than those established for definite periods of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under Civil Service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions. Positions filled by temporary appointment under the Temporary Civil Service Regulations are temporary for the purpose of this subpart.

§ 25.222 *Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.* "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended", means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

§ 25.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945; or

(4) An increase upon restoration of an employee to the grade and salary from which he was previously reduced or demoted, when the restoration is the result of a decision of a statutory efficiency rating board of review, a reduction-in-force appeal, the reallocation of his position to its former grade on appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944.

§ 25.224 *Current efficiency.* "Current efficiency" means the official efficiency rating on record appropriate for within-grade salary advancement purposes, in accordance with the uniform efficiency-rating system.

§ 25.225 *War transfer.* "War transfer" means any transfer authorized by the Commission under Executive Order Nos. 8973 of December 12, 1941, or 9067 of February 20, 1942, War Manpower Commission Directive No. X, or War Service Regulation IX, under conditions entitling the employee to reemployment in his former position or a position of like seniority, status, and pay; civilian employment in occupied countries subject to the provisions of Executive Order No. 9711 of April 11, 1946; or employment with public international organizations subject to the provisions of Executive Order No. 9721 of May 10, 1946.

§ 25.226 *Satisfactory record on war transfer.* "A satisfactory record on war transfer" means a record or finding that the transferred employee has been furloughed or terminated without cause such as would reflect on his suitability for reemployment in the Federal service, from the position to which transferred; or that his services have been satisfactory and his termination was not the result of delinquency or misconduct.

§ 25.227 *Service in the merchant marine.* "Service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, War Shipping Administration, service as an enrollee in the United States Maritime Service on active duty, and, to such extent as said Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator.

§ 25.228 *Certificate of satisfactory service in the merchant marine.* "Certificate of satisfactory service in the merchant marine" means the certificate issued by the War Shipping Administrator pursuant to the act of June 23, 1943, 57 Stat. 162, 50 U. S. C., Sup. 1471–1475, providing reemployment rights for persons who leave their positions to serve in the merchant marine.

COMPUTATION OF PERIODS OF SERVICE

§ 25.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch (legislative, executive, or judicial), executive department, independent establishment or agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Leave without pay and furlough, not to exceed in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks, within the period of service required for one periodic within-grade advancement.

(d) Service rendered prior to absence due to involuntary separation, or due to furlough or leave without pay, where no single period of such absence is in excess of twelve months.

(e) Service rendered prior to absence due to resignation, where no single period of such absence is in excess of thirty calendar days.

(f) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to em-

ployees not subject to civil service rules and regulations. Any person entitled to be credited with service under this paragraph shall also be entitled to credit not more than twelve, eighteen or thirty months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

(g) In the case of an employee whose name appeared on a list of eligibles between May 1, 1940 and March 16, 1942, and who, after meeting necessary conditions, received probational appointment under the provisions of any Executive order or regulations of the Commission covering situations in which an eligible lost his opportunity for probational appointment because of military service in World War II, time elapsing since the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom.

(h) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946 and shall apply to all computations of within-grade salary increases made after that date.

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (11 F. R. 4081), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Military Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711.

CONDITIONS OF ELIGIBILITY FOR PERIODIC WITHIN-GRADE SALARY ADVANCEMENT

§ 25.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than $200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period;

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation, or such official as he may designate, as being otherwise satisfactory.

If at the end of the time period of twelve or eighteen months, an employee's total leave without pay and furlough is in excess of that creditable under § 25.231 (c), he must serve in a pay status an additional number of basic-workweek days and hours equal to such excess, to complete the service required for advancement.

§ 25.242 *Exceptions.* Conditions of § 25.241 (b) and (c) shall not apply upon the return to duty of any officer or employee (a) who, while serving under permanent, war service, temporary, or any other type of appointment, left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (b) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (c) who, under regulations of the Commission, which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or under any other administrative procedure having a similar purpose with respect to officers and employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, in which he would otherwise be eligible for within-grade salary advancement under this part.

EFFECT OF EFFICIENCY-RATING CHANGES

§ 25.251 *Effect of efficiency-rating changes.* In the event a change or adjustment is made in an officer's or employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of the Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any periodic within-grade salary advancement to which he may be entitled shall be made effective as of the date he would have received the advancement had no error been made in the original rating.

SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS

EXTENT OF REGULATIONS

§ 25.301 *Employees to whom this subpart applies.* This subpart applies to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.302.

§ 25.302 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations; i. e., heads of governmental establishments in the executive branch which are not component parts of any other such establishments;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (57 Stat. 45, 50 U. S. C. App. 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police;

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company;

(k) Employees of the Bureau of Engraving and Printing who are entitled to a night pay differential under the act of July 1, 1944 (58 Stat. 648, 31 U. S. C. 180); and

(l) Employees who are entitled to additional compensation for night work under any provision of law other than section 301 of the Federal Employees Pay Act of 1945.

DEFINITIONS

§ 25.321 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of

quarters, subsistence, and other maintenance allowances under sec. 3 of the act of March 5, 1928, 45 Stat. 193, 5 U. S. C. 75a.

§ 25.322 *Regularly scheduled tour of duty.* "Regularly scheduled tour of duty" means the regularly scheduled administrative workweek for full-time employees prescribed in accordance with § 25.131. For part-time employees, it means the officially prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

§ 25.323 *Night work.* "Night work" means that part of a regularly scheduled tour of duty which falls between 6 o'clock p. m. and 6 o'clock a. m.

§ 25.324 *Night pay differential.* "Night pay differential" means the ten percent increase over the officer's or employee's basic rate of compensation, authorized by section 301 of the Federal Employees Pay Act of 1945, as amended.

NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL

§ 25.331 *Night pay differential authorized.* Any officer or employee to whom this subpart applies shall be entitled to a night pay differential amounting to 10 percent of his basic rate of compensation as additional compensation for all hours of night work, computed in accordance with § 25.332.

§ 25.332 *Computation of night pay differential*—(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other non-workday; but it is authorized when compensatory time off "earned" by night work is taken during the night hours of the employee's regularly scheduled tour of duty, and for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with Subpart A or Subpart D. The night pay differential shall not be included in the basic rate or compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

(d) *Computation of rate of night pay differential.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of the night pay differential, the following rules shall govern:

(1) A monthly rate shall be multiplied by 12 to derive an annual rate;

(2) An annual rate shall be divided by 52 to derive a weekly rate;

(3) A weekly rate shall be divided by 40 to derive an hourly rate; and

(4) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY

EXTENT OF REGULATIONS

§ 25.401 *Employees to whom this subpart applies.* This subpart shall apply to all civilian officers and employees in or under the executive branch of the United States Government, including Government-owned or controlled corporations, except those specified in § 25.402.

§ 25.402 *Employees to whom this subpart does not apply.* This subpart does not apply to:

(a) Elected officials;

(b) Heads of departments or independent establishments or agencies, including Government-owned or controlled corporations;

(c) Officers and employees in or under the field service of the Post Office Department;

(d) Employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose;

(e) Employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed;

(f) Officers and employees of the Inland Waterways Corporation;

(g) Officers and employees of the Tennessee Valley Authority;

(h) Individuals to whom the provisions of section 1 (a) of the act entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," approved March 24, 1943 (57 Stat. 45, 50 U. S. C., App. Sup., 1291), are applicable;

(i) Officers and members of the United States Park Police and the White House Police; and

(j) Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company.

DEFINITIONS

§ 25.421 *Basic rate of compensation.* "Basic rate of compensation" means the rate of compensation fixed by law or administrative regulation for the position held by the officer or employee, exclusive of overtime compensation and extra pay for night or holiday work but inclusive of (a) any salary differential for duty outside the continental United States, or in Alaska, and (b) the value of quarters, subsistence, and other maintenance allowances under section 3 of the act of March 5, 1928 (45 Stat. 193, 5 U. S. C. 75a).

IDENTIFICATION OF HOLIDAYS

§ 25.431 *Holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; and Christmas Day.

(b) When any such day falls on a Sunday, Executive Order No. 9636 of October 3, 1945 requires that the following Monday shall be observed as a holiday in lieu thereof subject to the following exceptions:

(1) In the case of employees whose regularly scheduled basic work-week includes both the Sunday and the Monday involved, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(2) In the case of employees whose regularly scheduled basic work-week includes the Sunday but not the Monday involved, only the Sunday shall be treated as a holiday.

(c) Any day designated as a holiday by Executive order.

EXTRA PAY FOR HOLIDAY DUTY

§ 25.441 *Rate of holiday pay.* (a) Any officer or employee who is assigned to duty on a holiday shall be compensated for such duty at the rate of twice his regular rate of basic compensation, *Provided,*

(1) That such hours of holiday duty fall within his basic workweek of forty hours.

(2) That such doubled rate of compensation shall be paid for not to exceed eight hours of duty on a holiday.

(3) That such doubled rate of compensation shall be in lieu of his regular rate of basic compensation.

(4) That such doubled rate of compensation shall be in addition to any extra compensation for night duty payable under Subpart C; but the night pay differential shall not be included in the basic rate of compensation in computing pay for holiday duty.

(b) An officer or employee who is excused from duty because of a holiday falling within his basic 40-hour workweek shall be entitled to only his basic rate of compensation for that day.

(c) An officer or employee who is assigned to duty on a holiday falling outside of his 40-hour basic workweek (an overtime day) shall be entitled only to the overtime compensation payable in accordance with Subpart A for such duty, plus any extra compensation for night duty payable under Subpart C or other authority.

(d) An officer or employee who is excused from duty because of a holiday falling outside of his 40-hour basic workweek shall not be entitled to any compensation for that day.

§ 25.442 *Computation of holiday pay.* Whenever it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate for the purpose of computing the amount of extra

pay for holidays, the following rules shall govern:

(a) A monthly rate shall be multiplied by twelve to derive an annual rate;

(b) An annual rate shall be divided by fifty-two to derive a weekly rate;

(c) A weekly rate shall be divided by forty to derive an hourly rate; and

(d) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

§ 25.443 *Overtime.* (a) The extra pay for holidays authorized by § 25.441 shall not be included in the basic rate of compensation in computing any overtime compensation to which the officer or employee may be entitled.

(b) Such extra pay shall not serve to reduce the amount of overtime compensation to which the officer or employee may be entitled during the administrative workweek in which the holiday occurs, and notwithstanding such extra pay, the number of hours of duty on a holiday shall be included in determining for overtime pay purposes the total number of hours of employment performed in the same administrative workweek.

(c) The number of regularly scheduled hours of duty on a holiday falling within the employee's 40-hour basic workweek on which the employee is excused from duty shall be included as a part of the 40-hour basic workweek for overtime pay computation purposes.

SUBPART E—REGULATIONS FOR GRANTING ADDITIONAL WITHIN-GRADE SALARY ADVANCEMENTS AS REWARDS FOR SUPERIOR ACCOMPLISHMENT

§ 25.501 *Extent of regulations; officers and employees to whom this subpart applies.* This subpart applies to any officer or employee, except those in positions required to be filled by appointments by the President, by and with the advice and consent of the Senate who (a) is compensated on a per annum basis; (b) occupies a permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended; (c) has not reached the maximum rate of compensation for the grade of his position; and (d) who merits consideration for an award as a result of superior accomplishment.

§ 25.502 *Definitions.* (a) "Department" means any executive department or independent establishment or agency, including Government-owned or Government-controlled corporations, and the municipal government of the District of Columbia.

(b) "Permanent positions" means positions other than those designated as temporary by law and other than those established for a definite period of one year or less. Positions to which appointments were made under the war service regulations for the duration of the war and six months thereafter are permanent positions within the scope of this definition. Positions in which employees are serving definite probationary or trial periods under civil service rules, or under regulations issued by the Commission, shall not, for that reason alone, be regarded as being other than permanent positions.

(c) "Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended," means positions in the departmental and field services, in the executive, legislative, and judicial branches, in Government-owned or Government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department, establishment, agency, or corporation concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended.

(d) "Superior accomplishment" means sustained work performance of a high degree of efficiency, the initiation and development of a suggestion which increases efficiency or brings about substantial economies in the public service, or a special service of an outstanding nature, which meets the standards of the Commission for recognition as the basis for a reward in the form of an additional salary advancement.

(e) "Additional advancement" means within-grade salary advancement as a reward for superior accomplishment as distinguished from a periodic within-grade salary advancement under section 402 of the Federal Employees Pay Act of 1945.

§ 25.503 *Conditions of eligibility for additional advancements.* The granting of each additional advancement shall be subject to the following conditions:

(a) It must be made within the limit of available appropriations;

(b) It must be based on superior accomplishment which conforms with standards promulgated by the Commission; and

(c) No more than one additional advancement may be made to any officer or employee within each of the time periods prescribed in section 402 of the Federal Employees Pay Act of 1945.

§ 25.504 *Prior approval by the Commission.* Approval of the Commission must be secured prior to making any additional advancement effective, unless approval of such advancement is made under authority delegated in accordance with the regulations in this subpart.

§ 25.505 *Departmental plans for awarding additional advancements.* Each department which desires authority to approve additional advancements as rewards for superior accomplishment shall submit a plan to the Commission (a) providing for a systematic review of the work performance of employees, (b) proposing a simple, orderly procedure for the selection of employees to be awarded additional advancements for superior accomplishment, (c) indicating the representatives of the head of the department proposed to be authorized to approve such advancements, (d) providing procedures for reporting additional advancements to the Commission, and (e) proposing a method of publication of the plan to all employees. Such plans shall not become effective until approved by the Commission, and no approved plan shall be revised or amended without the prior approval of the Commission. Subject to the foregoing provisions, any such departmental plan may be revised or amended from time to time as circumstances may require.

§ 25.506 *Delegation of authority to approve additional advancements.* Effective until November 1, 1945, the Commission hereby delegates authority to the head of each department, or his designated representatives, to approve additional advancements as rewards for superior accomplishment which conforms with standards promulgated for that purpose by the Commission. This authority will terminate on November 1, 1945, if no departmental plan has been approved prior to that date. Upon the approval of a departmental plan as provided in the foregoing section, the Commission hereby delegates authority to the head of the department, and to his designated representatives operating under such plan, to approve additional advancements as rewards for superior accomplishment which conforms with the standards promulgated for that purpose by the Commission.

§ 25.507 *Suspension or withdrawal of authority.* The Commission may suspend or withdraw the authority to approve additional advancements delegated in the regulations in this subpart, whenever, after post-audit of actions taken under such authority, it finds that (a) additional advancements are being approved which do not conform with the Commission's standards, (b) provisions of the departmental plan are not being followed, or (c) adequate statements supporting such additional advancements are not being received by the Commission.

§ 25.508 *Reports to be furnished to the Commission.* Additional within-grade salary advancements as rewards for superior accomplishment shall be reported to the Commission with such supporting information as it may prescribe.

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

Sec.

26.1 Persons who may be transferred.
26.2 Definitions.
26.3 Submission of request.
26.4 Approval of transfer.
26.5 Separation from service.
26.6 Filling vacancy.
26.7 Acquisition of status.
26.8 Reemployment.
26.9 Report to the Commission.
26.10 Appeals to the Commission.
26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, inclusive, issued under sec. 5, E. O. 9721, 11 F. R. 5209.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721:

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of

whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the Act of December 29, 1945 (59 Stat. 669).

(b) "Terminated without prejudice" means separation from the public international organization to which transferred under Executive Order 9721, either voluntarily or involuntarily under circumstances which do not reflect on the transferee's suitability for further Federal employment.

NOTE: For list of public international organizations, see Executive Orders 9698, 9751 and 9823.

(c) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721. A general release for employment elsewhere or a release granted other than for the specific purpose of transfer under Executive Order 9721 shall not be construed as "consent" under Executive Order 9721.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to transfer under Executive Order 9721, give such consent in writing and address it to the requesting public international organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 the employee shall be separated and his "separation by transfer under Executive Order 9721" shall be reported to the Commission on the regular report of personnel changes.

§ 26.6 *Filling vacancy.* The appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of the order are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of the order, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of the order were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 and who meets the other conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before May 10, 1949. Determination of satus will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before May 9, 1949, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* An employee transferred under Executive Order 9721 must meet the following conditions in order to have a right to reemployment under that order:

(a) He must have been serving under a probational or permanent civil service appointment prior to such transfer or he must have met the conditions for acquisition of a competitive status under section 2 of the order. When reemployment rights depend on acquisition of status under section 2 of the order, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(b) He must have been terminated without prejudice by the public international organization to which transferred within three years of the date of his separation for transfer to such international organization or within three years of the date of Executive Order 9721, whichever is later;

(c) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such international organization.

(d) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

Upon meeting the conditions for reemployment under Executive Order 9721, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

Upon reemployment under Executive Order 9721, an employee shall be given the seniority and, to the extent consistent with law, the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization since acquisition of status. Any sick leave to his credit at the time of his separation for transfer under the order shall be recredited to him.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes. In any case where the provisions of the Executive order are, with the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 shall be reported to the Commission on the regular report of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under the order. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of the order. An employee transferred under the order who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment under the order.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

PART 27—ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Sec.

27.1 Maximum stipends prescribed.
27.2 Stipends under existing agreements with trainees.
27.3 Stipends of trainees assigned to Federal hospitals as affiliates.
27.4 Exclusion of other trainee positions and establishment of maximum stipends.
27.5 Extent of regulations.
27.6 Inquiries.

AUTHORITY: §§ 27.1 to 27.6, inclusive, issued under E. O. 9750, 11 F. R. 7649, 3 CFR, 1946 Supp.

§ 27.1 *Maximum stipends prescribed.* In accordance with the provisions of Executive Order No. 9750 effective at the close of business on July 13, 1946, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind) for medical and dental interns and residents-in-training, student nurses, student dietitians, student physical therapists, and student occupational therapists, except as otherwise provided in § 27.2, are hereby approved:

Medical and Dental Interns and Residents

Gallinger and Freedmen's Hospitals:	
First year approved post graduate training	$1,600
Second year approved post graduate training	1,900
Third year approved post graduate training	2,200

Medical and Dental Interns and Residents—Continued

Gallinger and Freedmen's Hospitals—Continued	
Fourth year approved post graduate training	$2,500
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150
All other Federal hospitals:	
First year approved post graduate training	2,200
Second year approved post graduate training	2,400
Third year approved post graduate training	2,700
Fourth year approved post graduate training	3,000
Fifth year approved post graduate training	3,400
Sixth year approved post graduate training	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (student dietitians)—one year approved post graduate training	$1,470
Physical therapy interns (student physical therapists)—one year approved post graduate training	1,470
Student nurses—St. Elizabeth's hospital:	
First year training	775
Second and third year training, maximum total for two years	1,225

NOTE: The maximum total stipend of $1,225 for the second and third years is effective only so long as student nurses at St. Elizabeth's hospital are assigned during these years to affiliated hospitals for one year of training with no compensation other than maintenance.

Freedmen's hospital—Total for three year training	$2,825

NOTE: This maximum stipend is effective only so long as student nurses at Freedmen's hospital pay $200 or more for tuition and related expenses for which they would not be charged at other Federal hospitals.

All other Federal hospitals:	
First year training	$775
Second year training	865
Third year training	985

Occupational therapy interns (student occupational therapists)—approved clinical training in affiliation with an approved school of occupational therapy, $122.50 a month.

§ 27.2 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees, which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements to the extent that the amount of any such maximums does not exceed the basic pay rate under such agreement including the value of maintenance allowance and other payments in kind: *And provided,* That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1946.

§ 27.3 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.4 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Classification Act of 1923, as amended, of other positions filled by persons employed on a student-training or resident-training basis assigned or attached to a hospital, clinic, or medical or dental laboratories, as provided in section 1 of Executive Order 9750, and for approval of maximum stipends not provided in § 27.1 or § 27.2, should be submitted promptly to the Commission with full supporting information.

§ 27.5 *Extent of regulations.* Maximum stipends provided in § 27.1 or § 27.2 apply to any "hospital, clinic, or medical or dental laboratories, owned or operated by the Federal Government (including any agency or instrumentality of the Federal Government, and including the District of Columbia)", unless rates of compensation are otherwise provided by law.

§ 27.6 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Field Section, Personnel Classification Division, telephone extension 651, and, in the field, to the appropriate regional or branch regional office.

PART 28—OFFICIAL PERSONNEL FOLDER

Sec.

28.1 Designation of agency representative.
28.2 Designation of Official Folder.
28.3 Consolidation and standardization of content of folder.
28.4 Transfer of the Official Personnel Folders between agencies.
28.5 Requests for information about employees whose folders have been transferred to other agencies.
28.6 Official Personnel Folder upon reemployment in Federal service.
28.7 Exceptions.
28.8 How to order the Official Personnel Folder.
28.9 Standard Form No. 63, Request for Personnel Data and Leave Transcripts.
28.10 Requests for further information.
28.11 Specifications for Official Personnel Folder.

AUTHORITY: §§ 28.1 to 28.11, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909, 3 CFR, 1946 Supp.

§ 28.1 *Designation of agency representatives.* Each agency will designate one or more representatives to work with the Commission in putting the plan into effect.

The name (or names) of the representative designated by the agency, his location in the organization and telephone number, should be furnished by letter not later than March 3, 1947, to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.2 *Designation of official folder.* Only one Official Personnel Folder will be maintained for each active employee, and it will contain the records necessary to comprise his complete service record. The Official Personnel Folder will be maintained at the point of maximum utilization. Designation of this point will be made by the agencies not later than April 1, 1947.

§ 28.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to make the personnel folder of each active employee a complete working record in line with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 28.4 *Transfer of the Official Personnel Folders between agencies*—(a) *Manner of transfer.* Beginning April 1, 1947, whenever an employee is transferred to another agency, or to another organization within the same agency (if the Official Personnel Folder is maintained by a different office), the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action," which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the Official Personnel Folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder.* Prior to transfer, all material except that listed in the Commission's specifications for material to be filed on the right, or permanent, side of the folder will be removed from the official folder. Duplicate records and material listed as temporary may be disposed of in accordance with regular procedure for disposal of records.

Such material will be removed only by the releasing agency. The receiving agency will retain all papers which have been transmitted in the folder.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the Official Personnel Folder to another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 28.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 28.6 *Official personnel folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 28.7 *Exceptions.* Officers located outside of the continental United States may, in the discretion of the agency, be exempted from the use of the standard Official Personnel Folder and the regulations in this part.

§ 28.8 *How to order the Official Personnel Folder.* The Official Personnel Folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the Official Personnel Folder, Stock No. 53-F-4643.

§ 28.9 *Standard Form No. 63, Request for Personnel Data and Leave Transcripts.* Effective April 1, 1947, agencies will no longer use Standard Form No. 63 to verify the effective date of transfers and to obtain information for use in determining eligibility for periodic pay increases. This form will be abolished.

The official date on which the transfer has become effective will be obtained from the copy of Standard Form 50 which is sent the employing agency; promotion and other personnel information will be obtained from the Official Personnel Folder when received.

§ 28.10 *Requests for further information.* Inquiries with regard to the Official Personnel Folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.11 *Specifications for Official Personnel Folder*—(a) *Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately ⅔ cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his first name and middle initials, if any, and date of birth expressed as month, day and year, that is, Oct. 30/26, followed by identfication number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The following information will be printed on the front of the folder: Official Personnel Folder

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Application for Federal Employment (earliest and latest form completed), Standard Forms 57, 58, 60, Civil Service Form 3821; Notification of Personnel Action, Standard Form 50; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Oath of Office, Affidavit and Declaration of Appointee, Standard Form 61; Veterans Preference Forms, Civil Service Forms 2342 and 2842a; Evidence of Satisfactory Military Service (this should not include the certificate of discharge which is returned to the employee); Report of completion of character or loyalty investigation; Official letters of commendation or reprimand; Resignation; Notice of retirement, Standard Form 37; Report of Efficiency Rating, Standard Form 51; Records of completion of training courses; Civil Service Examination papers; Transcript of court order, in case of separation for legal incompetence; Employee's Notice of Injury or Occupational Disease, Bureau of Employees' Compensation Form C. A. 1; Notification of approval of application for disability retirement, Civil Service Form 3170; Official Death Notice. The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial contribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for Personnel Action (except where used as the official appointing document or contains the employee's resignation); Requests for authority and Commission's approval; Required records for employment of minors; Letters of Release; Letters of reference and responses to inquiries; Conduct Reports for Pay Increase (Periodic); Advance Notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc.; Notices of proposed retirement; All Personal Debt Correspondence; Deferment and Draft Correspondence; Miscellaneous Correspondence; Application for Reemployment (after Military Service or War Transfer Leave Without Pay); Bureau of Employees' Compensation Forms, except Form C. A. 1.

PART 29—RETIREMENT

Sec.

29.1 Administration.
29.2 Evidence.
29.3 Applications.
29.4 Time for filing applications.
29.5 Disability retirement; medical examination.
29.6 Effective date of retirement.
29.7 Computation of interest.
29.8 Military service.
29.9 Designation of beneficiary.
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29.11 Disclosure of information.
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29.13 Making of voluntary deposits.
29.14 Purchase of additional annuity.
29.15 Appeals.
29.101 Basic records.
29.102 Maintenance of individual retirement account.
29.103 Certifying officers; signature cards.
29.104 Retirement deductions.
29.105 Tontine; based on pay status in calendar month.
29.106 Reemployed annuitants.
29.107 Reports of retirement fund transactions.
29.108 Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709, §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this purpose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 *Evidence.* (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to decreased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by fiscal years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason (or upon interdepartmental transfer), Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a re-

quest shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before an officer authorized to administer oaths for general purposes, whose seal must be affixed thereto. If such officer does not have a seal and is not required by law to use one, his official character, signature, and term of office must be certified under the official seal of the proper State, county, or city officer. Administrative officers having authority to administer oaths for administrative purposes only are not qualified to administer oaths to applicants. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 *Time for filing applications.* (a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such application may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 *Disability retirement; medical examination.* (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 *Effective date of retirement.* (a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation; in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 55, or following separation if beyond that age.

§ 29.7 *Computation of interest.* (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any fiscal year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on June 30 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually,

during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 *Military service.* (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 *Designation of beneficiary.* (a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806–1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806–1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806–1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806–1, the revocation or change shall be given the same effect as if executed on Form 2806–1: *Provided however,* That the Commission shall, upon receipt of said writing, forward a blank Form 2806–1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806–1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 *Designation of agent.* In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no executor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court but of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents official required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 *Joint and survivorship annuities.* (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in

filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001–A, an election shall be established as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 *Making of voluntary deposits.* (a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of $25.00 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 *Purchase of additional annuity.* (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by Section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

NOTE: Information concerning the mortality tables referred to in paragraph (d) of this section may be obtained from the Retirement Division, Civil Service Commission, Washington, D. C.

§ 29.15 *Appeals.* (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A

proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment register when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806–1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commission to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) Race. ("W"—white, "C"—colored and "O"—other) (If available.)

(5) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806), all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified". Employment within the agency shall be certified as to completeness and accuracy.)

(6) Reference to all periods of military or naval service claimed.

(7) All periods of leave in excess of six months in the aggregate in any calendar year—in computing excess leave, all periods of annual and sick leave, leave without pay and furloughs shall be included.

(8) A complete accumulative record of retirement deductions covering service in the agency by fiscal years, including deposits and redeposits for service credit.

(9) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each fiscal year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

In like manner there shall be entered on a separate line any deposit or redeposit made for the purchase of service credit or any collection of retirement deductions not currently withheld in prior fiscal years. Where the collection for service credit is made through the Civil Service Commission notice thereof on Form No. 3055 will be furnished to the department or agency concerned, which shall record the collection in accordance with the instructions contained in the notice.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9–1–38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year. Example: "Excess leave 1938; annual 26 days, sick 30 days, without pay 150 days."

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a w. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary, amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4–16–38." "Amt. changed to $1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the

separation was voluntary or involuntary, and if involuntary, whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

Deductions and service certified correct.
(Signature and title of designated official.
Date)
(See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions*—(a) *Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judicial, and legislative[1] branches of the United States Government who are not subject to another retirement system for such personnel, except heads of executive departments and agencies and employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9824, January 28, 1947, reads as follows:

(1) Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of $12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in Government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9824).

(2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.

(3) This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become absolutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of $1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making and accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of $1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than $1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employees' individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

[1] Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13)

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions*—(a) *Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807–2, shall be submitted as soon as possible after the close of each fiscal year, accompanied by a register of adjustments on Form 2807–1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the event a department finds it expedient to maintain its individual retirement accounts in the various bureaus and submit its reports accordingly, the procedures prescribed shall apply to such bureaus in the same manner as to a department or independent agency.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2806) received for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used no entry shall be made in columns 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the fiscal year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute, of all separations during the fiscal year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

(d) *Register of adjustments.* The register of adjustments (Form 2807–1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the fiscal year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions (Form 2807–2) has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting items 6, 7, and 8.

The summary for each fiscal year shall bring forward in the third column the balance at the close of the preceding fiscal year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current fiscal year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the fiscal year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. Under item 7 there shall be entered in the first column the sum of all amounts submitted by employees for the purchase of service credit, including items posted to the employees' individual retirement accounts from information furnished by the Commission on Form 3055, for the current year. The amount of tontine included therein shall be entered in the second column and the net amount extended to the third column. Items 6 and 7 shall be totaled for all three columns under item 8. These totals shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current fiscal year which cannot be properly taken care of under some fiscal year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the fiscal year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due, for repayment to the appropriation or appropriations involved, of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission in letter form, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered and the symbol and title of the appropriation to be credited.

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

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AUTHORITY: §§ 30.101 to 30.602, inclusive, issued under sec. 7.1, E. O. 9414, 3 CFR 1944 Supp.

SUBPART A—DEFINITIONS

§ 30.101 *Definitions.* (a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service, or for definite periods in excess of one year, or for the "duration of the job," or for the duration of the present war and for six months thereafter; and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding 1 year.

(d) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(e) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(f) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment.

(g) "Month of service" means a period in a pay status covering a full calendar month or beginning on any date of a calendar month and ending at the close of business of the preceding date in the next calendar month.

(h) "Contagious disease" means a disease ruled as subject to quarantine as defined by the health authorities having jurisdiction.

SUBPART B—ANNUAL LEAVE

§ 30.201 *Accrual of annual leave.* Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of 1 day per bi-weekly pay period; or, the total credit for any calendar year may be given at the beginning of the calendar year in which it accrues. The minimum credit for leave shall be 4 hours, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with leave of 2½ days for each month of service.

(c) Because of the difference in crediting leave to temporary and permanent employees the following method shall be followed in crediting leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Leave shall thereafter be credited as a permanent employee.

§ 30.202 *Accumulated annual leave.* Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided,* That during the period of the present emergency 30 days additional leave may be accumulated: *Provided further,* That when accumulated leave equals or exceeds 60 days, further increase in accumulated leave shall be limited to 15 days in any succeeding years.

§ 30.203 *Grant of annual leave.* Annual leave shall be granted to an employee at such times as the heads of the departments and agencies may prescribe: *Provided,* That an employee who is to be placed on furlough in contemplation of separation by reduction of force shall be granted immediately prior to furlough, upon his request, any annual leave to which he is entitled. Permanent employees during the first year of service shall not be granted leave in excess of the amount accrued to their credit. Temporary employees shall not be granted leave until immediately prior to the end of the month in which it is earned. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

§ 30.204 *Court leave.* When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave."

SUBPART C—SICK LEAVE

§ 30.301 *Accrual of sick leave.* (a) Permanent employees shall be credited with sick leave at the rate of 1¼ days per month, which may be credited at the beginning of the calendar month, or at the beginning of the first pay period following the first day of the calendar month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Temporary employees shall be credited with 1¼ days of sick leave for each month of service.

(c) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

§ 30.302 *Accumulated sick leave.* Unused sick leave shall be cumulative and available for future use: *Provided,* That the balance to the credit of the employee at the end of any month shall not exceed 90 days.

§ 30.303 *Grant of sick leave.* Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be 1 hour, and additional leave shall be charged in multiples of 1 hour.

§ 30.304 *Notification of superior.* An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

§ 30.305 *Application for sick leave.* Written application on the prescribed form for grant of sick leave shall be filed within 2 days after the employee returns to duty. In no case shall a medical certificate be required to support the application for periods of absence of 3 days or less. For periods of absence in excess of 3 work days the application must be supported by a medical certificate, or other evidence administratively acceptable, which must be filed within 15 days after return to duty: *Provided,* That in lieu of a medical certificate, a signed statement of the employee indicating the nature of the illness and the reason why a medical certificate is not furnished may be accepted whenever it is unreasonable to obtain such certificate because of a shortage of physicians, remoteness of locality, or because the circumstances surrounding the employee's illness do not require the services of a physician. The

agency shall determine administratively whether the statement of the employee in lieu of a medical certificate shall be considered sufficient evidence to support the request for sick leave. All applications for sick leave for medical, dental, or optical examination or treatment shall be supported by a certificate of the employee that he has received such examination or treatment and shall include the name and address of the physician, dentist, or other practitioner visited and the date and hour of visit.

§ 30.306 *Sickness during annual leave.* When sickness occurs within a period of annual leave and lasts 5 or more consecutive work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within 2 days after return to duty and shall be supported by a medical certificate, or other evidence administratively acceptable to the same extent as provided in § 30.305.

§ 30.307 *Sick leave advanced.* In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent employees not in excess of 30 days: *Provided,* That no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

§ 30.308 *Sick leave not advanced.* Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

SUBPART D—GENERAL PROVISIONS

§ 30.401 *Change in hours of duty.* Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

§ 30.402 *Leave-with-pay status.* (a) Leave shall accrue to an employee while in a leave-with-pay status, provided he returns to duty, or provided that failure to return to duty is due to death, disability (evidence of which shall be supported by an acceptable medical certificate), retirement for disability, or reduction in force.

(b) Employees who entered military, naval or merchant marine service between January 13 and December 21, 1944, and who are restored in accordance with statutory provisions after such service may be credited with leave accrued during the period of terminal leave granted immediately prior to entry into active military, naval, or merchant marine service.

§ 30.403 *Nonpay status.* Whenever a permanent employee's absence in a nonpay status totals the equivalent of the base-pay hours in 1 bi-weekly pay period, the credits for annual leave shall be reduced 1 day and for sick leave ⅝ day for each such period. The total deductions in sick leave credits on account of nonpay status in any one calendar year shall not exceed 15 days: *Provided,* That when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

§ 30.404 *Days for which leave charged.* Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order: *Provided,* That when a holiday is declared by general administrative orders to be a work day, an employee who absents himself from work without permission that day shall be subject to a deduction of 1 day's pay.

§ 30.405 *Absences of less than 30 minutes.* Under ordinary circumstances unavoidable or necessary absence from duty not in excess of 30 minutes, and tardiness, shall be excused for adequate reasons, or handled administratively by requiring additional work, or by a charge against any compensatory time which the employee may have to his credit as a result of overtime previously worked. In the event that this privilege is abused such absences, and tardiness, shall be handled administratively by a charge against annual leave, or by disciplinary action.

§ 30.406 *Separation of employees indebted for unearned leave.* In case of the separation of an employee who is indebted for unearned leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement for disability, or reduction of force, or in case an employee is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

§ 30.407 *Leave without pay.* Leave without pay may be granted to an employee for a period not exceeding 12 months regardless of whether he has leave standing to his credit: *Provided:* That an employee absent because of injuries received in line of duty may be carried on leave without pay for the period for which he is paid disability compensation by the Employees' Compensation Commission.

§ 30.408 *Transfer from permanent to permanent position.* When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee, with no break in service or a break of less than 90 days, his leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed, reappointed, or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his sick leave account and if he is subsequently appointed, reappointed, or transferred to a position within the purview of such acts, with no break in service or a break of less than 90 days, the leave shown to be due shall be credited to his account.

(c) Any person who was appointed, reappointed, or transferred prior to January 1, 1945, to a position not within the purview of the leave acts of March 14, 1936, who is or has been appointed, reappointed, or transferred to a position within the purview of such acts with no break in service, or with a break of less than 30 days if the reappointment occurred between December 31, 1944, and March 1, 1946, or less than 90 days if the reappointment occurred on or after March 1, 1946, shall be credited with leave shown to be due.

§ 30.409 *Transfer from permanent to temporary position.* When a permanent employee is appointed, reappointed, or transferred to a temporary position with no break in service, or a break of less than 90 days, his leave account shall be disposed of as follows:

(a) If the position is in the same agency he shall be credited with such leave as may be due him or charged with any unliquidated leave which may have been advanced.

(b) If the position is in a different agency he shall be furnished with a statement of his leave account and if subsequently he becomes a permanent employee of the same or a different agency with no break in service, or a break of less than 90 days, the leave shown to be due shall be credited to his account: *Provided,* That in the discretion of the agency to which transferred, the leave shown to be due him may be credited to him in the temporary position.

§ 30.410 *Temporary employees who become permanent.* Temporary employees who subsequently become permanent employees either in the same or a different agency, with no break in service or a break of less than 90 days, shall be credited with such leave as may be due them.

§ 30.411 *Restoration of veterans.* (a) Any permanent employee who leaves or has left a position to enter military, naval, or merchant marine service, and is or has been reemployed as a permanent employee within 120 days after his release from military, naval, or merchant marine service, shall be entitled to such leave as remained to his credit.

(b) Any permanent employee who is or has been restored to a position as a result of appeal under section 14 of the Veterans' Preference Act of 1944, or as a result of formal appeal under any other authority or procedure, shall be entitled

to any annual or sick leave which remained to his credit upon separation.

SUBPART E—ADMINISTRATION

§ 30.501 *Responsibility for administration.* The heads or governing bodies of the various governmental agencies to which this part applies shall be responsible for the proper administration of this part so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the General Accounting Office.

§ 30.502 *Employees who have uncommon tours of duty.* The head or governing body of any governmental agency which has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with the regulations in this part for administering leave for such employees.

§ 30.503 *Employees outside the continental United States.* Nothing in this part shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply the regulations in this part to employees' stationed without the continental limits of the United States, subject to the continuance of such leave differential.

SUBPART F—EMPLOYEES EXCEPTED

§ 30.601 *Employees excepted.* (a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided*, That the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

§ 30.602 *D. C. Police and Fire Departments.* The regulations in this part relating to sick leave shall not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART 31—EFFICIENCY RATINGS BOARDS OF REVIEW

Sec.
31.1 Establishment.
31.2 Jurisdiction and number.
31.3 Members.
31.4 Appeals.
31.5 Appeal period when efficiency rating is "unsatisfactory."
31.6 Hearings.
31.7 Decisions.
31.8 Extent of regulations.
31.9 Effective date of regulations.

AUTHORITY: §§ 31.1 to 31.9, inclusive, issued under 42 Stat. 1490, as amended; 5 U. S. C. 669.

§ 31.1 *Establishment.* There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

§ 31.2 *Jurisdiction and number.* The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

§ 31.3 *Members.* (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when the principal member is unable to serve for any other reason and who shall succeed the principal member in the event that he is unable to serve to the end of his term of office. Where necessary in the interest of good administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for terms expiring June 30 subsequent to their appointment or designation: *Provided*, That they may continue to serve until their successors are appointed or designated.

(b) One member of each board of review and alternates to such member (to be known as department member and alternate department members) shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member (to be known as employee member and alternate employee members) shall be designated by election, to be held between April 1 and July 1 of each calendar year for the term beginning on July 1 of such year, by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission. Upon the request of the head of a department or establishment or of ten percent of the employees whose efficiency ratings are subject to review by a board of review, the Civil Service Commission may order an election for employee members and alternate employee members at a different time or may authorize the definite or indefinite postponement of the regular annual election.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government: *Provided, however*, That in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

§ 31.4 *Appeals.* Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where new evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

§ 31.5 *Appeal period when efficiency rating is "unsatisfactory".* When an employee who has completed his probational or trial period and whose efficiency rating is "unsatisfactory" appeals his rating to the appropriate Board of Review, created under the provisions of section 9 of the Classification Act of 1923, as amended, within 15 days after receiving notice of the rating, action based on the efficiency rating shall be withheld pending the outcome of the appeal.

§ 31.6 *Hearings.* Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be as-

signed the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

§ 31.7 *Decisions.* After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commision.

§ 31.8 *Extent of regulations.* The regulations in this part apply with full force and effect to the administration of efficiency rating boards of review in the departmental service. Until such time as the Civil Service Commission, after consultation with heads of departments and independent establishments, decides that it is practicable to extend the foregoing provisions in their full force and effect to the field services, efficiency-rating appeals from employees in the field services may be made to boards of review established in and for the departmental headquarters of said field services for adjudication on the basis of evidence submitted in writing.

§ 31.9 *Effective date of regulations.* The regulations in this part supersede the regulations in Executive Order No. 8748 of May 1, 1941, and in Executive Order No. 9155 of May 1, 1942, and shall be effective immediately, except that the provision in § 31.3 authorizing members of boards of review to serve until their successors are appointed or designated shall be effective retroactively to July 1, 1941.

PART 32—AWARDS TO FEDERAL EMPLOYEES FOR MERITORIOUS SUGGESTIONS AND FOR EXCEPTIONAL OR MERITORIOUS SERVICE

Sec.

32.1 Eligibility for awards.
32.2 Amount of awards.
32.3 Determination of awards; dissemination of suggestions.
32.4 Reports to Bureau of the Budget.
32.5 Awards of certificates, medals or other emblems.
32.6 Time limitations.
32.7 Suggestions which represent part of normal duties.
32.8 Limitation of awards.
32.9 Waiver of further claim by recipient.
32.10 Effective date.

AUTHORITY: §§ 32.1 to 32.10, inclusive, issued under sec. 14, Pub. Law 600, 79th Cong.

§ 32.1 *Eligibility for awards.* Any civilian officer or employee of a department (as the word "department" is defined in section 18 of the said act of August 2, 1946) who makes a suggestion, in such form and manner as his department shall require, which is adopted for use in the department on or after August 2, 1946, and, in the judgment of the department head or other duly authorized authority in the department, has resulted or will result in improvement or economy in the operations of the department by way of monetary savings, increased efficiency, conservation of property, improved employee-working conditions, better service to the public, or otherwise, shall be eligible for consideration for a cash award. A former civilian officer or employee (or his estate) shall be similarly eligible for awards for such suggestions made while in the service of the department.

§ 32.2 *Amount of awards.* Whenever a suggestion is determined to be meritorious and is adopted solely or primarily because it will result or has resulted in the saving of money, the amount of the award shall be based on the amount of the annual estimated saving in the first year of operation in accordance with the following table, unless for special reasons the head of the department shall determine, subject to the limitations prescribed in the said act, that a different amount is justified:

Savings	*Awards*
$1–$1,000	$10 for each $200 of savings with a minimum of $10 for any adopted suggestion.
$1,000–$10,000	$50 for the first $1,000 of savings, and $25 for each additional $1,000 of savings.
$10,000–$100,000	$275 for the first $10,000 of savings, and $50 for each additional $10,000 of savings.
$100,000 or more	$725 for the first $100,000 of savings, and $100 for each additional $100,000 of savings; provided that (with the exception of the War and Navy Departments) the maximum award for any one suggestion shall not exceed $1,000.

§ 32.3 *Determination of awards; dissemination of suggestions.* When a suggestion is adopted primarily upon the basis of improvement in the operations or services of the department, the department shall determine the amount of the award commensurate with the benefits anticipated from the suggestion. Whenever the head of a department believes that a suggestion he has adopted would benefit the Government service generally, he may report it to the Director of the Bureau of the Budget for dissemination to all departments.

§ 32.4 *Reports to Bureau of Budget.* At the end of each fiscal year each department shall report to the Director of the Bureau of the Budget the number of employee suggestions submitted, the number of such suggestions adopted, the total amount of cash awards, and the total amount of estimated annual savings.

§ 32.5 *Awards of certificates, medals or other emblems.* A department may provide for the purchase and award of appropriate certificates, medals, or other emblems, in honorary recognition of service which is determined by the head of the department to be exceptional or meritorious.

§ 32.6 *Time limitations.* No award shall be paid for any suggestion which is not adopted for use within five years from the date the suggestion is received by the department. Any department may, in its discretion, change the designated period of five years to a less period of time.

§ 32.7 *Suggestions which represent part of normal duties.* No award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position.

§ 32.8 *Limitation of awards.* The total of cash awards paid during any fiscal year in any department (except the War and Navy Departments) shall not exceed $25,000. Cash awards and expenses for honorary recognition for exceptional or meritorious service may be paid from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines.

§ 32.9 *Waiver of further claim by recipient.* A cash award shall be in addition to the regular compensation of the recipient, and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

§ 32.10 *Effective date.* This part shall be effective as of August 2, 1946.

NOTE: Part 32 was previously issued as Executive Order 9817, dated December 31, 1946, 12 F. R. 57.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION.
H. B. MITCHELL,
President.

[F. R. Doc. 47–1805; Filed, Feb. 24, 1947; 11:14 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 131, Termination]

PART 1430—SUGAR

TERMINATION OF DIRECT CONSUMPTION SUGAR DISTRIBUTION CONTROL

War Food Order No. 131, as amended (10 F. R. 7131, 8685), is hereby terminated.

This order shall become effective at 12:01 a. m., e. s. t., February 19, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 131, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, Dec. 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 19th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1731; Filed, Feb. 24, 1947; 8:46 a. m.]

[WFO 141, Amdt. 5]

PART 1468—GRAIN

USE OF GRAIN BY DISTILLERS, BREWERS, AND MIXED FEED MANUFACTURERS

War Food Order No. 141, as amended (11 F. R. 2217, 3997, 14065), is hereby further amended to read as follows:

§ 1468.11 *Use of grain for beverage spirits, malt beverages, and mixed feed*— (a) *Definitions.* (1) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(2) "Brewer" means any person engaged in the business of manufacturing malt beverages.

(3) "Mixed feed manufacturer" means any person engaged in the commercial manufacture of mixed feed.

(4) "Ethyl alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more; but does not include those substances commonly known as whisky, brandy, rum or gin, or other spirits produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(5) "Butyl alcohol" means that substance known as butyl alcohol or hydrated oxide of butyl, derived by fermentation.

(6) "Malt beverages" means beer, ale, stout, porter, near-beer, and similar beverages produced by alcoholic fermentation of malted grain with hops or hop products, and with or without other food products.

(7) "Wheat" means all classes of wheat and includes whole grain, grits, flakes, and starch material derived from wheat.

(8) "Wheat products" means sugars and sirups derived in whole or in part from wheat.

(9) "Milling quality wheat" means wheat of all classes, except Red Durum, which grades number 3 or better, or which grades number 4 or number 5 on test weight only.

(10) "Rice" means all classes of rice including whole grain, grits, flakes, and starch material derived from rice.

(11) "Rice products" means sugars and sirups derived in whole or in part from rice.

(12) "Screenings milled rice (class XIV)," or "brewers milled rice (class XV)" means those classes of rice as defined in the "United States Standards for Milled Rice" (11 F. R. 9840), as now in effect or hereafter amended.

(13) "Use," with respect to the use of wheat or rice by a brewer, means to infuse into a mash, and with respect to the use of wheat products or rice products by a brewer, to introduce into a brew.

(14) "Quota period" means any 3-month period beginning March 1, June 1, September 1, or December 1.

(15) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(16) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture.

(b) *Use of grain by distillers.* (1) No distiller shall use wheat or wheat products in the manufacture of distilled spirits for beverage purposes or in the manufacture of ethyl alcohol or butyl alcohol.

(2) No distiller shall use rye in the manufacture of ethyl alcohol or butyl alcohol.

(3) No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of the greatest quantity computed under either subdivisions (i) or (ii) of this subparagraph:

(i) Ninety percent of the average monthly amount of rye used by such distiller during December 1946 and January 1947: *Provided, however,* That no distiller shall use rye in excess of fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during any month; or

(ii) Six percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes during such month by each distilling plant operated by such distiller: *Provided, however,* That the minimum monthly allocation of rye for each distilling plant operated by such distiller shall be 2,000 bushels; *Provided, further,* That such minimum monthly allocation shall in no case exceed fifteen percent of the total quantity of grain and grain products used in the manufacture of distilled spirits for beverage purposes by such distilling plant during such month.

Each distiller's total allocation of rye, or any part of such allocation, computed in accordance with either of the above formulae, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller.

(c) *Use of grain by brewers.* (1) No brewer shall use wheat or wheat products in the manufacture of malt beverages.

(2) No brewer shall use rice or rice products in the manufacture of malt beverages: *Provided,* That any brewer may, during any quota period, use screenings milled rice (class XIV), and products thereof, and brewers milled rice (class XV), and products thereof, in a total quantity not in excess of 100 percent of the quantity of rice and rice products used by such brewer in the manufacture of malt beverages during the quota period commencing with that month in 1945 which corresponds with the first month of the particular current quota period.

(d) *Use of wheat for mixed feed or grain mixtures.* (1) No mixed feed manufacturer shall use milling quality wheat in the manufacture of mixed feed: *Provided, however,* That any mixed feed manufacturer located in the States of Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or in that part of the State of Montana which is on or south of the main line of the Chicago, Milwaukee, St. Paul & Pacific Railroad or west of the Continental Divide may, during any calendar quarter, use milling quality wheat in the manufacture of mixed feed in a quantity not in excess of 40 percent of the quantity of grain so used by such manufacturer during the corresponding calendar quarter of 1945.

(2) No person shall use milling quality wheat for making any mixture of grains for sale as an ingredient in the manufacture of mixed feed.

(e) *Records and reports.* (1) Every distiller shall, within ten (10) days after the close of each calendar month, mail to the Order Administrator a report showing (i) amounts and kinds of grain used for the distillation of spirits for beverage purposes, and (ii) amounts and kinds of grain used for other purposes.

(2) Every person subject to this section shall, for at least two years or for such period of time as the Administrator may designate, maintain an accurate record of his transactions in grain, grain products, malted grain, malt sirup, and mixed feed.

(3) The Administrator shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of grain, grain products, malted grain, malt sirup, alcoholic beverages, malt beverages, and mixed feed of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or ad-

ministration of the provisions of this section.

(g) *Petition for relief from hardship.* Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(h) *Violations.* Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, malted grain, malt sirup, alcohol, alcoholic beverages or spirits, malt beverages, or mixed feed. Any person who wilfully violates any provision of this section is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section.

(i) *Delegation of authority.* The administration of this section and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this section, are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this section shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 141, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(k) *Territorial scope.* This section shall apply within the forty-eight (48) States and the District of Columbia.

(l) *Effective date; War Food Orders 66 and 144 terminated.* This amendment shall become effective at 12:01 a. m., e. s. t., March 1, 1947, and shall supersede in all respects War Food Order No. 66 and War Food Order No. 144, which are hereby terminated. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 66, War Food Order No. 141, or War Food Order No. 144, all provisions of said orders shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, Dec. 5, 1942, 3 CFR Cum. Supp., E. O. 9577, June 29, 1943, 3 CFR, 1945 Supp.)

Issued this 20th day of February 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-1745; Filed, Feb. 24, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 708—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

TIME LIMITS

Rescind § 708.4 and substitute the following:

§ 708.4 *Time limits.* (a) Except as provided in § 708.2 (h) (2) (iii), and in paragraph (b) of this section, no decoration shall be issued to any person after more than 3 years from the date of the act or service justifying the award thereof nor unless a recommendation was submitted through official channels at the time of the distinguished act or service or within 2 years thereafter.

(b) Decorations may be awarded as an exception to the general provisions of paragraph (a) of this section, when the acts or services justifying the award were performed between 7 December 1941 and 31 December 1946, both dates inclusive, providing, a recommendation is submitted through official channels prior to 1 July 1947. [AR 600-45, 22 Sep. 1943 as amended by WD Cir. 19, 21 Jan. 1947] (40 Stat. 871, 10 U. S. C. 1409)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1743; Filed, Feb. 24, 1947; 8:45 a. m.]

Chapter IX—Transport

PART 903—TRANSPORTATION OF INDIVIDUALS

MISCELLANEOUS AMENDMENTS

Part 903 is amended in the following respects:

1. Section 903.4 is rescinded and the following substituted therefor:

§ 903.4 *Enlisted persons upon retirement*—(a) *Transportation.* There is no authority of law for issuing a transportation request to an enlisted person upon retirement for any distance for which the law provides that such person receive travel pay at the rate of 5 cents per mile. For sea travel involved in travel between place of retirement and place to which travel is authorized, only transportation in kind shall be allowed for such sea travel, subject to paragraph (b) of this section; *Provided,* That such person may not select as a residence a foreign country and receive transportation thereto.

(b) *Time limit*—(1) *General.* Except as provided in subparagraph (2) of this paragraph, a period ending 1 year after the termination of the wars in which the United States is now engaged or 1 year after the effective date of retirement, whichever is later, is fixed for military reasons as the time during which transportation in kind authorized in paragraph (a) of this section, may be furnished for the commencing of sea travel of retired enlisted persons.

(2) *Exception; hospitalization.* If the individual is confined in a hospital undergoing medical treatment on the effective date of retirement and continuously therefrom in hospitals during the fixed period specified in subparagraph (1) of this paragraph, or beyond, the transportation in kind for sea travel may be furnished for such travel commencing within 60 days from the date of discharge from such medical treatment: *Provided,* That the application for transportation in kind is supported by a statement of the responsible medical officer certifying as to said extent of medical treatment. If transportation in kind is furnished by commercial vessel the original statement, annotated with the serial numbers of the transportation requests issued, will be sent by the transportation officer to the disbursing officer designated to pay the carrier's bill. A copy of the statement will be retained with the transportation officer's copy of the transportation request. No other copies of the statement are necessary.

2. Section 903.5a is added as follows:

§ 903.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage, but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356), and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home; *Provided,* That the cost of such transportation in kind is no greater than that from West Point, New York to his home. [AR 55-120, 26 April 1943 as amended by WD Cir. 26, 29 Jan. 47] (R. S. 161, 56 Stat. 364; 5 U. S. C. 22, 37 U. S. C. Sup. 112)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-1744; Filed, Feb. 24, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 653, Pub. Laws 388 and 475, 79th Cong.; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R.

12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1097]

HOFFMAN LITHOGRAPHING CO.

Melvin V. Hoffman, d/b/a Hoffman Lithographing Company, Buffalo, N. Y., a veteran, on December 10, 1946, pursuant to Direction 20, PR 28, applied for and received on Form CPA–541A, Case Number 105037, a CC Rating for the purchase of a Harris Offset Press at a cost of $20,000. This authorization was given in reliance on the statements in the application and accompanying letter indicating to the Civilian Production Administration that the returned veteran had been formerly in the printing business and was acquiring equipment for a new business but did not disclose that the veteran had returned in May 1944, and had thereafter become and now is a partner, with a 30% interest, in the family printing business, a going concern. The consequences of the misleading statements contained in the application and accompanying letter caused the issuance of the authorization by mistake. In view of the foregoing, it is hereby ordered that:

§ 1010.1097 *Suspension Order No. S–1097.* (a) Authorization to apply a CC Rating for a Harris Offset Press at a cost of $20,000, granted on Form CPA 541A, Case Number 105037, to Melvin V. Hoffman is hereby revoked.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1821; Filed, Feb. 24, 1947; 11:30 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1098]

ALVIN PFISTER AND S. J. GRIMMER

Alvin Pfister, who resides at 2917 Greer Avenue, St. Louis, Missouri, and S. J. Grimmer, who resides at Breese, Illinois, on October 12, 1946, without authorization from the Civilian Production Administration, as partners and owners began the construction of a building to be used as a night club and tavern, size 32 feet by 80 feet, to cost in excess of $10,000 located on U. S. Highway 50 immediately west of the town of Fairview, Illinois. This construction was in violation of Veterans' Housing Program Order No. 1 and has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1098 *Suspension Order No. S–1098.* (a) Neither Alvin Pfister nor S. J. Grimmer, their successors or assigns, nor any other person, shall do any construction on the premises owned by them on U. S. Highway 50 immediately west of the town of Fairview, Illinois, including completing, putting up, or altering any structure located thereon unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Alvin Pfister and S. J. Grimmer shall refer to this order in any application which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Alvin Pfister and S. J. Grimmer, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1822; Filed, Feb. 24, 1947; 11:30 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 2, Revocation]

GENERAL RESTRICTIONS ON HARDWOOD LUMBER

Veterans' Housing Program Order 2 is revoked effective March 1, 1947. This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken by the Civilian Production Administration under it.

Issued this 24th day of February 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–1823; Filed, Feb. 24, 1947; 11:30 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Gen. RO 18,[1] Amdt. 1 to Supp. 1]

DISTRIBUTION OF BASES TO FORMER MEMBERS OF THE ARMED FORCES

Schedule I of Supplement 1 to Revised General Ration Order 18 is amended to read as follows:

[1] 11 F. R. 7576.

SCHEDULE I—INDUSTRIAL USERS

Group of products	Maximum consumer size container permitted (ounces)	Maximum annual base permitted (number of pounds of sugar)
1. Bread and rolls only	----	12,800
2. General baking products (excluding bread and rolls)	----	28,200
3. Ice cream, ices, sherbets, frozen custards (excluding mixes used for any of these products)	----	40,000
4. Bottled beverages (nonalcoholic)	----	80,000
5. Candy	----	31,300
6. Caramel popcorn	----	16,600
7. Mayonnaise to be packed in containers of one quart or less	----	600
8. Salad dressing to be packed in containers of one quart or less	----	1,200
9. Baking mixes	16	78,200
10. Fruit compote	18	20,000
11. Gelatins, puddings, powdered desserts:		
(a) in powder form	8	80,000
(b) in prepared form	16	80,000
12. Insecticides	(1)	1,200
13. Jams, jellies, marmalades, preserves, fruit butters	32	80,000
14. Meat spreads	32	1,500
15. Peanut butter	16	6,000
16. Pharmaceuticals:		
(a) cough drops	3	25,000
(b) cough syrups	(1)	9,200
(c) general	(1)	1,400
17. Sauces (for meat, fish, poultry, etc.)	14	9,800
18. Spaghetti, macaroni, and noodle products packed in sauce	20	14,000
19. Stews (brunswick, etc.)	24	3,600
20. Flavoring extracts	8	80,000
21. Glaced fruit:		
(a) baking type	32	80,000
(b) candy	16	31,300
22. Pickles, relishes, etc	32	80,000
23. Shredded sweetened cocoanut	8	58,000
24. Syrups:		
(a) Table, except chocolate	32	80,000
(b) Chocolate	16	80,000
(c) Concentrated (liquid or powder)	8	80,000
25. Other (specify) (consumer sizes for direct consumer use only)	(2)	(2)

[1] No restriction.
[2] To be determined by Washington office.

This amendment shall become effective February 24, 1947.

Issued this 24th day of February 1947.

J. W. FOLLIN,
Acting Temporary Controls Administrator.

[F. R. Doc. 47–1814; Filed, Feb. 24, 1947; 11:20 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

CARRIERS BY PIPELINE ANNUAL REPORT FORM P

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of February A. D. 1947.

The matter of annual reports from carriers by pipeline being under consideration:

It is ordered, That the order of December 22, 1944, in the matter of Annual Re-

ports from Carriers by Pipeline (49 CFR, 120.61) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1946, and subsequent years, as follows:

§ 120.61 *Form prescribed for carriers by pipeline.* Each carrier by pipeline subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1946, and for each succeeding year until further order, in accordance with Annual Report Form P (Carriers by Pipeline) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

[1] Filed as part of the original document.

(24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; 49 U. S. C. 20 (1)–(8))

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47–1730; Filed, Feb. 24, 1947; 8:45 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Customs

[19 CFR, Part 6]

[192–23.32]

LAREDO MUNICIPAL AIRPORT, LAREDO, TEX.

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to designate the Laredo Municipal Airport, Laredo, Texas, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

FEBRUARY 18, 1947.

[F. R. Doc. 47–1742; Filed, Feb. 24, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8190]

PETER ALT ET AL.

In re: Certificates of indebtedness and claim owned by Peter Alt and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Alt, Maria Brandt, also known as Marie Brandt, Wilhelm Alt, Elizabeth Schreitz, William F. Alt, Hettwich Alt, also known as Hettwick Alt, and Friederich Alt, also known as Frederick Alt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) United States of America Certificates of Indebtedness, of a total face value of $8,000,000, bearing the numbers 2250, 1849, 1893 and 1781, of the face value of $5,000.00, $1,000.00, $1,000.00 and $1,000.00, respectively, presently in the custody of St. Louis Union Trust Company, St. Louis 2, Missouri, in an account, entitled Agent for Heirs of Henry A. Alt, Deceased—T. D. 13701, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of St. Louis Union Trust Co., St. Louis 2, Missouri, arising out of an account, entitled Agent for Heirs of Henry A. Alt, Deceased—T. D. 13701, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47–1715; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8195]

JULIUS FLEISCHER

In re: Bank account owned by Julius Fleischer. F–28–14546–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Fleischer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Julius Fleischer, by The United States National Bank of Portland, Broadway at 6th and Stark Streets, Portland, Oregon, arising out of a savings account, Account Number 264811, entitled Julius Fleischer, National of Germany, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1750; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8194]

CATHERINE CARSTENSEN

In re: Participation certificate, depositary receipt and bank account owned by Catherine Carstensen, also known as Katherine Carstensen. F-28-25224-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Catherine Carstensen, also known as Katherine Carstensen, whose last known address is 16 Schleswig Lollfuss, Schleswig-Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain Participation Certificate No. 63 of The Pine Grove, Inc., 39 South La Salle Street, Chicago 3, Illinois, issued to Catherine Carstensen, and presently in the custody of Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, which certificate represents five (5) shares of the capital stock of The Pine Grove, Inc., a corporation organized under the laws of the State of Illinois, and any and all rights thereunder and thereto,

b. That certain depositary receipt, issued by James Maltman to Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, presently in the custody of Aetna State Bank, which receipt was issued for one (1) First Mortgage Bond of The Thomas Building, Inc., of $500.00 face value, bearing the number 34, registered in the name of Catherine Carstensen, and any and all rights in, to and under the same, and

c. That certain debt or other obligation owing to Catherine Carstensen, also known as Katherine Carstensen, by Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, arising out of a savings account, Account Number 52166, entitled Mrs. Catherine Carstensen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1716; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8197]

MARIA GERONNE ET AL.

In re: Stock owned by Maria Geronne and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons whose names and last known addresses are hereinafter set forth:

Name and Address

Maria Geronne, Frankfort a/Main, Germany.
Gisela Courth, Berlin-Friedenau, Germany.
Irmgard Krawielitzki, also known as Irmgard Kravilitzki, Elbing, Germany.
Hela Schellenberg, Germany.
Hildegard Schellenberg, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Geronne, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Fifteen (15) shares of $100.00 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore 1, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A 205262, registered in the names of Clara Geronne, Otto Geronne, Maria Geronne and Karl Courth, heirs of Theodor Schmitz, deceased, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8,

1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1717; Filed, Feb. 21, 1947; 8:51 a. m.]

[Vesting Order 8192]

WILHELM BRAUN ET AL.

In re: Bank accounts owned by Wilhelm Braun, Harry Braun, also known as Heinrich Braun and as Henry Braun, August Braun, Charles Braun, also known as Carl Braun and as Karl Braun, and Lina Lapp. F-28-9374-C-1, F-28-9374-E-1, F-28-9370-C-1, F-28-9370-E-1, F-28-9367-C-1, F-28-9367-E-1, F-28-9368-C-1, F-28-9368-E-1, F-28-14895-C-1, F-28-14895-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Braun, Harry Braun, also known as Heinrich Braun and as Henry Braun, August Braun, Charles Braun, also known as Carl Braun and as Karl Braun, and Lina Lapp, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed below, by The Ninth Bank and Trust Company, Front and Norris Streets, Philadelphia 25, Pennsylvania, in the amounts and evidenced by certificates of deposit numbered as set forth opposite each name, issued by the aforesaid bank and presently in the possession of Arno P. Mowitz, Attorney, 420 Walnut Street, Philadelphia 2, Pennsylvania:

National	Amount	Certificate No.
Wilhelm Braun	$794.49	230
	6.43	269
Harry (Heinrich) Braun	794.49	228
	6.43	257
August Braun	794.49	229
	6.43	258
Charles (Karl) Braun	794.49	227
	6.43	256
Lina Lapp	794.49	231
	6.43	260

and any and all rights to demand, enforce and collect the aforementioned debts or other obligations and any and all rights in, to and under the aforementioned certificates of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1748; Filed, Feb. 24, 1947; 8:45 a. m.]

[Vesting Order 8193]

LUISE BUEHLER ET AL.

In re: Bank accounts owned by Luise Buehler, also known as Louise Buehler; Paul Wiedenhoeft, also known as Paul Wedenhoft; Margarete Rosemann, also known as Gertrude Roseman; Bertha Rosemann, also known as Bertha Roseman and Berta Rosemann; and Anna Marie Rosemann, also known as Marion Roseman. F-28-9410-E-½, F-28-27741-E-1, F-28-27744-E-1, F-28-27745-E-1, F-28-27746-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons named in Exhibit A by Commonwealth Bank, Dime Building, Detroit, Michigan, arising out of the accounts described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1,616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

EXHIBIT A

Name and Last Known Address of Creditor and Description of Account

Luise Buehler, also known as Louise Buehler, Karlsruhe, Germany: Checking account number C 22195, entitled Luise Buehler; checking account number C 13788, entitled Luise Buehler.

Paul Wiedenhoeft, also known as Paul Wedenhoft, Berlin, Germany: Checking account number C 22026, entitled Paul Wiedenhoeft.

Margarete Rosemann, also known as Gertrude Roseman, Regenwalde, Pommerania, Germany: Checking account number C 22024, entitled Gertrude Roseman.

Bertha Rosemann, also known as Bertha Roseman and Berta Rosemann, Regenwalde, Pommerania, Germany: Checking account number C 22023, entitled Bertha Roseman.

Anna Marie Rosemann, also known as Marion Roseman, Regenwalde, Pommerania, Germany: Checking account number C 22025, entitled Marion Roseman.

[F. R. Doc. 47-1749; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8196]

MINNA FRENZEL

In re: Bank account owned by Minna Frenzel. F-28-28044-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Frenzel, whose last known address is Leipzig, Germany, is a

resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Minna Frenzel, by the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a Savings Account, Account Number 1,099,556, entitled Minna Frenzel, maintained at the Fourteenth Street Office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1751; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8201]

KATHARENA MEYER

In re: Check owing to Katharena Meyer. F-28-25446-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharena Meyer, whose last known address is Annveeler by Landau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Katharena Meyer, by The Boatmen's National Bank of Saint Louis, St. Louis, Missouri, in the amount of $500.00, as of January 14, 1947, evidenced, by a cashier's check in the sum of $500.00 payable to Katharena Meyer, dated August 20, 1942, issued by The Boatmen's National Bank of Saint Louis, by J. W. Schwaig, Assistant Cashier, and presently in the custoday of The Boatmen's National Bank of Saint Louis, St. Louis, Missouri, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1753; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8199]

ANGELINA AND JOHANNA KEUHLERS

In re: Debts owing to Angelina Keuhlers and Johanna Keuhlers. F-28-24826-A-1, F-28-24827-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Angelina Keuhlers and Johanna Keuhlers, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Angelina Keuhlers, by Van Eman & Mulder, Parkersburg, Iowa, including particularly but not limited to a portion of the sum of money on deposit with Parkersburg State Bank, Parkersburg, Iowa, in an account, entitled Van Eman & Mulder Trust Fund Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Angelina Keuhlers, a national of a designated enemy country (Germany);

3. That the property described as follows:

All those debts or other obligations owing to Johanna Keuhlers, by Van Eman & Mulder, Parkersburg, Iowa, including particularly but not limited to a portion of the sum of money on deposit with Parkersburg State Bank, Parkersburg, Iowa, in an account, entitled Van Eman & Mulder Trust Fund Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanna Keuhlers, a national of a designated enemy country (Germany).

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1752; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8204]

VERA VON WERTHERN

In re: Debt owing to Vera Von Werthern. F-28-14849-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vera Von Werthern, whose last known address is Luisenstrasse 17A Naumburg Saale, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Vera Von Werthern, by The Cleveland Trust Company, 916 Euclid Avenue, Cleveland 1, Ohio in the amount of $5,405.54, as of December 19, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. D. Doc. 47-1756; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8205]

CHOJI YAMAGA

In re: Bank account owned by Choji Yamaga. F-39-5724-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Choji Yamaga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Choji Yamaga, by Irving Trust Company, 350 Fifth Avenue, New York 1, New York, arising out of a checking account, entitled Choji Yamaga, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1757; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8202]

CHARLOTTE RAYKOWSKI ET AL.

In re: Bank accounts owned by Charlotte Raykowski, Elizabeth Hellmis and Peter Hellmis. F-28-11735-E-1, F-28-25361-E-1, F-28-25360-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Raykowski, Elizabeth Hellmis and Peter Hellmis, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations owing to the persons listed below, by The Union Bank & Trust Company of Los Angeles, Los Angeles, California, arising out of Term Savings Accounts, numbered and entitled in the manner set forth opposite each name below, maintained at the aforesaid bank;

Name of national	Account No.	Title of account
Charlotte Raykowski	84386	Charlotte Raykowski.
Elizabeth Hellmis	84667	Elizabeth Hellmis.
Peter Hellmis	84666	Elizabeth Hellmis as guardian of Peter Hellmis.

and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1754; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8208]

KARL KITTELBERGER AND LISALOTTE WASCHMUTH

In re: Interests in real property, property insurance policies and claim owned by Karl Kittelberger and Lisalotte Wash-

muth, also known as Lisalotte Waschmuth.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Kittelberger and Lisalotte Washmuth, also known as Lisalotte Waschmuth, whose last known address is Braunshweig, Oelper, Celler-Herrsstrasse 3, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property describe as follows: a. All right, title, interest and estate, both legal and equitable, of the persons named in subparagraph 1 hereof, in and to the real property, situated in Montgomery County, Arkansas, and in the City of Hot Springs, Garland County, Arkansas, particularly described in Exhibits A, B and C, attached hereto and by reference made a part hereof, and in and to all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof in and to the following property insurance policies:

Fire Insurance Policy No. 227 P5135, issued by the Pacific Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $1,500.00, which policy expires October 29, 1948;

Fire Insurance Policy No. 270 P5135, isued by the Pacific Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $1,500.00, which policy expires December 13, 1949;

Fire Insurance Policy No. S 285, issued by the American Eagle Fire Insurance Company, New York, New York, in the name of Estate of Robert H. Kittelberger, in the amount of $3,000.00, which policy expires December 13, 1949, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Ray S. Smith, 909 Central Avenue, Hot Springs, Arkansas, arising out of rents collected on the real property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany), and is property which is in partition proceedings and which is payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

The South half (S½) of the Southeast quarter (SE¼) of Section thirty-one (31), Township Two (2) South (S), Range twenty-six (26) West (W) containing eighty (80) acres in Montgomery County, Arkansas.

EXHIBIT B

The fractional North one-half (N½) of the North half (N½) of Section Six (6), Township Three (3) South (S), Range twenty-six (26) West (W), containing one hundred eight (108) acres in Montgomery County, Arkansas.

EXHIBIT C

A part of Lot Four (4), Block One Hundred Three (103), U. S. Hot Springs Reservation as surveyed, mapped and platted by the U. S. Hot Springs Commissioners and more particularly described as follows:

Beginning at a point on the line between said Lot Four (4) and Hawthorne Street that is eighteen (18) feet from the Southwest (SW) corner of said Lot Four (4), and running Northerly (N) along the said dividing line between Lot Four (4) and Hawthorne Street ninety-four and seven-tenths (94.7) feet more or less to a point that is eight-eight (88) feet from the Northwest (NW) corner of said Lot Four (4); thence Northeasterly (NE) across said Lot Four (4) to a point on the dividing line of Lots Four (4) and Five (5) that is ninety-two (92) feet from Quapaw Avenue; thence Southeasterly (SE) along said dividing line eighty-six (86) feet more or less to a point that is eighteen (18) feet from the Southeast (SE) corner of said Lot Four (4); thence Southwesterly (SW) across said Lot Four (4) to the point of beginning.

[F. R. Doc. 47–1758; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8203]

LINA SEHL

In re: Bank account owned by Lina Sehl, also known as Lina Sehl Laudenbach. F–28–26117–E–1, F–28–26117–C–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Sehl, also known as Lina Sehl Laudenbach, whose last known address is Oberursel in Taunus, Hohenmarkstrasse 24, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lina Sehl, also known as Lina Sehl Laudenbach, by The First National Trust and Savings Bank of San Diego, San Diego, California, arising out of a savings account, Account Number 86463, entitled Lina Sehl, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925, 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 11, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47–1755; Filed, Feb. 24, 1947; 8:46 a. m.]

[Vesting Order 8210]

EMILIE BAUER

In re: Estate of Emilie Bauer, deceased. File No. D–28–0033; E. T. sec. 11506.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Bauer and Adolph Bauer, whose last known address is Ger-

many, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the wife and issue of Adolph Bauer, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emilie Bauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herbert B. Ehrmann, 80 Federal Street, Boston, Massachusetts, as Executor, acting under the judicial supervision of the Suffolk County Probate Court, Boston, Massachusetts;

and it is hereby determined;

5. That to the extent that the above named persons and the wife and issue of Adolph Bauer, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1759; Filed, Feb. 24, 1947; 8:47 a. m.]

JACKSON & PERKINS CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions.

Claimant	Claim No.	Vesting order No.	Property	Location
Jackson & Perkins Co., Newark, N. Y.	A-143 and A-144.	1028 (8 F. R. 4205)...	U. S. Patent Applications S. N. 464,556 and 464,557.	Washington, D. C.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1765; Filed, Feb. 24, 1947; 8:47 a. m.]

[Vesting Order 8233]

TINA NICKELSEN AND SOPHIE PAULSEN

In re interests in real property, bank account and claim owned by Tina Nickelson and Sophie Paulsen.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tina Nickelsen, whose last known address is Hamburg, Germany, and Sophie Paulsen, whose last known address is Bredstedt, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third interest in real property, situated in the County of Merced, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. That certain debt or other obligation of Bank of Newman, Newman, California, arising out of an account entitled "Bertha Hansen, Trustee for Tina Nickelsen and Sophie Paulsen", and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation, owing to Tina Nickelsen and Sophie Paulsen, by Bertha Hansen, Newman, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on February 18, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Beginning at a point 3444.4 feet west from the southeast corner of Section 25, Township 6 South, Range 9 East, M., D. B. & M., thence west 714 feet; thence North 1220.17 feet; thence East 714 feet; thence South 1220.17 feet to the point of beginning; save and excepting a right of way 30 feet wide over the south side of said land for the purpose of a county road, condemned by order of the Board of Supervisors of Merced County, January 28, 1875, recorded in Book 1 of Road Registers at page 40.

[F. R. Doc. 47-1764; Filed, Feb. 24, 1947; 8:47 a. m.]

EMIL ZIPPER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

Claimant	Claim No.	Vesting order No.	Property	Location
Emil Zipper, Santa Monica, Calif.	A-191 to 193, inclusive.	201 (8 F. R. 625), 205 (7 F. R. 8609), 666 (8 F. R. 5047).	U. S. Letters Patent Nos. 1,959,754; 2,242,986; and 2,376,889.	Washington, D. C.

Executed at Washington, D. C., on February 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-1766; Filed, Feb. 24, 1947; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125):

The special learner certificate(s) issued to the following company(ies) under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., 1 learner if the exchange employs 8 operators or less, 2 learners if the exchange employs from 9 to 18 operators, etc. See regulations, Part 522, § 522.083.

Iowa Telephone Company, West Bend, Iowa; effective February 10, 1947, expiring February 9, 1948.

Southland Telephone Company, Atmore, Alabama; effective February 13, 1947, expiring February 12, 1948.

West Iowa Telephone Company, Anita, Iowa; effective February 11, 1947, expiring February 10, 1948.

Regulations, Part 522—Regulations Applicable to the Employment of Learners:

Puerto Rico Mills, Inc., Puerta de Tierra, Puerto Rico; full-fashioned hosiery, forty-seven (47) learners in the following operations:

a. (4 learners) seaming; at not less than 15 cents an hour for the first 480 hours, not less than 22½ cents an hour for the second 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

b. (8 learners) legging, (2 learners) looping, (16 learners) topping, (3 learners) footing; at not less than 15 cents an hour for the first 480 hours, not less than 18¾ cents an hour for the second 480 hours, not less than 22½ cents an hour for the third 480 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

c. (1 learner) winding, (3 learners) final inspection, (1 learner) foot inspection, (1 learner) leg inspection, (8 learners) mending; at not less than 15 cents an hour for the first 240 hours, not less than 22½ cents an hour for the second 240 hours, and for every hour thereafter not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period;

effective February 6, 1947, expiring February 5, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 17th day of February 1947.

ISABEL FERGUSON, *Authorized Representative of the Administrator.*

[F. R. Doc. 47-1738; Filed, Feb. 24, 1947; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7503, 8054]

CLEARWATER RADIO BROADCASTERS, INC. AND LYLE VAN VALKENBURGH

ORDER SCHEDULING HEARING

In re: Application of Clearwater Radio Broadcasters, Inc., Clearwater, Florida, Docket No. 7503, File No. B3-P-4650; Lyle Van Valkenburgh, St. Petersburg, Florida, Docket No. 8054, File No. B3-P-5547; for construction permit.

The Commission having under consideration a petition filed January 22, 1947 by Clearwater Radio Broadcasters, Inc., Clearwater, Florida requesting the Commission to schedule an early hearing date in the proceeding upon its above-entitled application;

It is ordered, This 31st day of January 1947, that the petition be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, scheduled for Monday 10:00 o'clock a. m. February 24, 1947 at Clearwater, Florida, and 10:00 o'clock a. m. Tuesday, February 25, 1947 at St. Petersburg, Florida.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1741; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. 8110]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA

ORDER INSTITUTING INVESTIGATION AND SETTING FORTH HEARING DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1947;

It appearing, that on January 20, 1947 and on February 11, 1947, The Chesapeake and Potomac Telephone Company of Virginia filed revised tariff schedules effective February 20, 1947 and March 13, 1947 respectively, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Virginia and certain points in the State of Maryland; said tariff schedules being designated as follows:

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

Tariff F. C. C. No. 15

4th Revised Page No. 5.
5th Revised Page No. 5.
11th Revised Page No. 7.
12th Revised Page No. 7.

It further appearing, that said tariff schedules effect new increased charges for telephone communications in interstate commerce; that no evidence in justification of such increased charges has been presented to this Commission; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they result in new increased charges for interstate message telephone service in the Washington Metropolitan Area should be postponed pending hearing and decision on the lawfulness of such new charges, or regulations and practices resulting in such increased charges;

It is ordered, That, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for increased charges for the telephone service above described;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules, insofar as they effect increased charges for interstate message telephone service in the Washington Metropolitan Area

be, and they are hereby, suspended until May 20, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, an investigation be, and the same is hereby, instituted, into the lawfulness of the rates, charges, regulations, practices and services of The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia) for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said charges and regulations go into effect, The Chesapeake and Potomac Telephone Company of Virginia shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such increased charges and regulations; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and shall file with this Commission a report on or before the 10th day of each calendar month, commencing June 10, 1947, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of Baltimore City and The Chesapeake and Potomac Telephone Company be, and they are hereby, made parties respondent to this proceeding; and that copies hereof be served thereon;

It is further ordered, That a copy of this order shall also be served upon the State Corporation Commission of the Commonwealth of Virginia, the Public Service Commission of Maryland, the Public Utilities Commission of the District of Columbia and the National Association of Railroad and Utilities Commissioners and these agencies be, and they are hereby given leave to intervene and participate fully in the proceedings herein.

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 25th day of March 1947 beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.; and that the Commission's Telephone Committee, consisting of Commissioners Paul A. Walker, Ray C. Wakefield, and C. J. Durr, or any member or members thereof, are hereby authorized to preside at the hearings, and otherwise to conduct the proceedings herein; and said Committee shall prepare an initial decision as described in subsection (c) of § 1.851 of the Commission's rules and regulations;

It is further ordered, That the proceeding herein be, and it is hereby consolidated with the proceeding in Docket No. 8112.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-1739; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. 8112]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF BALTIMORE CITY

ORDER INSTITUTING INVESTIGATION AND SETTING FORTH DATE FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of February, 1947;

It appearing, that on February 11, 1947, The Chesapeake and Potomac Telephone Company of Baltimore City filed revised tariff schedules effective March 13, 1947, resulting in increased charges for interstate message telephone service in the Washington Metropolitan Area, between certain points in the State of Maryland and certain points in the State of Virginia; said tariff schedules being designated as follows:

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY

Tariff F. C. C. No. 15

4th Revised Page No. 5.
11th Revised Page No. 7.

It further appearing, that said tariff schedules effect new increased charges for telephone communications in interstate commerce; that no evidence in justification of such increased charges has been presented to this Commission; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they result in new increased charges for interstate message telephone service in the Washington Metropolitan Area should be postponed pending hearing and decision on the lawfulness of such new charges, or regulations and practices resulting in such increased charges;

It is ordered, That, pursuant to sections 204 and 205 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for increased charges for the telephone service above described;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules, insofar as they affect increased charges for interstate message telephone service in the Washington Metropolitan Area be, and they are hereby, suspended until June 13, 1947, unless otherwise ordered by the Commission; and that during said period of suspension, no changes shall be made in said tariff schedules, or in the regulations, charges, or practices sought to be altered thereby, unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, an investigation be, and the same is hereby, instituted, into the lawfulness of the rates, charges, regulations, practices and services of The Chesapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia and The Chesapeake and Potomac Telephone Company (operating in the District of Columbia) for and in connection with interstate message telephone service in the Washington Metropolitan Area;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said charges and regulations go into effect, The Chesapeake and Potomac Telephone Company of Baltimore City shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such increased charges and regulations; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid; and shall file with this Commission a report on or before the 10th day of each calendar month, commencing July 10, 1947, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Chesapeake and Potomac Telephone Company of Baltimore City, The Chesapeake and Potomac Telephone Company of Virginia, and The Chesapeake and Potomac Telephone Company be, and they are hereby, made parties respondent to this proceeding; and that copies hereof be served thereon;

It is further ordered, That a copy of this order shall also be served upon the Public Service Commission of Maryland, the State Corporation Commission of the Commonwealth of Virginia, the Public Utilities Commission of the District of Columbia and the National Association of Railroad and Utilities Commissioners and these agencies be, and they are hereby given leave to intervene and participate fully in the proceedings herein;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 25th day of March, 1947, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.; and that the Commission's Telephone Committee, consisting of Commissioners Paul A. Walker, Ray C.

Wakefield, and C. J. Durr, or any member or members thereof, are hereby authorized to preside at the hearings, and otherwise to conduct the proceedings herein; and said Committee shall prepare an initial decision as described in subsection (c) of § 1.851 of the Commission's rules and regulations;

It is further ordered, That the proceeding herein be, and it is hereby consolidated with the proceeding in Docket No. 8110.

Notice is hereby given, that § 1.857 of the Commission's rules and regulations is not applicable to these proceedings.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-1740; Filed, Feb. 24, 1947; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-403]

THE OHIO FUEL GAS CO.

NOTICE OF ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, allowing rate schedule to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1735; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. G-521]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER GRANTING PETITION TO WITHDRAW APPLICATION

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, granting petition to withdraw application in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1734; Filed, Feb. 24, 1947; 8:46 a. m.]

[Docket No. G-838]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

FEBRUARY 18, 1947.

Notice is hereby given that on February 3, 1947, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, having its principal place of business in Pittsburgh, Pennsylvania, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural gas facilities and to sell natural gas to the Westmoreland Gas Company, all subject to the jurisdiction of the Commission, described as follows:

Approximately 120 feet of 2- and 3-inch pipe together with metering and regulating facilities at a point on Applicant's system in Paruco Park Realty Company Plan, Jeannette, Westmoreland County, Pennsylvania.

Applicant states it proposes to sell gas to the Westmoreland Gas Company, serving approximately 190 domestic customers in a small section of Jeannette, Pennsylvania, in an area adjoining Applicant's territory; that the Westmoreland Gas Company has three gas wells, ordinarily producing sufficient gas for that company's needs, being insufficient however to meet the requirements of the company in excessive cold spells.

Applicant states that during such times the Westmoreland Gas Company is unable to take care of the service requirements of its customers. The Applicant will sell to it at prevailing domestic rates for that area which are on file with the Commission.

Applicant further states that gross revenues from the sale of gas to the Westmoreland Gas Company will be $424.45 per year and its total operating expenses for the facilities constructed before income taxes will be $392.71 per year.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of The Manufacturers Light and Heat Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-1736; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. G-854]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

FEBRUARY 18, 1947.

Notice is hereby given that on January 27, 1947, Atlantic Seaboard Corporation (Applicant or Atlantic), a Delaware corporation, having its principal place of business in Charleston, West Virginia, and Virginia Gas Transmission Corporation (Applicant or Virginia Gas), a Virginia corporation, having its principal place of business in Charleston, West Virginia, filed a joint application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicants to construct and operate certain natural gas facilities, subject to the jurisdiction of the Federal Power Commission, and described as follows:

Construction by the Atlantic Seaboard Corporation. (1) A 3200 HP Compressor Station in the vicinity of Flat Top, Mercer County, West Virginia, on the main 20-inch transmission pipe line of Atlantic Seaboard Corporation;

(2) Approximately 185 miles of 24-inch O. D. gas transmission line extending from the Cobb Compressor Station of United Fuel Gas Company near Clendenin, West Virginia, to the Virginia-West Virginia state line at which point connection will be made with the portion of the 24-inch O. D. gas transmission line for which authorization is sought herein by Virginia Gas Transmission Corporation;

(3) Approximately 8 miles of 24-inch O. D. gas transmission line commencing at the point of juncture with that portion of pipe line sought to be certificated herein by Virginia Gas Transmission Corporation on the Maryland-Virginia State line and extending to Rockville, Maryland, at a point of connection with an existing 20-inch gas transmission line of Atlantic Seaboard Corporation;

(4) A quintuple river crossing of approximately 2,371 feet over the Potomac River, near Rockville, Maryland;

(5) A measuring station at the West Virginia-Virginia State line;

(6) Installation of additional measuring and regulating equipment at the Rockville Measuring Station.

Construction by Virginia Gas Transmission Corporation. (1) Installation of two additional 800 hp. gas engine compressing units at Bickers Compressor Station on its existing main 20-inch transmission line;

(2) Approximately 75 miles of 24-inch o. d. gas transmission line extending from West Virginia-Virginia State line through Frederick, Shenandoah, Clarke, Loudon and Fairfax Counties, Virginia, to the Virginia-Maryland State line;

(3) A measuring and regulating station in Fairfax County, Virginia, near the Virginia-Maryland State line.

Applicants in support of their application state these facilities are necessary to maintain adequate and continuous service to Applicants' present markets, including the increased requirements of Washington Gas Light Company, and to furnish a part of the requirements of

The Manufacturers Light and Heat Company (Manufacturers) and Home Gas Company (Home); that the present capacity of Atlantic's existing 20-inch transmission line at Rockville, Maryland, after supplying Applicants' customers in West Virginia and Virginia, is 68,400 Mcf per day, sufficient to supply the estimated requirements of Washington Gas Light Company and the Lukens Steel Company (the latter on a curtailed basis) during the winter of 1946–47, with no excess capacity to meet any increases in peak-day requirements for such customers. Further, it is stated that Manufacturers has notified Atlantic that it is unable to return the amount of gas which it has taken from Atlantic during the past six months pursuant to an exchange agreement (Atlantic FPC Rate Schedule No. 25), under which emergency requirements of either company could be secured from the other, but it desires to purchase such natural gas from Atlantic, and to continue receiving gas under the exchange agreement at rates approved by the Federal Power Commission. In this connection Atlantic avers it is unable to supply any natural gas to Manufacturers on Atlantic's peak days, but is able to deliver varying amounts on other days.

The application states Manufacturers and Home have advised Atlantic that they are concurrently filing with the Federal Power Commission an application for authorization to construct a transmission line from a point near Coatesville, Pennsylvania, to Port Jervis, New York, and that Home desires to purchase gas from Atlantic at the Maryland-Pennsylvania state line, which gas will be transported through such proposed line. Atlantic states that it has advised Home that due to inadequate transmission facilities it would not be able to deliver gas to Home at such point during Atlantic's peak days in the winters of 1946–47 or 1947–48, but could deliver varying amounts on other days, and could deliver peak-day gas requirements upon the completion of the construction of facilities made the subject of this application.

The application recites that the proposed facilities in conjunction with Applicants' present facilities would enable them to supply the increased estimated requirements of Washington Gas Light Company, Manufacturers, and Home, and assure an added safety factor to the supply of gas to the Washington area as well as to the Applicants' other markets.

The estimated over-all capital cost of the proposed facilities will be $18,629,000, of which $13,570,000 is estimated to be the cost of facilities to be constructed by Atlantic, and $5,059,000 is estimated to be the cost of facilities to be constructed by Virginia Gas. To complete the project it is estimated that Atlantic will require $450,000 of additional cash in 1947 and Virginia Gas will require $380,000 of additional cash, and for that part of the project to be completed in 1948, Atlantic will require approximately $12,000,000 and Virginia Gas will require approximately $4,400,000, all of which will be furnished or caused to be furnished by Columbia Gas and Electric Corporation under a financing arrangement, the nature and terms of which will be subject to the approval of the Securities and Exchange Commission.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1737; Filed, Feb. 24, 1947; 8:45 a. m.]

[Docket No. IT–6030]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER DISCLAIMING JURISDICTION UNDER FEDERAL POWER ACT

FEBRUARY 20, 1947.

Notice is hereby given that, on February 19, 1947, the Federal Power Commission issued its order entered February 18, 1947, disclaiming jurisdiction under Federal Power Act in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–1733; Filed, Feb. 24, 1947; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 687]

UNLOADING OF CARS AT SEATTLE, WASH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of February A. D. 1947.

It appearing, that 2 cars, containing pipe and boilers, at Seattle, Washington, on the Northern Pacific Railway Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered that:

(a) *Cars at Seattle, Wash., be unloaded.* The Northern Pacific Railway Company, its agents or employees, shall unload immediately cars Erie 14157 and P&LE 43484, containing pipe and boilers, respectively, on hand at Seattle, Washington, consigned care of Alaskan Steamship Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., February 21, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47–1729; Filed, Feb. 24, 1947; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–43, 70–1176, 70–1177]

GREAT LAKES UTILITIES CO. ET AL.

ORDER APPROVING PLAN GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE SUBJECT TO RESERVATION OF JURISDICTION

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa. on the 19th day of February A. D. 1947.

In the matter of Great Lakes Utilities Company, File No. 54–43; Great Lakes Utilities Company, Ohio Gas, Light & Coke Company, File No. 70–1176; Great Lakes Utilities Company, Paxton Gas Company, and Allied Gas Company, File No. 70–1177.

The Commission having instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Great Lakes Utilities Company ("Great Lakes"), a registered holding company, and its subsidiaries; and said proceedings having been consolidated with those relating to a plan and amendments thereto filed by Great Lakes pursuant to section 11 (e) of the act for compliance with sections 11 (b) (1) and 11 (b) (2) of the act (Holding Company Act Release No. 3243) and with proceedings related thereto (Holding Company Act Release No. 6235);

The plan filed by Great Lakes having provided, among other things, for the extension of the maturity date of Great Lakes' outstanding First Lien Collateral Trust Gold Bonds, 5½% Series, due 1942, for the sale of assets of Great Lakes and for the application of the proceeds of the sale to the payment of principal and interest on Great Lakes' bonds and necessary expenses and the distribution of the remaining assets of Great Lakes, if any, to Great Lakes' stockholders and for the subsequent dissolution of Great Lakes;

The Commission and the District Court of the United States for the Eastern District of Pennsylvania having approved the section 11 (e) plan and amendments thereto; Great Lakes having sold substantially all of its assets and, in accordance with the plan heretofore approved by the Commission and the District Court, having deposited with the Trustee under the indenture securing Great Lakes' bonds sufficient funds to satisfy the claim of the bondholders for principal and interest in full; the remaining assets of Great Lakes now consisting principally of cash and of the common stock of Allied Gas Company ("Allied"), formerly Rochelle Gas Company, which pursuant to the approval of this Commission, acquired the physical properties and assets of a former and now dissolved subsidiary of Great Lakes, Paxton Gas Company;

Great Lakes having filed in the consolidated proceedings pursuant to section 11 (e) a plan dated as of August 1, 1946 (hereinafter referred to as the "amendment") which is designed to implement its plan of dissolution heretofore approved by the Commission and the District Court and to effectuate compliance with section 11 (b); such amendment proposing, among other things, the payment by Great Lakes of its current liabilities, the distribution of all of the common stock of Allied pro rata to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, the contribution by Great Lakes of its remaining assets to the capital of Allied and for the subsequent dissolution of Great Lakes;

Great Lakes having requested the Commission, upon its approval of the amendment, to apply to the District Court of the United States for the Eastern District of Pennsylvania for an order approving and enforcing said amendment;

Public hearings having been held on the amendment in the consolidated proceedings after appropriate notice thereof and the Commission having considered the record and having issued its findings and opinion, and having found that said amendment is necessary to effectuate the provisions of secton 11 (b) of the act and is fair and equitable to the persons affected thereby:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder that said amendment be, and the same hereby is, approved and that the applications and declarations regarding the various transactions involved in said amendment be, and the same hereby are, granted and permitted to become effective, respectively, subject to the reservation of jurisdiction to take such action as the Commission may deem necessary or appropriate in connection with the amendment and to secure compliance by Great Lakes' system with section 11 (b) of the act in the event the amendment is not enforced as provided therein;

It is further ordered, That this order shall not be operative to authorize any of the proposed transactions involved in the amendment nor the consummation of the amendment in any respect until an appropriate District Court of the United States shall have entered an order enforcing said amendment pursuant to an application duly made by the Commission for that purpose.

Great Lakes having requested that the Commission's order shall conform to the requirements of sections 371 (a), 373 (a), and 1808 (f) of the Internal Revenue Code, as amended and contain the recitals, specifications and itemizations described in sections 371 (f) and 1808 (f) thereof;

It is ordered and recited, That the transactions proposed in the aforesaid amendment to be effected by Great Lakes and Allied, including those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The distribution and exchange by Great Lakes (to the holders of the outstanding Voting Trust Certificates representing the entire outstanding 150,780 shares of Common stock of Great Lakes of the par value of $1.00 each) of the entire issued and outstanding 10,052 shares of Common Stock of Allied of the par value of $10 each on the basis of one share of said Common Stock of Allied in respect of each 15 shares of Common Stock of Great Lakes (represented by Voting Trust Certificates as aforesaid), such distribution, transfer and exchange to be made against the surrender, for cancellation, of the aforesaid Voting Trust Certificates representing shares of Common Stock of Great Lakes;

(b) The exchange, delivery, and surrender for cancellation of (1) the outstanding Voting Trust Certificates representing the entire outstanding shares of Common Stock of Great Lakes referred to in (a) above, and (2) said outstanding shares of Common Stock of Great Lakes; and

(c) The issuance, distribution, delivery, exchange and subsequent surrender of scrip certificates representing fractional shares of Common Stock of Allied; such scrip to be issued and distributed to the holders of the Voting Trust Certificates (representing Common Stock of Great Lakes) entitled thereto, pursuant to the terms and provisions of the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47–1726; Filed, Feb. 24, 1947; 8:46 a. m.]

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of February A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54–127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59–3; and Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59–12.

Electric Bond and Share Company (Bond and Share), a registered holding company, having filed a declaration pursuant to the provisions of section 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Bond and Share proposes to issue and sell to thirteen banks promissory notes in an aggregate principal amount not to exceed $30,000,000, bearing interest at the rate of 1¾% per annum and maturing two years after the date of issue. The proceeds of such notes together with treasury cash and cash realized by Bond and Share from the sale of common stock of American Gas and Electric Company and Pennsylvania Power & Light Company will be used for the payment of $70 per share to Bond and Share's preferred stockholders in accordance with the provisions of Bond and Share's Plan II–A, as amended.

Bond and Share requests that the order of the Commission approving the proposed transactions contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

Said declaration having been filed on February 5, 1947 and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having

received a request for hearing with respect to said declaration within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

The declarant having requested that the Commission's order permitting the declaration to become effective be issued as soon as possible and become effective forthwith so that the company may be in a position to expedite the consummation of its Plan II–A, as amended; and

The Commission finding that the requirements of section 7 of the act are satisfied and that no adverse findings are necessary therein and deeming it appropriate in the public interest and in the interest of investors or consumers that said declaration be permitted to become effective immediately:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered, That the transactions proposed in said declaration, including, but without limitation, the issuance by Bond and Share of the said promissory notes aggregating not to exceed $30,000,000 in principal amount, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1728; Filed, Feb. 24, 1947; 8:46 a. m.]

[File Nos. 70–1404, 1408]

NORTHERN NATURAL GAS CO. AND KANSAS POWER AND LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of February 1947.

In the matter of Northern Natural Gas Company, File No. 70–1404; The Kansas Power and Light Company, File No. 70–1408.

Northern Natural Gas Company ("Northern Natural"), a public utility company and a registered holding company, having filed an application and amendments thereto, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("the Act"), and The Kansas Power and Light Company ("Kansas Power"), a public utility company (both companies being subsidiaries of North American Light & Power Company, a registered holding company, and of The North American Company, also a registered holding company), having filed a declaration and amendment thereto pursuant to sections 12 (f) and 12 (g) of the act and Rules U-43 and U-44 thereunder with respect to the following transactions:

Northern Natural proposes to acquire from Kansas Power for a price of $88,138.32, less adjustments and depreciation from December 31, 1945 to the date of conveyance, certain transmission facilities consisting of branch pipe lines, town border stations and measuring stations used in the transmission of gas to Kansas Power's distribution system under an existing exchange agreement, all of which facilities are located in the State of Kansas. Kansas Power will deposit the proceeds from the sale with the Harris Trust and Savings Bank, Trustee, to be held or used in accordance with the terms of a Mortgage and Deed of Trust dated July 1, 1939 and a Supplemental Indenture thereto of the same date.

This acquisition and sale is part of a plan whereby it is proposed to terminate the existing gas exchange agreement between Northern Natural and Kansas Power. In lieu of such gas exchange agreement, Kansas Power proposes to purchase gas, under Northern Natural's standard town border gas sales contract, for retail sale in the towns of Ashland, Belpre, Beverly, Bushton, Claflin, Coldwater, Delphos, Englewood, Greensburg, Holyrood, Lorraine, Macksville, Miltonvale, Protection and Tescott, Kansas. The other towns now served by Kansas Power with gas received from Northern Natural under the existing exchange agreement will be served by Kansas Power from its own pipe line facilities. The proposed agreement further provides that Northern Natural will sell to Kansas Power a volume of gas not to exceed 200,000,000 cubic feet annually to be delivered at the Ellinwood, Kansas tap line connection with Northern Natural.

The State Corporation Commission of the State of Kansas entered its order on September 4, 1946 approving the application of Kansas Power concerning the disconnection of facilities and the discontinuance of delivery of gas by Kansas Power to Northern Natural. The application of Northern Natural states that no state commission has jurisdiction over the proposed transaction with respect to Northern Natural. Kansas Power has submitted an application to the Federal Power Commission for authority to abandon and remove certain facilities under consideration herein. An application for a certification of public convenience and necessity with respect to the acquisition of facilities and the abandonment of certain metering facilities herein discussed has been filed by Northern Natural with the Federal Power Commission. The Federal Power Commission has not yet entered its order in connection with either of these applications and nothing herein contained shall be construed in any way as binding upon or limiting the authority of that Commission.

Said application and said declaration, as amended, having been duly filed and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said filings, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application and said declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application and said declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted forthwith and said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47–1727; Filed, Feb. 24, 1947; 8:46 a. m.]

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