

# FEDERAL REGISTER



VOLUME 12

NUMBER 86

Washington, Thursday, May 1, 1947

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

Effective May 1, 1947, the regulations under this chapter are revised as follows:<sup>1</sup>

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 I 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.

<sup>1</sup> This reissuance of the Civil Service Rules and Regulations comprises the revision published at 12 F. R. 1270, together with the full text of the Rules and all amendments to date, presented under the new numbering system.

Part  
 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.

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

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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**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 Com-

mission'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 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

## RULES AND REGULATIONS

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 (69 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

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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, time-keeping, furnishing of supplies, equipment, etc.

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

(b) *Delegation of authority.* (1) The authority for making initial decisions on matters within the purview of the Personnel Classification Division, except as specified in subparagraph (2) of this paragraph, is vested in the Chief of Division, subject to appeal to the Commission.

(2) 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:

(1) *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, prepares 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 stud-

ies 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-

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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 re-

quirements 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 in-

dividuals 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, Spotsylvania, 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—128 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 matter 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

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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 subpoena 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: §§ 02.1 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; estab-

lishes 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

## RULES AND REGULATIONS

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 serv-

ice. 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 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 annui-

tant 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

**§ 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, reasigned, 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.

## RULES AND REGULATIONS

## 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

§ 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 tempo-

rary 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.

## 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 delinquency 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 re-employed;

(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. Appli-

cants 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 subsequent 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) Eligibility 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 applica-

tion 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.

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(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 withingroup 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 withingroup 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.                         |
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| 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. |
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| 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

§ 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 non-veteran 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 competitive examination except upon ex-

press 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.

#### 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 dis-

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qualify 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 probationary 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.  
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## REGULATIONS UNDER CIVIL SERVICE RULE IV

## Prohibition Against Political Activity

4.101 Investigations.  
 4.102 Investigation by correspondence.  
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## 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

**§ 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.

## 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 subpoena 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 subpoena 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

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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 paragraph (a) of this section 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 Parts 1 to 10 of 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 probationary 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 probationary 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

**§ 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.

#### 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

Sec.

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

**§ 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

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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.

(x) One chauffeur for the Secretary of the Treasury.

(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 investigations 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 matériel, 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 Com-

mission, 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 CFC-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 uni-

versities 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 assistant 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 Mead 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) 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

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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 committee-men 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 subdivision 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) Super-

visors, 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) One private secretary or confidential assistant to each of the following: The Secretary of Labor, the Under Secretary of Labor, and 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 as-

sistant 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 Counsel.

(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 Adjusting 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.

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(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.* *Federal 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.

(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.

#### 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

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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 non-apportioned 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, reassignment, 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 assignment 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 probationary 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 probationary 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 non-veteran 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.

(6) *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.
- 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.

Sec.

- 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 probationary 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 probationary 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 em-**

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ployees 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, reassessments, 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 post-audit, 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 re-

tention 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 probationary 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 probationary 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 applicant 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 "sub-groups" 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

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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 preference 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, 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 has been approved by the Civil Service 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 probationary civil service appointments or who were appointed, re-appointed, transferred or promoted from absolute or probationary 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-2 With veteran preference unless efficiency rating is less than "Good".

A-3 Without veteran preference unless efficiency rating is less than "Good".

A-4 With 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 thereunder (§ 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 § 20.2 (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 regulations relating to consolidations and mergers.** (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of one department to another continuing department all veteran preference employees and all retention group A employees assigned to any such function shall be transferred to such continuing department, without change in tenure of employment.

(b) Where, in the course of liquidation of an agency, functions are transferred only for liquidation, and functional operations have terminated or will terminate by law or authoritative order within sixty calendar days, employees engaged on such functions may be given temporary appointments, initially without change in grade or compensation, in the department or agency responsible for such liquidation.

All changes to temporary appointments under these regulations are subject to review by the Civil Service Commission on appeal by affected employees, and shall be corrected to transfers without change in tenure of employment in all cases where the Commission finds such action to be proper. Employees given temporary appointments under these regulations shall be notified that they may appeal such action within thirty days to the Civil Service Commission.

(c) Any employee assigned to a transferred function, who has been given a temporary appointment because functional operations were to be terminated by law or authoritative order within sixty calendar days, shall be restored to his tenure of employment prior to the transfer of the function, whenever such function is continued in operation for a longer period by law or authoritative order.

**§ 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 considered 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 non-duty 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

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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 non-duty 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. Exceptions may also be made after prior approval by the Commission, in the case of agencies which agree to grant reemployment benefits to employees separated with shorter notice periods equal to those

they would have received if retained on the rolls for one year.

Each employee 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 30 days, the employee shall be carried in a non-pay 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 entities, 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 the regulations in this part 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 competi-

tive level, disregard of a specified right under the law or regulations, or denial of right to examine regulations, retention register, or records.

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 ordinarily be considered only when the employee has made use of his agency's administrative appellate procedures. However, the Commission will consider the correctness of an efficiency rating which is not appealable to a board of review in any case where adverse action is proposed to be taken too soon to permit diligent use of administrative appellate procedures, where the employee was misinformed of his rights under such procedures, where coercive measures were used to prevent recourse to such procedures, or where the employee presents satisfactory reasons for not using 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.
- 21.2 Persons entitled to military preference.
- 21.3 Receipt of applications; uniform treatment.
- 21.4 Qualifications of applicants.
- 21.5 Examination of applicants.
- 21.6 Maintenance of employment lists.
- 21.7 Selection and appointment.
- 21.8 Reappointment.
- 21.9 Promotion; qualifications.
- 21.10 Removal, suspension, furlough, or demotion of preference employees.
- 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 6 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.

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**§ 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 of 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 of their numerical ratings: *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 preference 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 dis-

charge, 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 appointment 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 6 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.
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- 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 appli-

cable 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,

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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 cur-

tailment 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 failure 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. The Chief Law Officer or the Regional Director may direct that the hearing be recorded stenographically by a reporter employed by the Commission. The reporter's transcript shall be a part of the record of the proceeding. Reporters not employed by the Commission shall not be permitted to make transcripts of the proceedings. In cases where the hearing is not recorded stenographically, the hearing examiner will make suitable notes of the relevant portions of the testimony. At the conclusion of the hearing, these notes shall be summarized and when agreed to in writing by all parties concerned, the summary shall 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 that they question, and such exceptions shall be considered in connection with the making of the finding and recommendation. Hearings shall not be open to the general public or the press. 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

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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.  |  |
|-------|--|
| 23.1  | The Commission.                                  |
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AUTHORITY: §§ 23.1 to 23.22, inclusive, issued under sec. 12 (d), 54 Stat. 767; 18 U. S. C. 617.

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 written 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 inter-

vening 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 *Evidenee—(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

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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. Five copies of briefs shall be filed.

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 Commiss-

sion, 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 effective 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 Story, Virginia.  |
| 24.21 | Range conservationist (ecology), P-1, Department of Agriculture.   |
| 24.22 | Biologist (land management), P-1, Soil Conservation Service.   |

## Sec.

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 A 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.

24.43 Archeologist, P-1 to P-4.

24.44 Psychologist (Personal Counselor), P-4, Veterans' Administration.

AUTHORITY: §§ 24.1 to 24.44, inclusive, is sued 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 exam-

ples 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 com-

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pleting, 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 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 (e) 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 entrance 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' Adminis-

tration, U. S. Public Health Service and the Indian Service, and to a very large extent, the patients will be ex-service men 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 Federal 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 consistency, conditions of oxidation and reduction, and amount and nature of organic matter, all as a basis for classifying the effective depth of plant root feed-

ing 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

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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 non-technical 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 this 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 direc-

tor, 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 participation 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:

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## 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 sanitation, 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 stand-

ing and in addition must have had two years of practical farming experience.

(c) *Substitution.* Additional study successfully completed in an agricultural college of recognized standing may be substituted year for year for the required practical farming experience.

**§ 24.15 Range conservationalist, 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 handi-

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capped. 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 ad-

vanced 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 innovative 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 Divi-

sional 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*—(1) *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;

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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 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 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 compara-

tive 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 hus-

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bandry, 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 conserva-

tion, 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 total 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

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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 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 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 out-

standing 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, 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 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 obtaining 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 Materiel 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 scientific 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 pho-

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togrammetric 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 evaluation 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 instruction 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 deteriora-

tion 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

vant 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 sec-

tion 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 formulae, 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, geology, 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

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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 funda-

mental 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 electrolysis 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) metallogra-

phy; (e) mineral dressing; (f) electro-metallurgy; (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 or 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 inter-

pretation 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 sub-professional 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 statistical 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

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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 food-stuffs, 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 appropriate 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 educa-

tion 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 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 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

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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 (oliculture, pomology or floriculture).

(ii) Courses in horticulture, in a college or university of recognized stand-

ing 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 pre-

scribed 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 (agron-

omy, 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

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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 occupa-

tional 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 ap-

proved 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 requirements 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

degree in mathematics. This study must have included courses in mathematics 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, Ocean-

ography, 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 completion 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 per-

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son'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, biochemistry 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).

**§ 24.43 Archeologist, P-1 to P-4—(a)**  
**Educational requirement.** (1) Applicants must have completed a four-year course of study in a college or university

of recognized standing, including or supplemented by 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required and the training must also have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist, or

(2) Applicants must have completed 20 semester hours in anthropology including courses that are acceptable toward a major in anthropology. At least one course in American archeology is required. In addition, they must have had three years of education or appropriate experience which when combined with the specialized study described above will give them the equivalent of a four-year college course. This education or experience must have included or been supplemented by at least three months of archeological excavations experience under the direction of a recognized professional archeologist.

(b) **Duties.** Archeological positions in the Federal service are highly specialized. They involve technical aspects of archeological excavations, collection of museum specimens, and dissemination of information in the archeological field. They also involve the coordination of archeological research with various educational programs. Specific duties performed by archeologists include: Archeological excavations, repair and stabilization of ruins, classification and cataloging museum specimens, preparation of reports on archeological subjects, performance of research in archeological problems, and coordination of the activities of the Federal agency with the efforts of Federal, state, and local organizations interested in preservation of important archeological and historical areas.

(c) **Knowledge and training requisite for the performance of duties.** In order to preserve, care for, and interpret the archeological resources of the nation, the archeologist must have a thorough knowledge of archeology and related fields and an understanding of field and laboratory research. The archeologist, in order to perform professional duties satisfactorily, must have a knowledge of all technical aspects of the work. He must be able to secure and present to Federal agencies and to the American public authentic and usable information concerning archeological resources.

(d) **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 professional archeologist is through training secured in a college or university of recognized standing. The necessary knowledge cannot be gained simply through experience, but requires formal training in method, and formal and comprehensive review under supervision of the principal reports in the field of American Archeology. It also requires specialized and supervised examination of collections of artifacts only available in insti-

tutions of learning where courses in the subject are regularly given. Unless an archeologist is properly trained he may do irreparable damage to the resources under consideration.

**§ 24.44 Psychologist (Personal Counselor), P-4, Veterans Administration—**

(a) *Educational requirement.* Applicants must have successfully completed the following courses in a college or university of recognized standing:

(1) Two courses in abnormal psychology, clinical psychology, mental hygiene, psychopathology, personality or psychology of adjustment.

(2) One course in clinical techniques including individual testing, interviewing, or the case-study method.

(3) One course in differential psychology or tests and measurements (educational, vocational, psychological, personality, attitude) or statistics (psychological or educational).

(4) A total of six additional courses composed of any combination of the courses mentioned above and courses in human biology, neurology, physiological psychology and general, experimental, child, adolescent, social, animal, systematic or industrial psychology.

Completion of all requirements for the Ph. D. degree in psychology except for a thesis will be accepted as meeting this minimum educational requirement.

(b) *Duties.* Psychologists (Personal Counselor) counsel veterans who during the utilization of Veterans' Administration services for the selection of a vocational objective or in the course of vocational training have personal problems which interfere in their successful vocational rehabilitation. Psychologists (Personal Counselor) confer with Vocational Advisers and Vocational Rehabilitation Training Officers in furthering the vocation rehabilitation of veterans with maladjustments; assist veterans with personal and social maladjustments, using the appropriate therapeutic techniques, with the aim of eliminating their difficulties wherever possible; detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or authorized private mental hygiene clinics.

(c) *Knowledge and training requisite for performance of duties.* In order to adequately counsel maladjusted veterans, the Psychologist (Personal Counselor) must have had a specialized technical background of education and experience in the field of psychology. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The Psychologist (Personal Counselor) must possess such technical knowledge in order that he may counsel veterans in the effort to eliminate the problems which have been blocking their vocational adjustment, thereby assisting in their total rehabilitation. Since Psychologists (Personal Counselor) function without professional direction from psychiatrists, they must have sound preparation which will enable them to make decisions as to which maladjusted veterans, had they not been forced into difficult military or combat

situations, would have adjusted to civilian situations with a minimum of difficulty and which ones, because of the serious nature of their social and personal problems, should be referred to mental hygiene clinics for more intensive and extensive treatment.

(d) *Method of obtaining basic knowledge and training.* The only method known by which persons may obtain the basic knowledges and skills required to perform the duties of this position is through the training given at recognized colleges and universities. Through such training, under instructors having extensive specialized training, the student is able to acquire a knowledge of psychological principles and techniques. Under close professional supervision, he learns the psychological techniques appropriate for dealing with the various types of maladjusted individuals either through close observation of, or actual practice with, clinical cases or through study of a wealth of clinical case material. Such scientific knowledge and skill cannot be acquired and integrated through individual study because the necessary supervision and 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.

**PART 25—FEDERAL EMPLOYEES PAY REGULATIONS**

**SUBPART A—OVERTIME PAY REGULATIONS**

**EXTENT OF REGULATIONS**

Sec. 25.101 Employees to whom this subpart applies.  
25.102 Employees to whom this subpart does not apply.

**DEFINITIONS**

25.121 Basic workweek for full-time officers and employees.  
25.122 Administrative workweeks.  
25.123 Basic rate of compensation.  
25.124 Irregular or occasional overtime duty.

**REGULATIONS TO BE PRESCRIBED BY HEADS OF DEPARTMENTS AND AGENCIES**

25.131 Establishment of basic workweek and regularly scheduled administrative workweek.  
25.132 Compensatory time off for irregular or occasional overtime duty.

**OVERTIME WORK AND OVERTIME COMPENSATION**

25.141 Overtime compensation authorized.  
25.142 Computation of overtime employment.  
25.143 Computation of overtime compensation.

**SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS**

**EXTENT OF REGULATIONS**

25.201 Officers and employees to whom this subpart applies.

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25.221 Permanent positions.  
25.222 Positions within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended.  
25.223 Equivalent increase in compensation.  
25.224 Current efficiency.  
25.225 War transfer.

Sec. 25.226 Satisfactory record on war transfer.  
25.227 Service in the merchant marine.  
25.228 Certificate of satisfactory service in the merchant marine.

**COMPUTATION OF PERIODS OF SERVICE**

25.231 Service to be credited.

**CONDITIONS OF ELIGIBILITY FOR PERIODIC WITHIN-GRADE SALARY ADVANCEMENTS**

25.241 Eligibility requirements and effective date.  
25.242 Exceptions.

**EFFECT OF EFFICIENCY-RATING CHANGES**

25.251 Effect of efficiency-rating changes.

**SUBPART C—NIGHT PAY DIFFERENTIAL REGULATIONS**

**EXTENT OF REGULATIONS**

25.301 Employees to whom this subpart applies.  
25.302 Employees to whom this subpart does not apply.

**DEFINITIONS**

25.321 Basic rate of compensation.  
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25.323 Night work.  
25.324 Night pay differential.

**NIGHT WORK AND PAYMENT OF NIGHT DIFFERENTIAL**

25.331 Night pay differential authorized.  
25.332 Computation of night pay differential.

**SUBPART D—REGULATIONS GOVERNING PAY FOR HOLIDAY DUTY**

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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.

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**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

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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, 1923 (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 scheduled hours of duty per week, including all such "stand-by" time except that allowed for sleep and meals by regulation of the department or inde-

pendent 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                            | 813.824  |
| \$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 Reg-

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ulations 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 sub-

ject 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 employees 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.

This certificate of otherwise satisfactory service and conduct shall constitute an affirmative statement that responsible officials have reviewed the service and conduct of the employee and find that he definitely merits the advancement.

In any case where the facts at the time when the advancement would otherwise have been due clearly warranted the approval of the required efficiency rating and the execution of the certificate of otherwise satisfactory service and conduct, but where through administrative error or oversight the efficiency rating or certificate was not approved or executed until after such date, they may be completed as of such date, in which case the increase shall be made effective as of the date the advancement would otherwise have been due.

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 sched-

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uled 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 compe-

sation 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, May 10, 1946, 3 CFR, 1946 Supp.

**§ 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) probationary 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 probationary 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

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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 status 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 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 recrated 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.

**Sec.**

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, July 10, 1946, 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:

| <i>Medical and Dental Interns and Residents</i> |         |
|---|---------|
| <i>Gallinger and Freedmen's Hospitals:</i>      |         |
| First year approved post graduate training      | \$1,600 |
| Second year approved post graduate training     | 1,900   |
| Third year approved post graduate training      | 2,200   |
| Fourth year approved post graduate training     | \$2,500 |
| Fifth year approved post graduate training      | 3,400   |
| Sixth year approved post graduate training      | 4,150   |
| <i>All other Federal hospitals:</i>             |         |
| 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   |

*Medical and Dental Interns and Residents—Continued*

| <i>Gallinger and Freedmen's Hospitals—Continued</i> |       |
|---|-------|
| 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.                                 |

|       |   |
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| 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, 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 Offi-

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cial 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  $\frac{1}{2}$  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 identification 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 2842 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.

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**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 re-

fund, and those pertaining to deceased 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 calendar 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 without pay 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 request 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 two witnesses who must certify to the identity of the person filing the claim. 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 expec-

tation 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 calendar 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 December 31 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 testa-

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ment, 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 out 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 officially 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.

§ 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 registered 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 Commis-

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sion 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) 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.)

(5) Reference to all periods of military or naval service claimed.

(6) All periods of leave without pay 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.

(7) A complete accumulative record of retirement deductions covering service in the agency by calendar years.

(8) 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 calendar 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.

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 without pay 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.

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<sup>1</sup> branches of the United States Government who are not subject to another retirement system for such personnel, except 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.

<sup>1</sup> Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 56 Stat. 13.) Their eligibility for permanent or indefinite 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

(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 an 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 employee's 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.

**§ 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 calendar 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, annual summaries of retirement fund accounts shall be consolidated into one summary before submission to the Commission.

**(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 calendar 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 calendar 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.

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(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 calendar 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 item 6.

The summary for each calendar year shall bring forward in the third column the balance at the close of the preceding calendar 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 calendar year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the calendar 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. The totals in column 6 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 calendar year which cannot be properly taken care of under some calendar 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 calendar 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 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 on Form 3037, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered.

#### PART 30—ANNUAL AND SICK LEAVE REGULATIONS

##### SUBPART A—DEFINITIONS

###### Sec. 30.101 Definitions.

##### SUBPART B—ANNUAL LEAVE

- 30.201 Accrual of annual leave.
- 30.202 Accumulated annual leave.
- 30.203 Grant of annual leave.
- 30.204 Court leave.

##### SUBPART C—SICK LEAVE

- 30.301 Accrual of sick leave.
- 30.302 Accumulated sick leave.
- 30.303 Grant of sick leave.
- 30.304 Notification of superior.
- 30.305 Application for sick leave.
- 30.306 Sickness during annual leave.
- 30.307 Sick leave advanced.
- 30.308 Sick leave not advanced.

##### SUBPART D—GENERAL PROVISIONS

- 30.401 Change in hours of duty.
- 30.402 Leave-with-pay status.
- 30.403 Nonpay status.
- 30.404 Days for which leave charged.
- 30.405 Absences of less than 30 minutes.
- 30.406 Separation of employees indebted for unearned leave.
- 30.407 Leave without pay.

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| 30.408 | Disposition of sick leave account on transfer.  |
| 30.409 | Disposition of annual leave account on transfer.  |
| 30.410 | Transfer from position not within purview of leave acts to position within purview of leave acts. |
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##### SUBPART E—ADMINISTRATION

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| 30.501 | Responsibility for administration.               |
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| 30.503 | Employees outside the continental United States. |

##### SUBPART F—EMPLOYEES EXCEPTED

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| 30.601 | Employees excepted.                |
| 30.602 | D. C. Police and Fire Departments. |

AUTHORITY: §§ 30.101 to 30.602, inclusive, issued under sec. 7.1, E. O. 9414, Jan. 13, 1944, 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.

§ 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 1½ 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 1½ 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.

(d) Because of the difference in crediting sick leave to temporary and permanent employees the following method shall be followed in crediting sick 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. Sick leave shall thereafter be credited as a permanent employee.

§ 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 two 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 three days or less. For periods of absence in excess of three 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.

§ 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 ½ 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.

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**§ 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 Disposition of sick leave account on transfer.** When an employee is appointed, reappointed, or transferred to another position with no break in service, or a break of less than 90 days, or within one year after notice of proposed separation by reduction in force, his sick 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 sick 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.

**§ 30.409 Disposition of annual leave account on transfer.** When a permanent employee is appointed, reappointed, or transferred to another position as a permanent employee within the purview of the leave acts of March 14, 1936, with no break in service, his annual leave account shall be certified to the employing agency for credit or charge to the employee.

**§ 30.410 Transfer from position not within purview of leave acts to position within purview of leave acts.** 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 the leave shown to be due.

**§ 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 assigned 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 Commission.

§ 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:

## RULES AND REGULATIONS

| 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. 47-4210; Filed, Apr. 30, 1947;  
8:50 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 5445]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

EXCELLEX COMPANY ET AL.

**§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (y) 10 Advertising falsely or misleadingly—Scientific or other relevant facts.** In connection with the offering for sale, sale or distribution of respondent's medicinal product XLX Vita-Grey Tablets, or any other product composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement represents, directly or indirectly, (a) that it has been established that gray hair results from a vitamin deficiency; or (b) that the use of respondent's product will prevent or end gray hair or restore the original color or any color resembling the original color to gray hair; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C. sec. 45b) [Cease and desist order, Excellex Company et al., Docket 5445, March 24, 1947]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of March A. D. 1947.

*In the Matter of Arthur E. Weisberg, an Individual Trading as Excellex Company, and Frizzell Advertising Agency, Inc., a Corporation*

This proceeding having been heard by the Federal Trade Commission as to respondent Arthur E. Weisberg upon the complaint of the Commission and the answer of said respondent, in which answer said respondent admits all the material allegations of fact set forth in

said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered, That said respondent, individually and trading as Excellex Company, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal product XLX Vita-Grey Tablets, or any other product composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:*

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That it has been established that gray hair results from a vitamin deficiency;

(b) That the use of respondent's product will prevent or end gray hair or restore the original color or any color resembling the original color to gray hair.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which advertisement contains any representation prohibited in paragraph 1 hereof.

*It is further ordered, That said respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.*

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-4144; Filed, Apr. 30, 1947;  
8:51 a. m.]

[Docket No. 5036]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

MID-WEST DRUG CO., INC., ET AL.

**§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety.** In connection with the offering for sale, sale or distribution of the preparation known as "Ju-Van" or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, dissemin-

nating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' preparation which advertisements represent directly or by implication that said preparation is a cure or remedy for obesity or that it constitutes a safe, competent, or effective treatment therefor; or which fail to reveal that the unsupervised use of respondent's preparation "Ju-Van," or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health and may cause permanent injury to tissues, organic function, and the entire muscular system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Mid-West Drug Company, Inc. et al., Docket 5036, March 26, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of March A. D. 1947.

*In the Matter of Mid-West Drug Company, Inc., a Corporation, and J. R. Dale and W. O. Duane, Individually and as Officers of the Mid-West Drug Company, Inc.*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and testimony and other evidence taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint (no testimony having been offered in opposition thereto, and the filing of a trial examiner's report upon the evidence and briefs having been waived by all parties and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered, That the respondents, Mid-West Drug Company, Inc., a corporation, and its officers, and J. R. Dale and W. O. Duane, individually and as officers of the Mid-West Drug Company, Inc., and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of the preparation known as "Ju-Van," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:*

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that said preparation is a cure or remedy for obesity or that it constitutes a safe, competent, or effective treatment therefor.

2. Disseminating, or causing to be disseminated, any advertisement by means

of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that the unsupervised use of respondent's preparation "Ju-Van," or any other preparation of substantially similar composition, by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health and may cause permanent injury to tissues, organic function, and the entire muscular system.

3. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to comply with the requirements set forth in paragraph 2 hereof.

*It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission report in writing setting forth in detail the manner and form in which they have complied with this order.*

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-4143; Filed, Apr. 30, 1947;  
8:51 a. m.]

[File No. 21-386]

**PART 170—TRADE PRACTICE RULES RESPECTING THE TERMS "WATERPROOF," "SHOCKPROOF," "NONMAGNETIC," AND RELATED DESIGNATIONS, AS APPLIED TO WATCHES, WATCHCASES, AND WATCH MOVEMENTS**

#### Correction

In Federal Register Document 47-3889, appearing at page 2624 of the issue of Thursday, April 24, 1947, the first four lines of the first sentence of § 170.3 (c) are changed to read as follows: "Nothing in this section, however, shall be deemed to prohibit use, without superlatives or accentuation, of the term 'shock resistant' or \* \* \*".

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

**PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS**

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 239 of the regulations of the Railroad Retirement Board under such act is adopted effective April 1, 1947, by Board Order 47-141, dated April 1, 1947, to read as follows:

Sec.  
239.1 Proof of age.  
239.2 Proof of death.

| Sec.   |  |
|--------|--|
| 239.3  | Proof of marriage.                       |
| 239.4  | Proof of termination of prior marriage.  |
| 239.5  | Proof of relationship.                   |
| 239.6  | Proof of "living with".                  |
| 239.7  | Proof of having the care of a child.     |
| 239.8  | Proof of dependency of a child.          |
| 239.9  | Proof of school attendance.              |
| 239.10 | Proof of the dependency of a parent.     |
| 239.11 | Proof of the payment of burial expenses. |

AUTHORITY: §§ 239.1 to 239.11, inclusive, issued under sec. 10, 50 Stat. 314; 45 U. S. C. 228j.

§ 239.1 *Proof of age.* (a) An applicant for an employee annuity shall file supporting evidence to establish his age or date of birth, and, if a joint and survivor annuity has been elected, the age or date of birth of his spouse. A record of the employee's age or date of birth which has been verified by an employer prior to July 1, 1943, or any type of record enumerated in paragraph (c) of this section, made prior to August 1, 1935, will be acceptable.

(b) An applicant for an insurance annuity shall file supporting evidence to establish his age or date of birth, if his age is a condition of entitlement. Evidence as to the age of any other individual may also be required by the Board when such other individual's age is relevant to the determination of the applicant's entitlement. In determining the weight to be given to evidence offered to prove age under this paragraph, consideration will be given to its general probative value and to its position in the enumeration set forth in paragraph (c) of this section.

(c) Proof of age shall consist of the following types:

- (1) Civil records of birth;
- (2) Church records of birth or baptism;
- (3) Notification of registration of birth;
- (4) Hospital birth record or certificate;
- (5) Physician's or midwife's birth record;
- (6) Bible and family records;
- (7) Naturalization records;
- (8) Immigration papers;
- (9) Military records;
- (10) Passports;
- (11) School records;
- (12) Vaccination records;
- (13) Insurance records;
- (14) Labor Union and Fraternal records;
- (15) Employer's records;
- (16) Marriage records;
- (17) Census age records;
- (18) Poll Tax exemption certificates;
- (19) Newspaper and magazine clippings; or
- (20) Any other similar type of documentary evidence.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two other persons having knowledge of the age in question.

A date of birth may be fixed by the Board where acceptable evidence to establish age or birth date cannot be obtained.

## RULES AND REGULATIONS

§ 239.2 *Proof of death.* An applicant for annuities due but unpaid at the death of an individual or for any benefit based upon the insured status of a deceased employee, shall file proof of such individual's or employee's death and of the time and place of such death unless such proof has already been received by the Board. Such proof may also be required by the Board in the case of any other individual when such other individual's death is relevant to the determination of an applicant's entitlement. Such proof shall be of the following character:

(a) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the state or community where death occurred, or a certificate by the custodian of the public record of death; or

(b) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States; or

(c) A signed statement of the funeral director, attending physician, or superintendent of the institution where the death occurred, on the official stationery of such funeral director, physician, or superintendent: *Provided, however,* That none of the proofs described in paragraphs (a) and (b) of this section, is obtainable and the Board is furnished with a satisfactory reason therefor.

If none of the proofs described in paragraphs (a), (b) and (c) of this section is obtainable, the reason therefor should be stated and there may be submitted:

(d) The sworn statements of two or more persons, having knowledge of the death, setting forth the facts and circumstances as to the date, time, place and cause of death; or

(e) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

§ 239.3 *Proof of marriage.* An applicant for any benefit as the widow or widower of a deceased employee shall file proof of marriage to such employee. Proof of marriage may also be required by the Board as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(a) Proof of a ceremonial marriage shall be of the following character:

(1) A certified copy of the public record of marriage; or

(2) A certified copy of the church record of marriage.

If neither of the proofs described in subparagraphs (1) and (2) of this paragraph is obtainable, the reason therefor should be stated and there may be submitted:

(3) The original certificate of marriage; or

(4) The sworn statement of the clergyman or official who performed the marriage ceremony; or

(5) The sworn statements of two persons who have knowledge as to the facts of the marriage; or

(6) Other evidence of probative value.

(b) Proof as to a common-law marriage shall be such as to disclose the facts upon which the informant bases his belief as to the existence of such marriage, such as the maintenance of a common place of abode in which the alleged spouses lived together, a present agreement of marriage, and any representations made by the parties as to their marital status. Such proof shall be as follows:

(1) If the husband and wife are living, such proof shall consist of signed statements of the husband and wife and two of their blood relatives. The statement of another individual may be substituted for the statement of each such relative which is not obtainable.

(2) If either the husband or wife is deceased, such proof shall consist of signed statements of the surviving spouse and of two blood relatives of the deceased spouse. The statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

(3) If both the husband and wife are deceased, such proof shall consist of signed statements of one blood relative of each deceased spouse. The statement of another individual may be substituted for the statement of any such relative, upon written showing that such relative's statement is not reasonably obtainable.

The corroborative statements by relatives or other individuals described in subparagraphs (1) and (2) of this paragraph may in the discretion of the Board be omitted where the parties entered into a formal marriage ceremony which was void because of a legal impediment then existing to the marriage, and where the impediment was removed and thereafter they continued to live together as man and wife until the application was filed or until the death of one of them, if under applicable State law a valid common-law marriage could come into existence as a result of continued cohabitation as man and wife or a subsequent agreement of marriage, or both.

If the information described in subparagraphs (1), (2) or (3) of this paragraph is not furnished on a form provided by the Board, it shall be submitted in the form of a sworn statement.

§ 239.4 *Proof of termination of prior marriage.* Where the validity of an alleged marriage depends upon the termination of a former marriage the applicant shall, when so requested by the Board submit:

(a) A certified copy of the decree dissolving such former marriage; or

(b) Proof of the death of a party to such marriage as described in § 239.2 (and in the order of priority therein described); or

(c) Other evidence of probative value.

§ 239.5 *Proof of relationship.* (a) An applicant for any benefit as the child of a deceased employee, shall submit proof of

relationship as specified in this paragraph.

(1) If the relationship is by blood, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the parent and child in question: *Provided, however,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship if the surname of the child shown thereon is the same as that of the deceased employee at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the name of the parent in question, and that to their own knowledge such person is the child of such parent, and stating the source of their knowledge.

(2) If the relationship is by legal adoption, a certified copy of the decree or order of adoption shall be submitted.

(3) If the applicant is the stepchild of the deceased employee and the blood child of the parent to whom such employee was married, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the child and such blood parent: *Provided, however,* That a birth record which shows the name of the child but does not give the name of the parents and their relationship to the child may be accepted as supporting evidence of relationship between the child and the child's blood parent to whom the deceased employee was married if the surname of the child shown thereon is the same as that of the blood parent at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship. If the child is the adopted child of the parent to whom the deceased employee was married, proof of adoption in accordance with subparagraph (2) of this paragraph shall be submitted. Proof shall be submitted as described in § 239.3 (in the order of priority therein provided) as to the marriage of the child's blood parent (or adopting parent) and the deceased employee.

If no documentary proof of relationship of the applicant to the blood parent is available, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the blood parent and that to their knowledge such person is the child of such parent, and stating the source of their knowledge.

(b) An applicant for any benefit as the parent of a deceased employee shall submit proof of relationship as specified in this paragraph.

(1) If the relationship is by blood, one of the forms of documentary evidence described in § 239.1 (c) should be submitted (in the order of priority therein provided), showing the relationship between the deceased employee and the applicant.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the employee and the name of the applicant, and that to their own knowledge such employee was the child of such applicant, and stating the source of their knowledge.

(2) If the relationship is by legal adoption, a certified copy of the decree or order of adoption shall be submitted.

(3) If the applicant is the step-parent of the deceased employee, proof of the marriage of such step-parent with a blood parent or adopting parent of the employee shall be submitted, as described in § 239.3 (in the order of priority therein provided), and there shall also be submitted evidence of the relationship of the employee and such blood parent (or adopting parent) as provided in subparagraphs (1) and (2) of this paragraph.

(c) Any person other than a child or parent of a deceased employee who applies for benefits because of the death of an individual shall submit such proof of relationship to such individual as, in the judgment of the Board, is sufficient to establish the alleged relationship.

§ 239.6 *Proof of "living with."* A widow who applies for an insurance annuity shall file proof that she was living with her husband at the time of his death. The proof shall be of the following character:

(a) A signed statement by the widow that at the time of her husband's death they were living together at the same place of abode. If the widow and her husband were temporarily living apart at the time of his death, the statement by the widow should state the places of residence of the husband and wife at such time, the reason for their separation and the length of time they had been separated; or

(b) A signed statement by the widow that the deceased employee was making regular contributions to her support, and describing the amount, time or times, and manner of making such contributions; or

(c) A certified copy of an order or decree of a court of competent jurisdiction directing the husband to contribute to his wife's support and a certification by the proper official of the court that such order had not expired or had not been vacated prior to the death of the husband.

If any information required under paragraph (a) or (b) of this section, as the case may be, is not furnished in the application, it shall be submitted in the form of a sworn statement.

§ 239.7 *Proof of having the care of a child.* An applicant for a widow's current insurance annuity shall file a signed statement as to whether she has in her care a child of her deceased husband

upon the basis of whose insured status she claims benefits. If such information is not furnished in the application it shall be submitted in the form of a sworn statement. If the child is not living with the widow, she shall also submit a sworn statement disclosing the reason for the separation, the present length and expected duration thereof, and how and to what extent she cares for the child, and upon request of the Board, a sworn statement by the individual with whom the child is living (or official of the institution where the child is living), which states the source of the child's support, and how and to what extent the widow has cared for the child.

§ 239.8 *Proof of dependency of a child.* A child who applies for an insurance annuity shall submit proof as to his dependency upon the deceased employee. Such proof shall be of the following character:

(a) If the deceased employee is the father or adopting father of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death:

(1) The employee and the child were living together at a common place of abode, and giving the address of such place; or

(2) The employee was contributing to the support of the child, and describing the amount, time or times, and manner of making such contributions; or

(3) The child: (i) Was the legitimate or adopted child of such employee; and (ii) Had not been adopted by another individual; and (iii) Either was not living with, or was not supported by, a step-father.

(b) If the deceased employee is the mother, adopting mother, or step-parent of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death, the child was not living with its father or adopting father and that no contributions in any medium were being made for the support of the child by such child's father or adopting father. If any contributions were being made by the father or adopting father, the time, amount, and manner of making such contributions should be stated.

If any information required under paragraph (a) or (b) of this section, as the case may be, is not furnished in the application, it shall be submitted in the form of a sworn statement.

If the proof designated in paragraph (a) or (b) of this section, as the case may be, is not obtainable, the reason therefor should be stated and the applicant may submit other proof of probative value.

§ 239.9 *Proof of school attendance.* A child over 16 years of age who applies for an insurance annuity shall submit such proof of regular school attendance as the Board may require.

§ 239.10 *Proof of the dependency of a parent.* A parent who claims to have been wholly dependent upon and supported by an individual shall, in filing proof of such dependency, submit a signed statement setting forth, as of the

time of such individual's death, and for a period of not less than one year prior to such time, the amount of contributions made to the parent by such individual. The statement shall also describe any other income (including contributions from other children and relatives) received by the parent and the amount and source of such income. Proof that a parent was wholly dependent upon and supported by an individual, at the time of such individual's death, must be filed within the time prescribed in § 237.307 (b) (2) of this chapter.

§ 239.11 *Proof of the payment of burial expenses.* (a) If a condition of entitlement to a lump sum is that the applicant shall have paid part or all of the burial expenses of the deceased employee upon the basis of whose insured status the lump sum is claimed, the applicant shall file an itemized and receipted statement or statements of the person or persons who supplied goods or services for the burial of the deceased. Such statement or statements shall show the total cost of all goods or services furnished, the amount remaining unpaid, if any, the name of each person who paid any portion of such costs, and the amount and date of each payment. The applicant shall also submit his own signed statement as to his relationship or other connection with the deceased employee, the total amount of the burial expenses, the amount of the burial expenses paid from his own funds, the amount of burial expenses unpaid, and the amount in cash or property which he has received as reimbursement for his payment of burial expenses.

(b) If the payment of burial expenses is a condition of entitlement to annuities due but unpaid at death, the applicant shall furnish proof similar to that described in paragraph (a) of this section.

If the proof described in paragraphs (a) or (b) of this section, as the case may be, is not obtainable, the reason therefor shall be stated and the applicant may submit other evidence of probative value.

Dated: April 23, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS,  
Secretary of the Board.

[F. R. Doc. 47-4111; Filed, Apr. 30, 1947;  
8:58 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

[Suspension Order S-24]

#### PART 807—SUSPENSION ORDERS

DONALD M. SILLS

Donald M. Sills, 2630 Richton Avenue, Detroit, Michigan, on November 18, 1946 filed with the Civilian Production Administration Application Form CPA-4423 for authorization to construct a structure for use as a dry-cleaning plant at 17600 James Couzens Highway, Detroit, Michigan. In said application he represented the proposed structure to be 30 x 75 feet in dimensions and to cost

## RULES AND REGULATIONS

\$9,000. Based upon these representations the Civilian Production Administration authorized the structure and assigned to it Case No. 3-5-4333. These representations were false and misleading in that actually the proposed structure was to be and is now 100 x 50 feet plus a wing 20 x 20 feet, and the cost is considerably in excess of the amount authorized for the building originally applied for. These misrepresentations subject Donald M. Sills to the administrative action provided for under paragraph 944.18 of Priorities Regulation No. 1, and constitute violations of Veterans' Housing Program Order 1. These actions have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

**§ 807.24 Suspension Order No. S-24.**  
(a) The authorization granted Donald M. Sills on Form CPA-4423, dated November 18, 1946, Serial No. 3-5-4333, is hereby revoked.

(b) Neither Donald M. Sills, his successors or assigns, nor any other person shall do any further construction on the premises located at 17600 James Couzens Highway, Detroit, Michigan, including putting up, completing or altering the structure unless specifically authorized in writing by the Office of the Housing Expediter.

(c) Donald M. Sills shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Donald M. Sills, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4196; Filed, Apr. 30, 1947;  
11:28 a. m.]

[Suspension Order S-25]

PART 807—SUSPENSION ORDERS  
EDWIN P. BERGERON

Edwin P. Bergeron, 875 Wildwood Avenue, Kankakee, Illinois, is an automobile dealer. On or about December 21, 1946, he began construction of a structure to be used as a factory on premises near Kankakee, Illinois, at an estimated cost of approximately \$33,000 without having obtained authorization therefor under Veterans' Housing Program Order 1, and the beginning of such construction constituted a willful violation of said order. This violation has diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

**§ 807.25 Suspension Order No. S-25.**  
(a) Neither Edwin P. Bergeron, 875 Wildwood Avenue, Kankakee, Illinois, his successors or assigns, nor any other person shall do any further construction on the premises located on Lots 9 and 10 in Grimm Sub-division, City of Kankakee, County of Kankakee, Illinois, including completing, putting up or altering of any structure located thereon, unless specifically authorized in writing by the Office of the Housing Expediter.

(b) For a period of one month from the effective date of this order, no authorization to do construction shall be granted to Edwin P. Bergeron.

(c) Edwin P. Bergeron shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for priorities assistance or for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Edwin P. Bergeron, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4197; Filed, Apr. 30, 1947;  
11:28 a. m.]

[Suspension Order S-26]

PART 807—SUSPENSION ORDERS  
N. V. M. CONSTRUCTION CORP.

N. V. M. Construction Corp., a New York corporation located at 160-16 Jamaica Avenue, Jamaica, L. I., N. Y., is engaged in the real estate and construction business. It violated Veterans' Housing Program Order 1 in that (1) on or about December 8, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y.; (2) on and after December 8, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y. These violations have diverted critical materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

**§ 807.26 Suspension Order No. S-26.**

(a) Neither N. V. M. Construction Corp., its successors and assigns, nor any other person shall do any further construction on the premises located at S/W corner 149th St. & Union Turnpike and the N/E corner 149th St. & Union Turnpike, Flushing, N. Y., including the putting up, completing or altering of any

of the structures located on said premises, unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) N. V. M. Construction Corp. shall refer to this order in any application or appeal which it may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve N. V. M. Construction Corp., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4198; Filed, Apr. 30, 1947;  
11:28 a. m.]

[Veterans' Housing Program Order 1, as amended, April 30, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program calls for the construction of a large number of housing accommodations to meet the needs of returning veterans. There is a shortage in the supply of materials and facilities suitable for the construction and/or completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting these critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

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- (c) Prohibition on construction and repairs.
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**§ 809.1 Veterans' Housing Program Order 1—(a) What this order does.** In order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

**(b) Structures and work covered by this order—(1) Kind of structures.** The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

NOTE: Item "concrete surface or base for a drive-in theater, a parking lot or tennis court" deleted Apr. 30, 1947.

A building.

An arena, stadium or grandstand, including bleachers or similar seating arrangements.

A commercial amusement pier.

A boardwalk (not including wooden walks used in winter or bad weather).

A moving picture set.

A roller coaster or similar device of a kind ordinarily used in amusement parks.

A swimming pool.

A wall or fence built principally of wood.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP-1 contains examples of things which do not fall within the term "structure" as defined above.

**(2) Kinds of work.** The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechan-

ical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.

Sanding floors and sand blasting buildings. Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.

Pointing bricks, sparkling plaster and caulking windows.

Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

**NOTE: The exemptions given above for work done in existing buildings does not apply to work done in connection with the original construction of the building or to work done in order to complete a building immediately after its original construction.**

**(3) Fixtures and mechanical equipment.** In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP-1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

**(c) Prohibited construction.** (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order.

The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being

carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became effective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and examples of other work which do not constitute beginning construction.

**(d) Allowances for small jobs.** This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP-1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

**(e) Exemption for repair and maintenance work in industrial, utility and transportation buildings and structures.** The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

**(f) Other exemptions—(1) Disasters.** (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or

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similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed \$6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The prohibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited receipts and deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order. Paragraph (d) (3) of Priorities Regulation 32 provides that no person may receive any material listed in Table I of that regulation for use in a construction project for which an authorization under VHP-1 is necessary unless an authorization for the project has already been obtained. Paragraph (c) of PR-32 contains a prohibition on deliveries made by a person who knows or has reason to believe that the receipt would be a violation of PR 32.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given.

Applications for non-housing construction will be reviewed to determine whether they meet the standards set forth in Direction 3 to VHP-1.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA-4423 or Form OHE 14-171 (formerly CPA-4423) or Form CPA-4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in con-

nection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP-1. When an application on Form CPA-4423 or Form OHE 14-171 (formerly CPA-4423) has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and he must keep the placard there until completion of the work. No person to whom an authorization under VHP-1 has been issued shall transfer the authorization. If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the appropriate office, attaching to his application a letter from the former builder joining in the request for the issuance of the new authorization.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order, except communications about applications for residential construction, should be addressed to the appropriate District Construction Office of the Office of the Housing Expediter or to the Office of the Housing Expediter, Washington 25, D. C. Ref.: VHP-1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Office of the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

INTERPRETATION 1: Revoked July 2, 1946

## INTERPRETATION 2

## PROHIBITED DELIVERIES

(a) Paragraph (g) of VHP-1 provides as follows: "(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order." Paragraph (c) of PR-32 provides as follows: "(c) *Restrictions on delivery.* No person may de-

liver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section."

(b) The purpose of paragraph (g) of VHP-1 and paragraph (c) of PR-32 is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP-1 or are for use in a job for which authorization under VHP-1 should, but has not, been obtained. These provisions do not impose on a fabricator or supplier any duty to investigate whether a proposed construction job for which he is asked to supply materials will be begun or carried on in violation of VHP-1, or whether it is specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order, and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization if authorization is required.

(c) Neither paragraph (g) of VHP-1 nor paragraph (c) of PR-32 requires a supplier to get from his customer a certificate to the effect that the customer is not violating and will not violate VHP-1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order. (As amended April 30, 1947)

## INTERPRETATION 3

## PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP-1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP-1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP-1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

## INTERPRETATION 4

SMALL JOB ALLOWANCES FOR INDUSTRIAL UTILITY  
AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP-1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or

more, the allowance for alterations or additions or new construction is \$15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is \$1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP-1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is \$1,000.

(2) Any person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is \$1,000.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is \$1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is \$15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is \$15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is \$15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3.

#### INTERPRETATION 5

##### WORK COVERED BY AUTHORIZATIONS: TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people

working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP-1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP-1 even though the structure is temporary and is to be removed when the job is finished.

[F. R. Doc. 47-4199; Filed, Apr. 30, 1947; 11:40 a. m.]

#### PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 1, as Amended April 30, 1947]

##### FIXTURES AND EQUIPMENT

§ 809.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP-1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP-1. It also explains other provisions of VHP-1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet), if a base or foundation is built for the item, or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).

Furnaces and furnace burner or boiler burner units.  
Heating equipment.  
Kitchen cabinets.  
Lighting equipment.  
Marquees.  
Panelling.  
Plumbing equipment.  
Ventilating equipment.

Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.  
(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.

Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.

Altars, choir stalls and church pews.  
Automatic fire protection sprinkler systems.

Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.

Blast furnaces.  
Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.

Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.  
Conveyors.

Desks, chairs and cafeteria and gymnasium equipment in a school or college.  
Electrical precipitators.

Escalators, elevators and dumb waiters.  
Food warming, dishwashing and food preparation equipment in a restaurant or institution.

Furnaces for heat treating or similar industrial purposes.

Hospital equipment such as X-ray machines and operating tables.

Lighting equipment for flood lighting airports, railroads or other outdoor operations.

Machine tools.  
Post-office equipment such as letter boxes and letter drops.

Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).

Projection and sound equipment.  
Radio towers and other transmitting and receiving equipment.

Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.

Scales.  
Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.  
Stokers installed in connection with heating equipment already installed in a building.

Storm windows, storm doors, screens, awnings and venetian blinds.

Stoves.  
Theatre seats.  
Washing machines or dryers.

Other processing machinery and equipment.

Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

## RULES AND REGULATIONS

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars.  
Bins.  
Bookcases.  
Booths.  
Cooling towers.  
Counters.  
Partitions, movable.  
Refrigerators.  
Show cases, including refrigerated show cases.  
Signs, electric and other.  
Soda fountains.  
Storage racks.  
Water coolers.

(c) [Deleted Aug. 30, 1946.]

(d) *Repairs to mechanical equipment.*

Paragraph (b) (2) of VHP-1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of structures, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance under Supplement 3 to VHP-1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP-1.

(e) *Installation of exempt machinery and equipment.* VHP-1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraphs (b) (2) and (b) (3) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP-1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP-1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. However, it is not necessary to include in the cost of the building alterations the cost of the exempt machinery or equipment or the cost of labor engaged in installing the exempt machinery and equipment. For example, in installing elevators, which are covered by paragraph (b) of this Supplement, it would be necessary to count toward the

cost of the job the cost (computed in accordance with paragraph (g) of Supplement 3) of preparing the shaft, of strengthening the building to support the elevator, and of constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4202; Filed, Apr. 30, 1947;  
11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM  
ORDERS

[Veterans' Housing Program Order 1, Supp. 2,  
as Amended April 30, 1947]

BEGINNING CONSTRUCTION

§ 809.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP-1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP-1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. The rule that the restrictions of VHP-1 do not apply to work begun before it became effective applies also to work which was exempt under the order or a supplement to it when the work was begun, even though a later and more restrictive amendment would prevent the beginning of the job after the issuance of the amendment. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP-1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (g) of Supplement 3 to VHP-1 to determine whether the job comes within the applicable allowance under paragraph (g) of Supplement 3.

Demolition of buildings.

Tearing out partitions or walls in a building which is being altered.

Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.

Laying down driveways, walks, railroad sidings, etc.

Erecting fences, work sheds and construction shanties.

Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.

Building retaining walls not physically incorporated within the structure.

Driving sheet piling to prevent cave-ins.

Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (g) of Supplement 3 to VHP-1:

Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off site or on the site.

Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

Pouring concrete footings or other foundations.

Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.

Driving permanent bearing piles or caissons.

Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.

Building foundation walls whether laid dry or with mortar.

Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP-1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions,

the construction job is considered to have been carried on normally within the meaning of VHP-1. However, a suspension of work on the site for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP-1 is limited to the structure which was under construction at the issuance of the order. It does not apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (g) of Supplement 3 to VHP-1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order.) When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP-1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP-1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP-1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946. Direction 1 to VHP-1 provided an exemption for certain reconstruction work made necessary by the tidal wave which occurred April 1, 1946, if the reconstruction began on or before September 30, 1946. This direction has

been revoked, but work exempted by it may be completed.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITEE,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4203; Filed, Apr. 30, 1947;  
11:41 a. m.]

#### PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 3 as Amended April 30, 1947]

##### SMALL JOB ALLOWANCES AND CLASSIFICATION OF STRUCTURES AS TO SMALL JOB ALLOWANCES

§ 809.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to nonresidential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP-1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is \$400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of

the commercial, utility, institutional or industrial concern.

A rectory or parsonage even though near a church and owned by a church.

A house on a campus owned by a college and occupied by a college official.

A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.

A farmhouse or other housing accommodations on a farm (except a farm bunkhouse).

Row houses separated by party walls are considered separate houses.

All private structures situated near and used in connection with one to five family houses, such as garages, fences, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is \$1,000 per job:

NOTE: Item "publicly owned pier not used for steamship or railway purposes" deleted Apr. 30, 1947.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.

A dormitory or fraternity.

A building used for a social club.

A service station or a commercial or service garage.

A funeral parlor or funeral home.

A radio broadcasting station.

A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.

A bunkhouse for employees of a commercial, industrial or other concern.

A parish house.

A college or university laboratory, field house or class room building.

A building in a retail or wholesale lumber yard.

A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.

A drycleaning or laundering establishment, whether wholesale or retail.

An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a \$15,000 allowance; see paragraph (e) below).

A commercial amusement pier.

A store.

A hotel.

An arena.

An apartment house or other residential building designed for occupancy by more than 5 families.

A bank.

A restaurant.

A nightclub.

A theater.

A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.

A frozen food locker plant.

A stadium.

A grandstand used for commercial or institutional purposes.

A church.

A hospital.

A school.

A college.

A publicly owned building used for public purposes.

A building used exclusively for charitable purposes.

A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.

## RULES AND REGULATIONS

Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is \$15,000 per job if the floor area of the structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is \$1,000 per job unless the list below indicates, by the use of an asterisk in front of items where the \$15,000 small job allowance applies regardless of floor area, that the \$15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of \$200 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

NOTE: The small job allowances provided by this paragraph apply only to buildings primarily used for the purposes listed below. See paragraph (d) below.

\*A building at a logging or lumber camp or at a mine, including a mine tipple.

\*An industrial research laboratory or pilot plant.

\*A building or other structure used directly for the operation of a railroad, street railway, commercial airline, busline or common or contract carrier by truck, such as a roundhouse, a building housing signal or interlocking installations, locomotive water facilities, freight yard offices, railroad workmen's washrooms and lockers, a garage or workshop for a bus company, a freight terminal for a common or contract carrier by truck, railway or steamship line or a hangar for a commercial airline.

\*A building or other structure used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.

\*A building providing directly for electric, gas, sewerage, central steam heating, telephone or telegraph communication services, including a telephone exchange and a radio telephone or radio telegraph station used as an international point to point radio communication carrier.

\*An industrial or utility powerhouse.

\*An industrial or utility pumping station for pumping water, gas or sewage.

\*A pumphouse or terminal facility on an oil or gas pipeline.

\*A grain, coal or cement elevator.

\*A single moving picture set.

\*A cotton compress warehouse.

A building or other structure which is to be used for manufacturing, processing or assembling any goods or materials.

A printing or bookbinding plant or a newspaper publishing establishment.

A plant engaged in the wholesale printing, developing and enlarging of photographs. A plant engaged in mixing and bottling syrups or soft drinks.

An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or

freezing (not including the frozen food locker plant).

A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.

A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron, cutting up heavy melting steel, breaking up heavy cast iron, detinning cans or smelting non-ferrous metals for the purpose of making the scrap available for further use.

A building used primarily for a station, waiting room for a railroad, a commercial airline or a busline, whether situated at an airfield, railroad or elsewhere.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is \$200 per job.

NOTE: Items "a concrete surface \* \* \*" and "a wall or fence \* \* \*" deleted April 30, 1947.

\*A private bathhouse which is not situated near and used in connection with another structure.

A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.

A swimming pool.  
A boardwalk.

A roller coaster or similar device of a kind ordinarily used in amusement parks.

Any other structure covered by the order and not coming within any other classification.

(5) The small job allowance under paragraph (b) of this supplement for a non-residential structure on a farm is \$5,000 per job, if the farm on which the structure is or is to be situated has an area of 5 acres or more. However, the small job allowance for a non-residential structure on a farm is \$1,000 per job if the farm on which the structure is or is to be situated has an area of less than 5 acres. A residential structure on a farm has the small job allowance applicable under paragraph (b) (1) or paragraph (b) (2) of this supplement, as the case may be. A bunkhouse on a farm for farm laborers is considered a non-residential structure for the purpose of determining the applicable small job allowance. A "farm" means a place used primarily for the purpose of raising crops, livestock, dairy products or poultry for the market. Chicken hatcheries, plants used to raise mushrooms or other food products, and greenhouses (except those on residential property) and farm or ranches for raising fur-bearing animals are considered farms. Buildings situated on a farm and used primarily to process the products of that farm and buildings situated on a farm and used primarily to process materials for use on that farm are considered non-residential farm structures under this paragraph.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of

conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is \$200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated, near and used in connection with, a structure having a \$15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a \$15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the \$15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the \$200 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP-1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even

though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP-1. See paragraph (f) of Supplement 2 to VHP-1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP-1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (1) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)

The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.

The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.

The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).

The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.

The cost or value of machinery and equipment other than mechanical equipment. Architect's and engineers' fees.

The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP-1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING

EXPEDITER,

By J. V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4204; Filed, Apr. 30, 1947;  
11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 4 as Amended April 30, 1947]

ITEMS WHICH ARE NOT STRUCTURES

§ 809.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP-1 contains a list of items which are considered structures under that order. The term "structure" does not include any other kind of item or any kind of equipment or furniture that is not attached to a building or structure whether or not the furniture or equipment is inside a structure.

The following is a list of items which are not considered structures under the order because they do not come within the kinds of items listed under paragraph (b) (1) of VHP-1. This list does not include all items which are not covered by paragraph (b) (1) of VHP-1 and that paragraph must be examined in order to tell whether any particular item is covered by the order. The restrictions of VHP-1 do not apply to the items listed below and it is not necessary to get permission under the order to do any kind of work on them. However, the restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

Blast furnaces  
Breakwaters  
Brick, lumber or pottery kilns  
Bridges  
Bulkheads  
Canals  
Cemetery monuments, including private burial vaults  
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel  
Coke ovens  
Cooling towers  
Dams  
Drainage or irrigation ditches  
Driveways (public or private)  
Electrical precipitators  
Fueling equipment  
Gravestones  
Lighting equipment  
Lighting systems

Oil derricks

Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces

Piers and docks, except commercial amusement piers (buildings built on piers and docks are considered structures and are covered by the order even though the piers or docks on which they are built are exempt)

Pipe lines

Power transmission lines

Radio towers

Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables

Roads

Scales

Sidewalks

Silos

Streets

Subways

Surface or underground mines

Tanks for oil, water, gas, and the like

Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP-1)

Transformers

Tunnels

Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service

Wells

Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,

By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4205; Filed, Apr. 30, 1947;  
11:41 a. m.]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 5, as Amended April 30, 1947]

APPLICATIONS; FILING AND PREPARING

§ 809.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP-1 should be filed. This supplement also contains the instructions for preparing applications for non-housing construction.

WHERE APPLICATIONS SHOULD BE FILED

(b) *Applications to be filed under the Housing Permit Regulation.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be

## RULES AND REGULATIONS

filed under the Housing Permit Regulation (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP-1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph, except where the toilet facilities or laundry rooms are to be used by the occupants of permanently installed trailers.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under the Housing Permit Regulation if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on OHE Form 14-56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications covering dwelling accommodations or bunkhouses for transient farm labor located on a farm should be filed with the appropriate County Agricultural Conservation Committee, (ii) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (iii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) *Applications to be filed with the OHE District Construction Offices.* All applications for authorization under VHP-1 not covered by paragraph (b) should be filed on Form OHE 14-171 (formerly CPA-4423) with the appropriate OHE District Construction Office.

#### PREPARING APPLICATIONS FOR NON-HOUSING CONSTRUCTION

(d) *Cost.* Form OHE 14-171 (formerly CPA-4423) requires the applicant to state the estimated cost of the proposed construction job for which he is requesting authorization in Item 5. This item is broken down into two parts: the cost of the structure and the cost of fixtures (heating, plumbing, lighting and ventilating equipment).

(1) Under the cost of the structure in Item 5, the applicant should state the cost of the structure, excluding the cost of processing and service equipment and the cost of fixtures and mechanical equipment and also excluding the cost or value of the land of existing structures and of architects' and engineers' fees.

The applicant should include in this figure, the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP-1. Paragraph (g) (2) of that supplement lists numerous specific items which are excluded from the cost of a job under VHP-1.

(2) Under the cost of fixtures (heating, plumbing, lighting and ventilating equipment), the applicant should exclude the cost of the items covered by paragraph (b) (1) of Supplement 1 to VHP-1 together with the cost of any items listed under paragraph (b) (3) of Supplement 1 which are so built as not to become a part of the building. The applicant should not include in this item the cost of any items which are excluded from the cost of the job under paragraph (g) of Supplement 3 to VHP-1.

(3) The applicant should not include under Item 5 the cost of processing equipment or service equipment of the kinds listed and described in paragraph (b) (2) of Supplement 1 to VHP-1.

(e) *Applicant.* In reviewing an application to determine whether it should be approved, the Office of the Housing Expediter relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these state-

ments and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) *Compliance cases.* If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,

By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4206; Filed, Apr. 30, 1947;  
11:41 a. m.]

[Veterans' Emergency Housing Program Order 1, Revocation of Directions 1 and 2]

**PART 809—VETERANS' HOUSING PROGRAM ORDERS**

The following directions are revoked:

Direction 1 to VHP-1, Reconstruction in Hawaii.

Direction 2 to VHP-1, Preparing CPA-4423 Applications.

Supplement 5 to VHP-1 as amended April 30, 1947, contains the provisions formerly in Direction 2.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING EXPEDITER,

By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4206; Filed, Apr. 30, 1947;  
11:41 a. m.]

**PART 809—VETERANS' HOUSING PROGRAM ORDERS**

[Veterans' Emergency Housing Program Order 1, Direction 3, as amended April 30, 1947]

**STANDARDS FOR REVIEWING APPLICATIONS FOR NON-HOUSING CONSTRUCTION**

The following direction is issued pursuant to Veterans' Emergency Housing Program Order 1:

(a) *What this direction does.* This direction sets forth the standards for reviewing applications under Veterans' Housing Program Order 1 for permission to do non-housing construction restricted by the order. In general no construction will be approved unless it is essential and non-deferrable, or unless it is necessary to alleviate or forestall an extreme and unusual hardship, or unless it will not use scarce building materials needed for the Veterans' Emergency Housing Program.

(b) *Essentiality.* An application may be approved on the ground that the construction of the proposed project at the present time is essential if it falls into one of the categories listed in this paragraph. The applicant must show clearly that the proposed construction is necessary to accomplish the purpose.

(1) *Critical products.* Applications for the construction of facilities necessary to maintain or increase production of materials or products considered to be in critically short supply may be granted where the shortage of facilities limits the production, and where the application is limited to the minimum construction needed. Applications from producers of industrially made houses or from producers of new materials approved by the Office of the Housing Expediter may be approved under this paragraph if the proposed construction is essential for the production of the houses or the new material. Applications for the construction of research laboratories or pilot plants may be approved where the proposed facility is necessary for research in connection with essential production.

(2) *Food and other agricultural products.* Applications for the construction of facilities necessary to maintain or increase the production or preservation of essential foods or food products may be approved. This includes applications for both on-farm and off-farm facilities. In addition, on-farm facilities necessary to maintain the production of a farm may be approved, whether or not the farm produces food. Farm machinery and implement service facilities will not be approved under this paragraph except where it is clearly shown that the lack of such facilities is seriously hampering the production of essential foods. Frozen food locker plants will not be approved under this paragraph except in rural areas where substantially all of the food to be stored will be produced by the persons storing it, and then only when there are not sufficient available facilities to prevent the wastage of food.

(3) *Public health and safety.* Applications for the construction of facilities providing essential services vitally necessary to the public health or safety, such as public utilities, fire stations, hospitals, and similar institutions may be approved where there is or will be a serious shortage of the proposed service and where the proposed construction is the minimum necessary to provide the locality with service equal to generally accepted minimum standards. Applications for the minimum alterations required by the local authorities to protect public health and safety may be approved.

(4) *Community facilities.* Applications for the construction of essential community facilities may be approved under this paragraph where it is clearly shown that the lack of such facilities constitutes a severe and unreasonable hardship on the community or area to be served. In general, applications for additional community facilities will not be approved under this paragraph unless there has recently been such a substantial growth in population that the existing facilities are clearly inadequate. Amusement or recreational facilities and office buildings will not generally be approved under this subparagraph.

(5) *Primary and secondary schools.* Applications for the construction of or additions or alterations to primary and secondary

schools may be approved where the existing school facilities are inadequate or unsafe and where other similar schools within a reasonable distance cannot without undue crowding accommodate the students enrolled or to be enrolled in the immediate future.

(6) *Veterans' Educational Program.* Applications by universities, colleges and schools for the construction of educational facilities, such as classrooms, laboratories, libraries, shops, and related facilities, such as dining rooms and residential space, may be approved where the facilities are indispensable for the Veterans' Educational Program under the GI Bill of Rights at the institution and where the existing facilities of the institution are being fully used, and adequate temporary facilities cannot be obtained.

(7) *Maintenance and repairs.* Applications for authorization to make repairs and to do maintenance work restricted by VHP-1 may be approved where denial will make it impossible to continue use of a building or structure or where serious injury to a structure will result. Authorizations will only be granted for the minimum work necessary to keep structures in sound working condition. Alterations, expansions and modernizations will not be approved under this paragraph.

(8) *Veterans.* Applications for small commercial or industrial facilities of a reasonably essential nature may be approved, where (a) the applicant is a veteran of World War II, or a group of such veterans, or a partnership or corporation more than 50% of which is owned by such veterans and (b) the applicant will (i) own the proposed building or (ii) have a lease of 5 years or more on the entire proposed building or (iii) will have a lease of 2 years or more on the space to be altered under the authorization, and (c) the proposed building or the space to be altered will be used entirely for the applicant's business and (d) the veteran or veterans will devote all or substantially all of his or their time to, and be entitled to more than 50% of the profits of, the business to be conducted in the facility, and (e) the estimated total cost of construction (Item 5c of Form CPA-4423) does not exceed approximately \$10,000. In general, amusement or recreational facilities will not be approved under this paragraph. Applications for the conversion of residential accommodations to office space or other commercial uses will not be generally approved under this paragraph. A veteran means any person who was in the Army, Navy, Marine Corps or Coast Guard on or after September 16, 1940, and was discharged or released under conditions other than dishonorable, after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

(c) *Hardship cases.* Applications for construction necessary to alleviate or forestall hardship may be approved where denial would work a severe and unusual hardship. The hardship must be substantial and exceedingly severe, such as threatened bankruptcy or substantial impairment of means of livelihood. However, applications which involve the conversion of residential space to commercial purpose will rarely be approved on the ground of hardship.

These examples of "hardship" cases are not intended to be exclusive, but rather illustrative of the degree of hardship which must be shown before a case should be granted on a hardship basis.

(1) *Loss of former facilities.* An applicant who has lost or is about to lose his place of business as a result of eviction, condemnation or disaster may be authorized to replace the facilities, where it is impracticable for him to repair or restore the old facilities or to buy or rent any other place to conduct his business. Applications will not generally be approved on the basis of loss of facilities, where the loss occurred more than six months before the filing of the applications. The authorization will be generally limited to ap-

## RULES AND REGULATIONS

proximately the same amount of space which has been or will be lost. Evidence of the practical impossibility of continuing in the premises must be shown in the case of eviction or condemnation.

(2) *Commitments before imposition of restrictions.* An application by a person who made commitments for a proposed construction job at a time when no authorization was required for the job may be approved where a denial would result in a severe and unusual hardship to the applicant. The applicant must show clearly that postponement of construction will result in a severe and unusual hardship, and that any materials and equipment or any land he has purchased cannot be resold without severe loss. However, when the commitments were made at a time when authorization was needed for the job, the hardship will be considered to have been assumed voluntarily. Hardship of this sort will not generally be treated as a basis for approval of an application. The purchasing of equipment or materials after March 26, 1946, or the beginning of construction without authorization are examples of voluntarily assumed hardship which generally will not be taken into consideration.

(3) *Community hardship based on unemployment.* Applications for industrial facilities may be approved where the proposed facility will provide substantial new employment in an area where unemployment is continuing and excessive. Projects must be of such a nature that the benefits to the national or community welfare and economy will substantially outweigh the impact on the Veterans' Emergency Housing Program.

(d) *Impact on Veterans' housing.* (1) The purpose of VHP-1 is to channel scarce building materials into the Veterans' Emergency Housing Program. The materials listed in Schedule A to PR-33 are generally in short supply for the housing program, and use of those materials will generally impede the housing program. Some of the items listed in Schedule A are normally only sold locally, such as brick and other masonry products. In a particular locality, there may be a relatively ample supply of such a product. The use of a product in nonresidential construction under these conditions would have little or no effect on the housing program. On the other hand, the use of a material which is usually shipped considerable distances even though in a particular area there appears to be a substantial supply, would generally be considered to impede the housing program. The fact that an applicant already has materials on hand will not generally be considered to mean that their use will not constitute an impact on the housing program.

In measuring the impact of a project on the housing program, consideration should be given to the scarce building materials to be used in related work covered by the authorization, such as temporary construction buildings, fences, and the like (See Int. 5 to VHP-1).

(2) An application should be approved if the proposed work covered by the application requires no scarce building materials.

(3) Projects which require negligible quantities of scarce building materials may be approved even though they do not completely qualify under paragraph (b) or paragraph (c). Applications for partial construction, such as foundations and erection of structural steel or other work requiring only a negligible quantity of scarce building materials may be approved. However, there are several situations where applications will not generally be approved under this paragraph

if they require even small amounts of critical building materials.

(i) An application for a project which is clearly nonessential and where approval would be contrary to the public interest.

(ii) An application for partial construction, where the partial construction would result in a condition hazardous to public health and safety or in financial hardship to the applicant or others. Applications for the completion of or further work on projects partially authorized will be considered strictly in accordance with the usual criteria, and no consideration will be given to any hardship resulting from construction done or commitments made on the basis of the partial authorization.

(iii) An application which would result in the elimination of residential accommodations, such as the conversion of apartments to offices or stores.

(iv) An application for a project where it is clear that the employment of men in the particular construction trades which would be required for the project would definitely and substantially interfere with the construction of approved veterans' housing projects. It will not generally be assumed, however, that nonhousing projects will interfere with veterans' housing by reason of their requirements for labor, but where interference appears probable, contractors and union representatives will be consulted to determine whether the necessary workers are available from other areas.

In determining whether the quantity of a scarce building material required for a project is negligible, the scarcity of the material in the area and the demand for the material in housing construction in the area will be taken into consideration.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4201; Filed, Apr. 30, 1947;  
11:41 a. m.]

[Veterans' Housing Program Order 1, Direction 4, April 25, 1947]

PART 809—VETERANS' HOUSING PROGRAM  
ORDERS

RECONSTRUCTION IN TEXAS CITY, TEXAS

The following direction is issued pursuant to Veterans' Housing Program Order 1:

Until further notice, it is not necessary to get authorization under Veterans' Housing Program Order 1 for restoration jobs on buildings or other structures covered by VHP-1 in the Texas City, Texas, area, if the restoration is made necessary by damage caused by the disaster which commenced on April 16, 1947. This direction is limited to the restoration of structures to substantially the same size and condition as on April 15, 1947.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 25th day of April 1947.

OFFICE OF THE HOUSING  
EXPEDITER,  
By JAMES V. SARCONE,  
Authorizing Officer.

[F. R. Doc. 47-4173; Filed, Apr. 29, 1947;  
3:07 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Temporary  
Controls, Office of Price Adminis-  
tration

PART 1388—DEFENSE-RENTAL AREAS

[Housing Interpretation of Sec. 6 (b) (3)  
(§ 1388.1181)]

ISSUANCE OF CERTIFICATES TO JOINT PUR-  
CHASERS OF MULTI-UNIT STRUCTURES

The following is an interpretation of section 6 (b) (3) of the Rent Regulation for Housing:

*Interpretation 6 (b) (3)-I: Issuance of certificates to joint purchasers of multi-unit structures.* Most applications for certificates to permit purchasers of multi-unit buildings to evict existing tenants for self-occupancy fall into the following classes:

(1) Purchase of multi-unit building by a group of individuals with the intent that each will occupy one of the units in the structure.

(2) Purchase of a multi-unit building by a group of persons less in number than the number of units in the building.

In the first class where the purchase arrangement gives to each person the right to occupy an individual unit in the structure, certificates of eviction will not be granted unless the case falls within one of the exceptions stated in section 6 (b) (3). This general prohibition is, however, subject to three exceptions. Certificates will be issued under section 6 (b) (2) for occupancy of the individual units where two persons buy a duplex structure. Certificates of eviction will also be issued for occupancy by individual purchasers of a multi-unit structure where the property is purchased jointly by a parent and his children. This latter exception does not apply to any other relationship. Eviction will also be permitted for occupancy of one unit for the purpose of supervising the structure, provided no one of the joint owners is in occupancy.

In the second general classification where the number of purchasers is less than the number of units in the structure, unless the joint purchasers are a parent and his children, only one certificate of eviction will be issued for the occupancy of one of the purchasers. The eviction for occupancy of one unit will be permitted for the purpose of supervising the structure.

*Example (1).* L owns a 32-unit apartment house and conveys after February 17, 1945, the said property to the X Corporation. The X Corporation sells to 32 individuals, who are not in occupancy, stock in the corporation and grants to each purchaser the right of occupancy to a specified apartment in the building. Eviction of the present tenants in occupancy will not be granted for occupancy of the individual purchasers in the cooperative apartment house. Eviction will be granted only in the case of cooperatives where the petitioner brings himself within one of the exceptions set forth in section 6 (b) (3) of the regulation.

Eviction would likewise be denied if L or the X Corporation had conveyed to the purchasers fractional interests in the fee to the property. Whether the individual pur-

chaser's interest is in the form of stock, a beneficial interest certificate or a deed conveying a fractional interest in the fee, no certificate of eviction will be issued unless the petition falls within the exceptions stated in section 6 (b) (3) as aforesaid.

*Example (2).* After October 20, 1942, L sells a duplex to A and B. Both A and B will be granted certificates against the tenants for their individual occupancy of the units. The interest acquired by two purchasers in a duplex is so closely identified with individual home ownership as to permit evictions under section 6 (b) (2), provided the requirements of that section are met.

*Example (3).* After October 20, 1942, L sells a ten-unit structure to a father and his two married sons who pay 20 percent of the purchase price in cash. Each of the three joint purchasers will be granted a certificate of eviction under section 6 (b) (1) for his own occupancy of an individual unit in the structure. Since evictions are granted to parents for occupancy by children and vice versa, certificates may be granted in joint purchases based on the family relationship of parents and children without reference to whether the total number of units is less than, equal to, or greater than the number of joint purchasers.

*Example (4).* After October 20, 1942, L sells to A and B a six-unit apartment house. Only one certificate of eviction will be issued to the purchasers for occupancy of one of the units for purpose of supervision. The purchasers are not the purchasers of individual housing units within the meaning of section 6 (b) (2) of the regulation.

Issued this 25th day of April, 1947.

E. D. DUPREE, Jr.,

Associate General Counsel For Rent.

[F. R. Doc. 47-4135; Filed, Apr. 30, 1947; 9:08 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

##### NEVADA GRAZING DISTRICT NO. 3

**CROSS REFERENCE:** For order affecting the tabulation contained in § 162.1, see F. R. Doc. 47-4116 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, modifying Nevada Grazing District No. 3.

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Docket No. 3666]

#### PARTS 71-85 TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

##### MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of April A. D. 1947.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat.

<sup>1</sup> In areas brought under control after October 20, 1942, the applicable date is the effective date of the regulation.

1445), and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles:

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

*It is ordered,* That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

### PART 2—LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amending commodity list, section 4, order Aug. 16, 1940, as follows:

| Article  | Classed as | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in one outside container by rail express |
|--|------------|-----------------------------------|------------------------------|---|
| (Add) Allyl chlorocarbonate ( <i>see</i> Allyl chloroformate.)   |            |                                   |                              |   |
| (Add) Allyl chloroformate  | Cor. L.    | No exemption, 260A                | White                        | 5 pints.  |
| (Add) Ammunition, rocket ( <i>see</i> Rocket ammunition).        |            |                                   |                              |   |
| (Add) Benzyl chlorocarbonate ( <i>see</i> Benzyl chloroformate.) |            |                                   |                              |   |
| (Add) Benzyl chloroformate                                       | Cor. L.    | do                                | do                           | Do.   |
| (Add) Jet thrust unit ( <i>jato</i> ) Class A                    | Expl. A.   | No exemption, 62A                 | do                           | Not accepted.   |
| (Add) Jet thrust unit ( <i>jato</i> ) Class B                    | Expl. B.   | No exemption, 64A                 | do                           | Do.   |
| (Add) Lithium amide, powdered                                    | Inf. S.    | 153, 174A                         | Yellow                       | 100 pounds.   |
| (Add) Rocket ammunition with empty projectiles.                  | Expl. B.   | No exemption, 63A                 | do                           | Not accepted.   |
| (Add) Rocket ammunition with explosive projectiles.              | Expl. A.   | No exemption, 57A                 | do                           | Do.   |
| (Add) Rocket ammunition with illuminating projectiles.           | do         | do                                | do                           | Do.   |
| (Add) Rocket ammunition with incendiary projectiles.             | do         | do                                | do                           | Do.   |
| (Add) Rocket ammunition with gas projectiles.                    | do         | do                                | do                           | Do.   |
| (Add) Rocket ammunition with inert-loaded projectiles.           | Expl. B.   | No exemption, 63A                 | do                           | Do.   |
| (Add) Rocket ammunition with smoke projectiles.                  | Expl. A.   | No exemption, 57A                 | do                           | Do.   |
| (Add) Rocket ammunition with solid projectiles.                  | Expl. B.   | No exemption, 63A                 | do                           | Do.   |
| (Add) Rocket ammunition without projectiles.                     | do         | do                                | do                           | Do.   |

### PART 3—REGULATIONS APPLYING TO SHIPPERS

1. Amending order Aug. 16, 1940, as follows (add):

57A (a) (1) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(a) (2) It consists of an igniter and propelling charge, commonly described as a motor, and explosive projectile, gas projectile, smoke projectile, incendiary projectile, or illuminating projectile, fuzed or unfuzed.

(b) Packing: Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles must be well packed and properly secured in strong wooden or metal containers.

(c) Marking: Each outside package must be plainly marked "Rocket Ammunition with Explosive Projectiles," "Rocket Ammunition with Gas Projectiles" (*see* sec. 402 (a) for required label), "Rocket Ammunition with Smoke Projectiles," "Rocket Ammunition with Incendiary Projectiles," or "Rocket Ammunition with Illuminating Projectiles," as the case may be.

(d) Articles as defined in section 57A (a) (2) must not be offered for transportation by rail express except as provided in section 52.

2. Amending order Aug. 16, 1940, as follows (Add):

62A (a) Jet thrust units (*jato*), class A, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the

chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist airplanes to take off.

(b) Packing: Jet thrust units must be well packed and properly secured in strong wooden containers. Igniters must not be shipped assembled in the units.

(c) Marking: Each outside package must be plainly marked "Jet Thrust Units, Class A."

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in section 52.

3. Amending order Aug. 16, 1940, as follows (Add):

63A (a) (1) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(a) (2) It consists of an igniter and propelling charge, commonly described as a motor, and empty projectile, inert-loaded projectile, or solid projectile, or without projectile.

(b) Packing: Rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles must be well packed and properly secured in strong wooden or metal containers.

(c) Marking: Each outside package must be plainly marked "Rocket Ammunition with Empty Projectiles," "Rocket Ammunition with Inert-Loaded Projectiles," "Rocket Ammunition with Solid Projectiles," or "Rocket Ammunition without Projectiles," as the case may be.

(d) Articles as defined in section 63A (a) (2) must not be offered for transportation by rail express, except as provided in section 52.

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4. Amending order Aug. 16, 1940, as follows (Add):

64A (a) Jet thrust units (Jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(b) Packing: Jet thrust units must be well packed and properly secured in strong wooden containers. Igniters must not be shipped assembled in the units.

(c) Marking: Each outside package must be plainly marked "Jet Thrust Units, Class B."

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in section 52.

5. Superseding and amending paragraphs (a) and (b), section 103 (*Inflammable liquids, etc.*), order Oct. 28, 1942, to read as follows:

103 (a) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside glass or earthenware containers having a capacity not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

6. Amending section 105A (*Acrolein*), Order Aug. 19, 1946, as follows (Add):

(b) (1) Spec. 15A, 15B, 15C, 16A or 19A. Wooden boxes with inside metal containers, spec. 2A, not over 5 gallons capacity each.

7. Superseding and amending note\*, section 110 (*Inflammable liquids*), order Nov. 4, 1946, to read as follows:

\*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

8. Superseding and amending note\* paragraph (c) (1), section 110 (*Inflammable liquids*), order Aug. 16, 1940, to read as follows:

\*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

9. Amending section 154 (*No exemptions*), order Aug. 16, 1940, as follows (Add):

(ww) Lithium hydride

10. Amending order Aug. 16, 1940, as follows (Add):

174A (a) Lithium amide, powdered, must be packed as follows:

(b) As prescribed in section 173, paragraphs (b), (c), (f), (i), and (l).

(c) Spec. 21A: Fiber drums with inside metal drums, spec. 2F.

11. Amending section 175 (*Lacquer base, lacquer chips, dry*), order Aug. 16, 1940, as follows (Add):

(e) Spec. 21A. Fiber drums.

12. Superseding and amending paragraph (a) (1), section 206 (*Packing sodium or potassium, etc.*), order Feb. 24, 1947, to read as follows:

206 (a) (1) Sodium or potassium, metallic, lithium metal, lithium silicon and lithium hydride, must be packed in specification containers as follows:

13. Superseding and amending paragraph (d), section 247 (*Packing acetyl chloride, etc.*), order Feb. 24, 1947, to read as follows:

(d) Spec. 1A, 1C, or 1D. Glass carboys in boxes or kegs (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

14. Superseding and amending paragraph (d) (1), section 247 (*Packing acetyl chloride, etc.*), order Nov. 8, 1941, to read as follows:

(d) (1) Spec 1X. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only. (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

15. Superseding and amending paragraphs (a) and (f), section 249 (*Packing alkaline corrosive liquids, n. o. s. etc.*), order Aug. 16, 1940, to read as follows:

249 (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(f) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by rail express must be packed in specification containers as follows:

16. Superseding and amending paragraphs (a) (1), (a) (2), and (a) (3), and adding paragraph (a) (4), section 260 (*Electric storage batteries etc.*), orders Jan. 23, 1946, Aug. 16, 1940 and Dec. 12, 1942, to read as follows:

260 (a) (1) Electric storage batteries containing electrolyte, acid, or alkaline corrosive battery fluid, must be com-

pletely protected so that short circuits will be prevented; they must not be packed with other articles except electrolyte or corrosive battery fluid as provided in section 258, portable searchlights properly cushioned, battery parts or hydrometers securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

(a) (2) Spec. 15D or 16B: Wooden or wirebound wooden boxes except as provided in section 260 (b).

(a) (3) Sec. 12B: Fiberboard box as authorized by paragraphs 34 and 37 of Specification 12B.

(a) (4) Electric storage batteries of the wooden-battery-box type, or steel case type protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation are exempt from specification packing requirements for transportation via rail freight, highway, or water. Not more than one layer of batteries may be loaded on a skid or pallet. The height of the completed unit must not exceed 1½ times the width of the skid or pallet. The unit must weigh not less than 500 pounds gross, and must not fall under a superimposed weight equal to two times the weight of the unit or a superimposed weight of 4,000 pounds if the weight of the unit exceeds 2,000 pounds. Battery terminals must not be relied upon to support any part of the superimposed weight.

17. Superseding and amending section 260A (*Packing ethyl chloroformate, methyl chloroformate*), and adding paragraph (d), orders Apr. 19, 1946, and Feb. 24, 1947, to read as follows:

(a) Allyl chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate must be packed in specification containers as follows:

(b) Spec. 15A 15B, or 15C: Wooden boxes with glass inside containers not over 1 pint each cushioned with incombustible mineral material.

(c) Spec. 1A: Boxed carboys. Glass bottles having nominal capacity of 3 gallons also authorized when packed and tested in accordance with requirements of Spec. 1A; necks must be protected during shipment.

(d) Allyl chloroformate may, in addition, be packed in specification 5H lead-lined metal drums not over 55 gallons capacity.

18. Superseding and amending paragraph (d), section 271 (*Phosphorus oxychloride and phosphorus trichloride*), order Nov. 4, 1946, to read as follows:

(d) Spec. 103A or 103A-W. Tank cars, when the tanks of these cars are lead-lined or the tanks are made of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

19. Superseding and amending paragraph (f) (2), section 272 (*Packing sulfuric acid*), order Jan. 25, 1945, as follows: Cancel paragraph (f) (2), section 272.

20. Superseding and amending section 300 (*Compressed gas etc.*), order Aug. 16, 1940, to read as follows:

300 (a) A compressed gas for the purposes of these regulations is defined as any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or both; or any liquid inflammable material having a Reid\* vapor pressure exceeding 40 pounds per square inch absolute at 100° F. (See section 326 for gases defined and classified as poisonous.)

(b) Any compressed gas, as defined above shall be classified as an inflammable compressed gas if either, (1) a mixture of 13 percent or less (by volume) with air forms an inflammable mixture\*\*, or (2) the inflammability range\*\* with air is greater than 12 percent regardless of the lower limit.

21. Superseding and amending paragraph (i) and adding paragraph (i) (2), section 303 (*Weight and pressure check*), order Aug. 16, 1940, to read as follows:

(i) (1) Weight and pressure check: Verification of content; except as noted in section (i) (2), the amount of liquefied gas charged into cylinders or drums must be determined by weight and this weight must also be checked, after disconnecting from the charging line, by the use of proper scales. The pressure of nonliquefied gas and gas in solution must be checked daily on a representative cylinder after it has cooled to a settled temperature.

(i) (2) Cylinders with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. of 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when the above liquid at a temperature of 40° F. is charged into the cylinder it just reaches the bottom of the tube. The weight of this liquid content shall not exceed 42 percent of the water capacity of the cylinder. The length in inches of the dip tube shall be stamped on the cylinder and on the exterior of removable type dip tubes. The length of each dip tube shall be checked when installed by weighing each cylinder after filling except when installed in groups of substantially identical cylinders in which case one of each 25 cylinders shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube

\*American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

\*\* These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Bureau of Explosives. The inflammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms an inflammable mixture.

after disconnecting from the charging line. The outlet from the dip tube shall not be larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by

weighing after disconnecting from the charging line.

22. Superseding and amending paragraph (k) table, section 303 (*Filling limits restrictions*), Orders Aug. 16, 1940 and Aug. 19, 1946, to read as follows:

| Kind of gas                   | Maximum permitted filling density (see sec. 303 (h)) | Cylinders marked as shown in this column must be used except as provided in note 1 and section 303 (p) (2) to 303 (p) (6) |
|-------------------------------|--|---|
| Methyl chloride (see note 4). | 84   | ICC-3A300; ICC-3B300; ICC-4A300; ICC-4B240; ICC-3; ICC-4; ICC-25; ICC-26-300; ICC-38.                                     |
| Sulfur dioxide.....           | 125  | ICC-3A300; ICC-3B300; ICC-4A300; ICC-4B240; ICC-3; ICC-4; ICC-25; ICC-26-150; ICC-38.                                     |

23. Superseding and amending paragraph (m) (2), section 303 (*Liquefied gases, except gas in solution or poisonous gas*), order Aug. 16, 1940, to read as follows:

(m) (2) Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 25, 26, or 38; also Spec. 9 or 40, except that mixtures containing carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, Class A, B, or C, as defined by these regulations are not permitted unless otherwise prescribed herein. See section 303 (p).

24. Superseding and amending paragraph (p) (12), section 303 (*Reheat treatment and retest of cylinders*), order Aug. 16, 1940, to read as follows:

(p) (12) *Reheat treatment and retest of cylinders.* The reheat treatment of cylinders must be followed by hydrostatic retest and these operations must be carried out, supervised, and reported, as prescribed for the original heat treatment and hydrostatic test by the specification covering the manufacture of the type of cylinder in question. The retest pressure shall be as prescribed for the quinquennial retesting of cylinder; *Provided*, That increased retest pressure is authorized under testing procedure approved in writing by the Bureau of Explosives. In the case of cylinders of outside diameter exceeding 4 inches, a permanent expansion of not less than 3 percent or more than 10 percent of the total expansion must be shown in the retest; *Provided*, That if the cylinders can be segregated into lots having practically the same chemical composition, the allowable permanent expansion in the retest may be from zero to 10 percent of the total expansion, if one cylinder out of each such lot of 100 cylinders or less is subjected to and passes the requirements of the flattening and physical tests as specified by the specification for the manufacture of the type of cylinder in question.

25. Superseding and amending subparagraph (p) (14) (n), section 303 (*Exceptions*); order Feb. 24, 1947, to read as follows:

(p) (14) (n) Cylinders made in compliance with specification ICC-4B and ICC-26-300 used exclusively in noncor-

rosive gas service and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.), may be retested decennially instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (See Note), but this type of test must be repeated quinquennially after expiration of the first ten-year period. When subjected to this latter test cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8-46S indicating retest by the modified method in August, 1946.

26. Superseding and amending section 417, order Aug. 16, 1940, to read as follows:

417 *Shipping order and bill of lading description.* The shipper when offering for transportation by carriers by rail freight, rail express, highway, or water any class A, class B, or class C explosive, inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, as defined by these regulations, must describe such article in the shipping order, bill of lading or other shipping paper by the shipping name used herein (see commodity list) and may add a further description not inconsistent therewith. Abbreviations must not be used. For shipments of blasting caps the shipper must, in addition, show the number of caps in the shipment.

#### APPENDIX TO PART 3—SHIPPING CONTAINER SPECIFICATIONS

1. Superseding and amending paragraph 4, Spec. 1A (*Capacity and marking carboys*), order Feb. 24, 1947, to read as follows:

4. *Capacity and marking of carboy.* Containers 5 to 13 gallons are classed as carboys. Must be permanently marked

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to indicate maker and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

2. Superseding and amending paragraph 2, Spec. 9 (*Type and size*), order Sept. 7, 1944, to read as follows:

2. *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of containers in this class shall not exceed 86 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized providing that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fibre stress of 24,000 pounds per square inch as calculated by the formula

$$P = \frac{24000 (D^2 - d^2)}{(1.3D^2 + 0.4d^2)}$$

Where  $P$  is the pressure required for pressure testing of tubing by the tubing manufacturer.

3. Superseding and amending paragraph 8 (a) (1), and adding paragraph 8 (a) (2), Spec. 9 (*Circumferential seams*), order Sept. 7, 1944, to read as follows:

(a) *Circumferential seams:* (1) Except as provided in (2) by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swaged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container made of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

4. Superseding and amending paragraph 9 (a) and adding paragraph 9 (b), Spec. 9 (*Wall thickness*), order Sept. 7, 1944, to read as follows:

9. *Wall thickness:* The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.040 inch. For the container authorized in par. 8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thickness of the two skirts (without allowance for the brazing material between).

(a) Calculation must be made by the formula:

$$S = \frac{600 (1.3D^2 - 0.4d^2)}{D^2 - d^2}$$

where  $S$ =wall stress in pounds per square inch;  $D$ =outside diameter in inches;  $d$ =inside diameter in inches.

(b) Calculation for thickness of hemispherical heads of containers authorized in paragraph 8 (a) (2) must be made by the formula:

$$S = \frac{600D}{4tC}$$

where  $t$ =thickness in inches;  $C=0.85$  (design factor);  $S$  and  $D$  have same significance as in par. 9 (a). The minimum thickness of head or skirt shall be 0.040 inch. The thickness of the skirt shall be not less than the thickness of the head.

5. Superseding and amending paragraph 10, Spec. 9 (*Heat treatment*), order Sept. 7, 1944, to read as follows:

10. *Heat treatment.* Body and heads must be uniformly and properly heat treated prior to tests.

6. Superseding and amending paragraph 32, Spec. 12B (*Special box authorized only for railway fuses*), order February 10, 1943, to read as follows:

32. *Special box.* Authorized only for railway fuses. Must comply with this specification except as follows: Must be double-faced corrugated fiberboard at least 400 pound test or solid fiberboard of same strength at least 0.100 inch thick; lining and pads not required; authorized gross weight 75 pounds. For fuses equipped with spikes, protection as required in section 64 (c) (12) (c) must be provided.

7. Superseding and amending paragraph 34, Spec. 12B (*Special box authorized only for wet electric storage batteries*), order Dec. 12, 1942, to read as follows:

34. *Special box.* Authorized only for wet electric storage batteries of the glass cell type. Must comply with this specification except as follows: Must be one piece type of double wall corrugated fiberboard at least 275 pound test, B or A/B flute type, with at least 32 corrugations per foot for A flute and 50 corrugations per foot for B flute; must have linings to extend around 4 faces with joint in center of or at end of one face but at no time may joint of box and joint of liner coincide; lining to be of sufficient height to support vertical scorings of box; lining to be made of double wall corrugated board with minimum test of 275 pounds, top of battery or batteries to be protected by trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds; bottom of batteries to be protected by minimum of one excelsior pad or one double wall corrugated fiberboard pad; when one or more batteries are packed in same carton, batteries must be separated by a minimum of one thickness of double wall corrugated fiberboard minimum test 275 pounds; authorized gross weight 95 pounds.

8. Amending Spec. 12B, order Aug. 16, 1940, as follows (add):

37. *Special box.* Authorized only for wet electric storage batteries of impregnated rubber, asphaltum composition, wooden-battery-box type, or aluminum-case type, having a net weight greater than 75 pounds. Must comply with this specification except as follows: Must be one piece type of double wall corrugated fiberboard at least 400 pound test, B or A/B flute type, with at least 32 corrugations per foot for A flute and 50 corrugations per foot for B flute, or solid fiberboard testing at least 400 pounds with minimum thickness of .100; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box; top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad or double wall corrugated fiberboard pad; sides and ends of battery to have minimum of  $\frac{1}{2}$  inch cushioning between battery and walls of box, cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box; authorized gross weight 185 pounds.

9. Superseding and amending paragraph 2, Spec. 40 (*Type and size*), order Feb. 13, 1946, to read as follows:

2. *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized providing that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fibre stress of 24,000 pounds per square inch as calculated by the formula:

$$P = \frac{24000 (D^2 - d^2)}{(1.3D^2 + 0.4d^2)}$$

Where  $P$  is the pressure required for pressure testing of tubing by the tubing manufacturer.

10. Superseding and amending paragraph 8 (a), and adding paragraph 8 (a) (2); Spec. 40 (*Circumferential seams*), order Feb. 13, 1946, to read as follows:

(a) *Circumferential seams:* (1) Except as provided in (2) by welding or by brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swaged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so

that the two cylindrical skirt portions telescope one within the other is authorized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

11. Superseding and amending paragraph 9, and adding paragraph 9 (b), Spec. 40 (*Wall thickness*), order Feb. 13, 1946, to read as follows:

9. Wall thickness: The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing, the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in paragraph 8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(a) Calculation must be made by the formula:

$$S = \frac{600 (1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where  $S$ =wall stress in pounds per square inch;  $D$ =outside diameter in inches;  $d$ =inside diameter in inches.

(b) Calculation for thickness of hemispherical heads of containers authorized in paragraph 8 (a) (2) must be made by the formula:

$$S = \frac{600D}{4tC}$$

where  $t$ =thickness in inches;  $C=0.85$  (design factor);  $S$  and  $D$  have same significance as in par. 9 (a). The minimum thickness of head or skirt shall be 0.032 inch. The thickness of the skirt shall be not less than the thickness of the head.

12. Superseding and amending paragraph 10, Spec. 40 (*Heat treatment*), order Feb. 13, 1946, to read as follows:

10. Heat treatment. Body and heads must be uniformly and properly heat treated prior to tests.

13. Amending paragraph 6 (a), Spec. 10 (*Riveting*), order Aug. 16, 1940, as follows (Add note to paragraph 6 (a)).

*Exception.* Tank heads must meet all applicable requirements of these specifications except that heads may be made of two plates joined by fusion welding.

#### PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

1. Amending paragraph (g), section 532 (*Matches*), order Aug. 16, 1940, as follows (Add):

(g) (2) (a) Carload lots of strike-anywhere matches handled subject to stop-off privileges must be loaded in accordance with paragraphs (g) (1) and (g) (2) and when necessary the load

must be rearranged and/or blocked and braced by each consignee before forwarding.

2. Superseding and amending headline and sideline descriptions "e", "f", "1", and "2", section 533 (*Loading and storage chart*), orders March 29, 1944, Aug. 16, 1940, Aug. 19, 1946, and Nov. 4, 1946, to read as follows:

e. Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets or Ammunition for Small Arms with Explosive Projectiles, or Rocket Ammunition with Explosive Projectiles, Gas Projectiles, Smoke Projectiles, Incendiary Projectiles or Illuminating Projectiles d

f. Explosive Projectiles, Bombs, Torpedoes, or Mines, Rifle or Hand Grenades (explosive), Jet thrust units (jato), class A d

1. Ammunition for Cannon with empty inert-loaded or solid projectiles, or without projectiles, or Rocket Ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.

2. Smokeless Powder for Cannon or not exceeding 50 pounds net weight of Smokeless Powder for Small Arms, or Jet thrust units (jato), class B

3. Amending order Aug. 16, 1940 (*Placards*), as follows (add):

553. Placards prescribed by these regulations must not be applied to cars containing articles not subject to these regulations or specifically exempted therefrom.

4. Amending paragraph (a) section 584 (*Waybills, switching orders, or other billing*), order Nov. 4, 1946, as follows (Add):

(a) (1) Billing prepared from the shipping order or other shipping paper covering shipments of blasting caps, must, in addition, show the number of blasting caps in the shipment.

5. Superseding and amending section 591 (*Car magazines*), order Aug. 16, 1940, to read as follows:

591. *Car magazines.* When specially authorized by the carrier, Class A explosives in quantity not exceeding 150 pounds may be carried in construction or repair cars when the packages of explosives are placed in a "magazine" box made of sound lumber not less than 1 inch thick, covered on the exterior with metal, and provided with strong handles. This box must be plainly stenciled on the top, sides, and ends, in letters not less than 2 inches high, "Explosives—Dangerous—Handle Carefully." The box must be provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car. The car, when not occupied by a responsible employe, must be placarded "Explosives."

#### PART 7—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. Superseding and amending headline and sideline descriptions "e", "f", "1", and "2", section 825 (*Loading and storage chart etc.*), orders March 29, 1944, Aug. 16, 1940, Aug. 19, 1946, and Nov. 4, 1946, to read as follows:

e. Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles or incendiary projectile ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles d

f. Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), class A d

1. Ammunition for cannon with empty inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles.

2. Smokeless powder for cannon or not exceeding 50 pounds net weight of smokeless powder for small arms or jet thrust units (jato), class B

*It is further ordered.* That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after July 18, 1947, and shall be observed until further order of the Commission:

*It is further ordered.* That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after date of service hereof;

*And it is further ordered.* That copies of this order be served upon all parties of record herein, and that notice shall 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 Federal Register.

(41 Stat. 1445, 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 56 Stat. 176, 18 U. S. C. 383, 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4132; Filed, Apr. 30, 1947;  
9:08 a. m.]

[Rev. S. O. 105, Amdt. 3]

#### PART 95—CAR SERVICE

##### BACKHAULING COMPANY MATERIAL PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Revised Service Order No. 105 (11 F. R. 8286), as amended (11 F. R. 9039, 14271), and good cause appearing therefor: It is ordered, that:

## RULES AND REGULATIONS

Section 95.5 *Backhauling company material prohibited*, of Revised Service Order No. 105, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p. m., November 5, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, and 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4126; Filed, Apr. 30, 1947;  
8:50 a. m.]

[Rev. S. O. 340, Amdt. 4]

## PART 95—CAR SERVICE

## MINIMUM LOADING OF CARLOAD TRANSFER FREIGHT REQUIRED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Revised Service Order No. 340 (10 F. R. 13827), as amended (11 F. R. 562, 7282, 13113), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 340 (49 CFR § 95.340), as amended, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date*. This order shall expire at 11:59 p. m., November 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947; 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4130; Filed, Apr. 30, 1947;  
8:50 a. m.]

[Rev. S. O. 381, Amdt. 1]

## PART 95—CAR SERVICE

## TRAINLOADS OF BAUXITE ORE CONCENTRATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Revised Service Order No. 381 (11 F. R. 13837), and good cause appearing therefor: It is ordered, that:

Section 95.381, *Trainloads of bauxite ore concentrates*, of Revised Service Order No. 381, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p. m., November 15, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4129; Filed, Apr. 30, 1947;  
8:50 a. m.]

[S. O. 550, Amdt. 3]

## PART 95—CAR SERVICE

## EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 550 (11 F. R. 7897), as amended (11 F. R. 8597, 14469), and good cause appearing therefor: It is ordered, that:

Section 95.550 *Embargo of Lake-Cargo Coal; Appointment of agent*, of Service Order No. 550, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, sus-

pended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947, 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, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4125; Filed, Apr. 30, 1947;  
8:49 a. m.]

[S. O. 551, Amdt. 3]

## PART 95—CAR SERVICE

## HAMPTON ROADS, VA. COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 551 (11 F. R. 7897), as amended (11 F. R. 14469; 12 F. R. 1518), and good cause appearing therefor: It is ordered, that:

Section 95.551 *Hampton Roads, Va. Coal; appointment of agent*, of Service Order No. 551 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4127; Filed, Apr. 30, 1947;  
8:50 a. m.]

Thursday, May 1, 1947

[S. O. 552, Amdt. 2]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of Service Order No. 552 (11 F. R. 7897), as amended (11 F. R. 14469), and good cause appearing therefor: It is ordered, that:

Section 95.552 *Control Tidewater Coal; appointment of agent*, of Service Order No. 552, be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., November 20, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., April 30, 1947; 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; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4131; Filed, Apr. 30, 1947;  
8:50 a. m.]

FEDERAL REGISTER

[S. O. 562, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Service Order No. 562 (11 F. R. 8286), as amended (12 F. R. 47), and good cause appearing therefor: It is ordered, that:

Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraph (h) of § 95.562, *Rerouting of freight traffic and empty cars; appointment of agent*, for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p. m., November 25, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and 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, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4128; Filed, Apr. 30, 1947;  
8:50 a. m.]

95  
[S. O. 661, Amdt. 3]

PART 97—ROUTING OF TRAFFIC

EXPORT FOOD FROM PACIFIC NORTHWEST RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

Upon further consideration of the provisions of Service Order No. 661 (11 F. R. 14711), as amended (12 F. R. 1059, 1573), and good cause appearing therefor: *It is ordered, That:*

Service Order No. 661 be, and it is hereby, further amended by substituting the following paragraph (g) of § 95.661, *Export food from Pacific Northwest restricted*, for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., April 30, 1947, 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, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-4124; Filed, Apr. 30, 1947;  
8:49 a. m.]

## PROPOSED RULE MAKING

### CIVIL AERONAUTICS BOARD

#### 14 CFR, Parts 01, 42 and 43

##### CERTIFIED AIR CARRIERS OPERATING AIRCRAFT

##### EXEMPTION IN ACCORDANCE WITH MAINTENANCE AND INSPECTION SYSTEMS AUTHORIZED BY TERMS OF AIR CARRIER OPERATING CERTIFICATE FROM COMPLIANCE WITH ANNUAL AND PERIODIC INSPECTION REQUIREMENTS OF PART 43

APRIL 25, 1947.

The continuous maintenance and inspection systems established by the air carriers insure the continued airworthiness of air carrier aircraft more effectively than the annual or periodic in-

spection required by the general operation rules of Part 43. When aircraft are maintained and inspected in accordance with the maintenance and inspection systems authorized by the terms of the air carrier operating certificate, there appears to be no need to require scheduled air carriers to comply with the present provisions of § 43.22 nor for non-scheduled air carriers to comply with the provisions of § 42.150.

At the time Part 43 was promulgated it was not intended that the periodic and annual inspection requirements would apply to air carriers complying with the requirements of Parts 41 or 61 of the Civil Air Regulations. It is the purpose of this proposal to specifically exempt these certificated air carriers from the

periodic and annual inspection requirements. It is further proposed to delete those sections in Part 01 regarding maintenance requirements which in some instances are not consistent with Part 43.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board hereby gives notice that the following amendments to the Civil Air Regulations will be recommended to the Civil Aeronautics Board for adoption.

1. By amending § 43.22 to read as follows:

§ 43.22 Inspections—(a) *Annual inspection.* An aircraft shall not be flown, except for airworthiness flight test, unless within the preceding 12 calendar

months it has been given an annual inspection as prescribed by the Administrator and has been found to be airworthy by a person designated by the Administrator.

(b) *Periodic inspection.* An aircraft shall not be flown for hire unless within the preceding 100 hours of flight time it has been given a periodic inspection by an appropriately rated mechanic in accordance with the periodic inspection report form prescribed by the Administrator and has been found to be airworthy and a notation to that effect has been entered by such mechanic in the aircraft log. The annual inspection required by paragraph (a) of this section will be accepted as one such periodic inspection.

(c) *Air carrier exemption.* Aircraft of certificated air carriers are exempted from (a) and (b) of this section when such aircraft are maintained and inspected in accordance with a continuous maintenance and inspection system approved by the Administrator and authorized by the terms of the air carrier operating certificate.

2. By amending § 42.150 to read as follows:

§ 42.150 *Inspections.* (a) Aircraft must be given an annual inspection within each 12 calendar months.

(b) Aircraft must be given a periodic inspection within each 100 hours of flight time. The annual inspection required in (a) will be accepted as one such period inspection.

(c) Aircraft maintained and inspected in accordance with a continuous maintenance and inspection system approved by the Administrator and authorized by the terms of the air carrier operating certificate are exempted from the requirements of (a) and (b) of this section.

3. By deleting the following sections:

§ 01.12 *Aircraft operation record requirements.*

§ 01.25 *Periodic inspection.*

§ 01.26 *Other inspections.*

§ 01.27 *Log-books.*

§ 01.270 *Log-books for rebuilt aircraft engines.*

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendments. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., to be received within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] **W. S. DAWSON,**  
Director.

[F. R. Doc. 47-4121; Filed, Apr. 30, 1947;  
8:49 a. m.]

## PROPOSED RULE MAKING

### [14 CFR, Parts 41 and 61]

#### AIR CARRIER FLIGHT RADIO OPERATORS MINIMUM RECENT EXPERIENCE REQUIREMENTS

APRIL 25, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a flight radio operator is required to have before he may serve in air carrier operation.

The proposed amendments have not been considered by the Board and are being published to provide an opportunity for those interested to submit any comments, suggestions, or changes which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendments to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

These amendments are desirable to insure that United States flight radio operators, when accepted for duty by an air carrier, will have qualifications at least equal to the Provisional International Civil Aviation Organization standards.

PICAO has included recent experience requirements in standards prescribed for the issuance of a flight radio operator certificate, but the Safety Bureau considers that the requirements more appropriately belong in operating rather than certification rules since the maintenance of competency through recent experience is an important factor in providing operational safety.

The proposed amendment is as follows:

*Qualification for duty.* An airman shall not serve as a flight radio operator unless, within the preceding 12 month period, he has had at least 4 months of satisfactory experience as a radio telegraph operator and 26 hours of experience in the operation of aircraft radio during flight, or until he has familiarized himself with all current information pertaining to the routes to be flown and has demonstrated competency to the Administrator or his designee with respect to the operating procedures and radio equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] **W. S. DAWSON,**  
Director.

[F. R. Doc. 47-4120; Filed, Apr. 30, 1947;  
8:49 a. m.]

### [14 CFR, Parts 41 and 61]

#### AIR CARRIER NAVIGATORS MINIMUM RECENT EXPERIENCE REQUIREMENTS

APRIL 25, 1947.

The Safety Bureau of the Civil Aeronautics Board is presenting proposed amendments to Parts 41 and 61 of the Civil Air Regulations specifying the minimum recent experience a navigator is required to have before he may serve in air carrier operation.

The proposed amendments have not been considered by the Board and are being published to provide an opportunity for those interested to submit any comments, suggestions, or changes which they believe desirable. The Safety Bureau will give careful consideration to all replies received and, after making any changes which appear to be appropriate, will present the proposed amendments to the Board for adoption. Any substantial objections to this proposal will be brought to the attention of the Board.

These amendments are desirable to insure that United States navigators, when accepted for duty by an air carrier, will have qualifications at least equal to the Provisional International Civil Aviation Organization standards.

PICAO has included recent experience requirements in standards prescribed for the issuance of a flight navigator certificate, but the Safety Bureau considers that the requirements more appropriately belong in operating rather than certification rules since the maintenance of competency through recent experience is an important factor in providing operational safety.

The proposed amendment is as follows:

*Qualification for duty.* An airman shall not serve as a flight navigator unless he has served in that capacity for at least 50 hours within the preceding 12-month period; or until he has familiarized himself with all current information pertaining to the routes to be flown and has demonstrated competency to the Administrator or his designee with respect to the operating procedures and navigational equipment to be used.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

It is the desire of the Bureau that those interested offer suggestions and comments regarding the proposed amendment. Comments in writing should be addressed to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL] **W. S. DAWSON,**  
Director.

[F. R. Doc. 47-4119; Filed, Apr. 30, 1947;  
8:48 a. m.]

## PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[8 CFR, Part 611]

SUBSTANTIVE RULES

### GENERAL NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act, Public Law 404, 70th Congress, and 8 CFR 601.10, Philippine Alien Property Administration Rules of Procedure, general notice is hereby given that thirty days from publication hereof in the *FEDERAL REGISTER* and simultaneous publication in a newspaper of general circulation in the City of Manila, Philippine Islands, the Philippine Alien Property Administration under authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946 and Executive Orders issued thereunder, intends to adopt the proposed substantive rules hereinafter set forth, subject to changes which may result from the participation of interested persons.

Any interested person may participate in making the rules by submitting in writing to the Executive Officer, Philippine Alien Property Administration, Willard Building, Washington, D. C., or to the Administrator, Philippine Alien Property Administration, 121 Dasmariñas St., Manila, Philippine Islands, a statement of his views, arguments and other data concerning the proposed rules. The statement must be submitted in duplicate, typewritten, and double spaced, and must set forth the writer's interests. Any person may, within the same period, apply in writing to the Executive Officer, or to the Administrator, for permission to be heard orally in connection with the proposed rules, setting forth his interest and the gist of the subject matter which he intends to present. Hearings will be allowed in the discretion of the Administrator, and will be informal.

The proposed rules are as follows:

#### PART 611—SUBSTANTIVE RULES

Sec. 611.1 Time of effectiveness of vesting orders.

611.2 Valuation of rates of exchange of monetary units of enemy countries.

611.3 Prohibition of transactions and appointment of agents and delegates.

611.4 Service of process upon any person within Japan or Germany.

611.5 Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.

611.6 Report of persons under judicial supervision.

611.7 Report of property owned by persons to be repatriated.

611.8 Report of property of Germany and Japan and any national thereof.

611.9 Prohibition of transactions by personnel of the Office of Philippine Alien Property Administration.

611.10 Limitations on representative activities by former employees of Philippine Alien Property Administration.

AUTHORITY: § 611.1 to 611.10, inclusive, issued under 40 Stat. 411, 50 U. S. C. App. 1;

55 Stat. 839, 50 U. S. C. App. (Sup.) 616; 60 Stat. 50; Pub. Law 671, Aug. 8, 1946; E. O. 9142, 3 CFR Cum. Supp.; E. O. 9193, 3 CFR Cum. Supp.; E. O. 9825, 3 CFR Cum. Supp.; E. O. 9567, 3 CFR 1945 Supp.; E. O. 9725, 11 F. R. 5381; E. O. 9747, 11 F. R. 7518; E. O. 9760, 11 F. R. 7999, Pub. Law 485, E. O. 9818.

§ 611.1 *Time of effectiveness of vesting orders.* (a) Any property or interest shall be deemed to have vested at the time of the filing with the Official Gazette published in Manila, Philippine Islands, of an order vesting such property or interest: *Provided*, That any property or interest, the conveyance, transfer or assignment of which may be filed, registered or recorded in the office designated by law for the filing of such documents, shall be deemed to have vested at the time of the filing, registering, or recording in such office of the order vesting such property or interest, or at the time of the filing of such order with the Official Gazette, whichever is earlier: *Provided further*, That, as to subsequent purchasers or lienors without actual notice, an order vesting real property or an interest in such property shall be deemed effective from the time of the recordation of such order in the public office designated by law for the recordation of a conveyance, transfer or assignment of such property or interest.

(b) Actual notice, by service or otherwise, of the execution of an order vesting any property or interest shall be deemed (1) notice that the Philippine Alien Property Administrator has undertaken supervision of such property or interest, and (2) notice of the vesting of such property or interest as of the time specified in paragraph (a) of this section.

§ 611.2 *Valuation of rates of exchange of monetary units of enemy countries.* (a) That for the purpose and solely for the purpose of discharging claims and rights of foreign countries and nationals thereof against citizens and residents of the United States and the Philippine Republic, which by contract or agreement made or entered into by the parties prior to vesting are dischargeable by payment in monetary units of certain enemy countries and which heretofore have been or hereafter shall be vested by the Administrator, the equivalent of the monetary units of such enemy countries shall be determined by the Administrator after considering the reasonable value in United States currency of the enemy monetary units at the time the indebtedness was incurred.

(b) All persons now indebted or who shall hereafter be indebted to the Administrator on any claim as aforesaid are hereby ordered and directed to pay such debts, as they become due and payable, in United States currency, computed as above set forth, or the Philippine peso fixed at the rate of two (2) pesos for one (1) dollar United States currency.

(c) Any payment made and computed pursuant to this regulation shall be and constitute a full acquittance and discharge for all purposes of the person making the same for the obligation paid thereby.

(d) Nothing herein shall be deemed in any way to effect or alter any provisions of any contract or agreement made or en-

tered into by the parties prior to vesting by the Administrator whereby there is established a method of computing such equivalents.

(e) The Administrator reserves the right to vary or modify the foregoing basis of computation from time to time by general order or by amendments hereto, or in specific cases upon a finding by the Administrator that application of this regulation would be inequitable.

#### § 611.3 *Prohibition of transactions and appointment of agents and delegates.*

(a) The following transactions are prohibited unless authorized by the Philippine Alien Property Administrator, or by an agent delegate appointed by the Philippine Alien Property Administrator, or by a supervisor designated by the Philippine Alien Property Administrator or by one of his said agents and delegates as hereinafter provided:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended, subject to the power and authority conferred upon the Philippine Alien Property Administrator; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Philippine Alien Property Administrator has undertaken the supervision, or which he has vested, or assets of or interests in which he has vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Real Estate and Liquidation, and the Secretary of the Office of the Philippine Alien Property Administration, are hereby appointed and delegated, severally, as agents and delegates of Philippine Alien Property Administrator to make and to revoke, on behalf of the Philippine Alien Property Administrator, authorization of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Philippine Alien Property Administrator; and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Philippine Alien Property Administrator authorizations of transactions.

§ 611.4 *Service of process upon any person within Japan or Germany.* (a) In any court or administration action or proceeding within the United States or within the Republic of the Philippines in which service of process or notice is to be made upon any person in Japan or Germany, the receipt by the Philippine Alien Property Administrator of a copy of such process or notice sent by registered mail to the Philippine Alien Prop-

## PROPOSED RULE MAKING

erty Administrator, Manila, Philippine Islands, shall be service of such process or notice upon any such persons, if, and not otherwise, the Philippine Alien Property Administrator within sixty days from the receipt thereof shall file with the court or administrative body issuing such process or notice, a written acceptance thereof.

(b) Such process or notice shall otherwise conform to the rules, orders or practice of the court or administrative body issuing such process or notice.

(c) This section shall not be construed to limit the authority of the Philippine Alien Property Administrator to take any measures in connection with representing any such person in any action or proceeding as in his judgment and discretion is or may be in the public interest.

**§ 611.5 Payment, transfer or distribution of property in the process of administration, by any person acting under judicial supervision, or in court or administrative actions or proceedings.** (a) No designated person shall pay, transfer, or distribute, or cause to be paid, transferred or distributed, any property of any nature whatsoever to or for the benefit of any designated enemy country or designated national, unless:

(1) The Philippine Alien Property Administrator has issued to the designated person a written consent to the payment, transfer or distribution, or

(2) The Philippine Alien Property Administrator has:

(i) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer or distribution is proposed, that he has determined not to represent the designated national, or

(ii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and such representative has been served by the designated person with written notice of the proposed payment, transfer or distribution, and ninety days have expired without the exercise of any other power or authority by the Philippine Alien Property Administrator with respect to such property.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order 9095, as amended.

(c) For the purpose of this section, the terms:

(1) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed, or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States Marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(2) "Designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Japan), and any other country with which the United States is at war in the future.

(3) "Designated national" shall mean any person in any place under the control of a designated enemy country.

**§ 611.6 Report of persons under judicial supervision.** (a) All designated persons shall file a report of any property or interest in which there is reasonable cause to believe that Germany or Japan, or a person who is a citizen or subject or under control of Germany or Japan, has an interest.

(b) Such report shall be submitted in duplicate on form provided by the Office of Philippine Alien Property Administration, which shall be executed under oath and shall contain complete information in the manner provided in the form.

(c) For the purposes of this section, the terms:

(1) "Designated persons" shall mean persons or officers acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation (i) executors, (ii) administrators, (iii) guardians, (iv) committee, (v) curators, (vi) trustees under wills, deeds or settlements, (vii) receivers, (viii) trustees in bankruptcy, (ix) assignees for the benefit of creditors, (x) United States Marshals, (xi) sheriffs, (xii) commissioners, (xiii) persons acting under trust agreements, and (xiv) all other persons or officers acting in a similar capacity, or who may become such by appointment, qualification, or otherwise.

(d) Upon the execution of such report it shall be forwarded on or before June 1, 1947, to the Philippine Alien Property Administrator, Manila, Philippine Islands.

(e) Subsequent to June 1, 1947, such report shall be filed within thirty (30) days from the date upon which such designated person qualifies.

**§ 611.7 Report of property owned by persons to be repatriated.** (a) Any person proposed for repatriation to an enemy country shall, upon demand by a duly authorized representative of the Philippine Alien Property Administrator, prepare (or assist the representative of the Philippine Alien Property Administrator in preparing), sign and certify a report on Form PAPA-4, of all property of any nature whatsoever within the Republic of the Philippines, which is owned or controlled by, payable or deliverable to, held on behalf of or for the account of such person or in which such person has any interest of any nature whatsoever:

(b) Such duly authorized representatives of the Philippine Alien Property Administrator are hereby authorized to accept any books of account, records, contracts, letters, documents, memoranda, or other papers held in the custody of any person proposed for repatriation, which are useful in estab-

lishing the ownership or control of any such property.

(c) For the purposes of this section:

(1) "Persons proposed for repatriation" shall mean any person who has been designated by the Department of State of the United States or by the Republic of the Philippines, as one who may be repatriated to a designated enemy country;

(2) "A duly authorized representative of the Philippine Alien Property Administrator" shall include any person who possesses an identification card (bearing his signature and photograph) certifying that he is employed as an investigator, attorney, examiner, business analyst, or in any other responsible position in the Office of Philippine Alien Property Administration.

**§ 611.8 Report of property of Germany and Japan and any national thereof.** (a) Every person in the United States or in the Republic of the Philippines, who has any knowledge of or interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the Republic of the Philippines on or before December 31, 1946, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Philippine Alien Property Administrator on or before June 1, 1947, a report on Form PAPA-5, containing the information called for and in conformity with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any government agency: *Provided*, That if such belief or cause to believe is acquired after June 1, 1947, such reports shall be filed within 30 days after such belief or cause to believe is acquired. For the purposes of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

(b) A report on Form PAPA-5, in accordance with the requirements specified in paragraph (a) of this section, shall be filed by every person with respect to all securities and obligations, including, but not limited to, shares of stock, debentures, notes, bonds, trust certificates, coupons, debts, contracts of insurance, issued or incurred by such persons, which are registered or recorded on the books of such person as, or which such person believes or has cause to believe are or may be, directly or indirectly owned or controlled by, payable to or deliverable to, held on behalf of or on account of, or owing to or claimed by, Germany or Japan or any national thereof.

(c) As used in paragraphs (a) and (b) of this section:

(1) The term "person" shall include, but not by way of limitation, an individual, partnership, association, corporation,

company or other incorporated or unincorporated body or body politic.

(2) The term "property" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, obligations, financial securities commonly dealt in by bankers, brokers and investment houses, notes, debentures, stocks, bonds, coupons, bank acceptances, mortgages, pledges, liens, or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, goods, wares, merchandise, chattels, stock on hand, real estate, vendor's sales agreements, land contracts, lease-holds, ground rents, options, negotiable instruments, trade acceptances, book accounts, accounts payable (to Germany or Japan or any national thereof), patents, copyrights, trademarks, commercial prints and labels, judgments, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, interest in trusts.

(3) The term "Japan," when used in a territorial sense, means that territory which constituted Japan on December 7, 1941, including the mandated islands of Japan and Manchuria, but excluding all other areas in China occupied by the military forces of Japan on that date; and when used in a governmental sense, means the Government of Japan or any political subdivision, agency or instrumentality thereof.

(4) The phrase "national of Germany or Japan" means:

(i) Any person who, at the time on or since June 14, 1941, has been domiciled or resident in, or has been a citizen or subject of, Germany or Japan, except (a) persons domiciled or resident in the Republic of the Philippines on December 31, 1945, and (b) members of the armed forces of, and civilians (other than citizens or subjects of Germany or Japan) on official duty for the United States, China, France, the Union of Soviet Socialist Republics, or the United Kingdom, or organization acting officially on behalf of any of such nations.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which at any time on or since June 14, 1941, has had its principal place of business in Germany or Japan; and

(iii) Any partnership, association, corporation or other organization, organized under the laws of, or whose principal place of business is located in, any country other than Germany, Japan or the United States, in which at any time

on or since January 1, 1939, Germany or Japan or any national thereof has had any direct or indirect interest, or any direct or indirect control other than such control as prevailed solely by virtue of the military occupation by Germany or Japan or the territory in which such partnership, association, corporation or other organization is located.

(d) Philippine Alien Property Administration Form PAPA-5 and instructions may be obtained from Office of Philippine Alien Property Administration, Manila, Philippine Islands.

(e) Reports shall be executed and filed in duplicate with the Office of Philippine Alien Property Administration, Manila, Philippine Islands. The Philippine Alien Property Administrator reserves discretion to grant such extensions of time as he deems advisable for the making of any or all of the reports required by this section.

**§ 611.9 Prohibition of transactions by personnel of the Office of Philippine Alien Property Administrator.** (a) No person connected directly or indirectly with the Philippine Alien Property Administration shall effect, or cause to be effected for personal profit or benefit, any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Philippine Alien Property Administrator has acted, or may hereafter act under the provisions of the Trading with the Enemy Act, as amended, or pursuant to the powers delegated to the Philippine Alien Property Administrator by the President. *Provided*, That where it is to the benefit of the Philippine Alien Property Administration, employees may act as temporary custodians of property held by the Philippine Alien Property Administration under such conditions as the Administrator may prescribe.

(b) This section shall apply to all transactions of the kind above described whether made directly by, for or on account or behalf of any person connected directly or indirectly with the Office of Philippine Alien Property Administration or in which such person has any beneficial interest. Employees are considered to have a beneficial interest in transactions of their husbands and wives, and therefore such transactions shall be deemed to come within the provisions of this section.

(c) Any person connected directly or indirectly with the Office of Philippine Alien Property Administration who owns or has any interest in any property or interest therein concerning which the Philippine Alien Property Administrator has acted or may hereafter act shall no-

ify the Philippine Alien Property Administrator of such ownership or interest immediately upon the execution of this section or the taking of such action by the Philippine Alien Property Administrator, as the case may be.

**§ 611.10 Limitations on representative activities by former employees of Philippine Alien Property Administration—(a) One year bar; former employees.** No person who has served in any capacity as an employee of the Office of the Philippine Alien Property Administration shall act as counsel, attorney or agent for prosecuting in the Office of the Philippine Alien Property Administration any claim against the United States which was pending at the time he was so employed, nor in any manner, nor by any means help in the prosecution of such claim, nor appearing in a representative capacity before the Office of the Philippine Alien Property Administration or an officer, or employer thereof in connection with any matter involving vested property, within one year after the termination of his employment in the office, unless he obtains the prior approval of the Administrator in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Philippine Alien Property Administrator;

(2) That while he was connected with the Office of Philippine Alien Property Administrator the matter was not pending therein, or if it was so pending;

(i) That he gave no personal consideration to it, and had no knowledge of the facts involved therein while connected, and

(ii) That he is not assisted and will not be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Philippine Alien Property Administrator.

**(b) Continuing bar; confidential material.** Nothing in this section shall be deemed to authorize the disclosure, regardless of the passage of time, of any information in the files and papers of the Office of Philippine Alien Property Administrator within the purview of § 621.2 of this chapter in any manner other than that provided in the said § 621.2.

Executed in Manila, Philippine Islands, April 15, 1947.

[SEAL] JAMES MC. HENDERSON,  
Administrator.

[F. R. Doc. 47-4170; Filed, Apr. 30, 1947;  
8:45 a. m.]

## NOTICES

[Vesting Order 8445]

STEATIT-MAGNESIA A. G.

In re: Patent No. 2,069,903 owned by Steatit-Magnesia A. G.

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 Steatit-Magnesia is a corporation organized under the laws of and having its principal place of business in Berlin, Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 is property of Steatit-Magnesia;

3. That the property described as follows: All right, title and interest (includ-

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1943, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

## NOTICES

ing all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

*Patent Number, Date of Issue, Inventor and Title*

2,069,903; 2-9-37; Werner Soyck and Alfred Ungewiss; insulating material having a high dielectric constant and a process of producing same.

is property of a national of a foreign 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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4146; Filed, Apr. 30, 1947;  
8:46 a. m.]

A. G., the aforesaid national of a foreign 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 other-

wise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

## EXHIBIT A

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

| Patent No. | Date     | Inventor         | Title   |
|------------|----------|------------------|---|
| 1,764,906  | 6-17-30  | Gottlieb Steiner | Electric starters for internal combustion engines.                                |
| 1,798,060  | 3-24-31  | Jakob Bohli      | Ignition coils for battery ignition apparatus.                                    |
| 1,804,056  | 5-5-31   | Hektor Brodt     | Reversing switches.   |
| 1,853,750  | 4-12-32  | Gottlieb Steiner | Ignition system for internal combustion engines.                                  |
| 1,880,334  | 10-4-32  | do               | Lubricating devices.  |
| 1,923,184  | 8-22-33  | Jakob Bohli      | Magneto electric ignition apparatus.  |
| 1,943,157  | 1-9-34   | do               | Magnets.  |
| 1,950,461  | 3-13-34  | Gottlieb Steiner | High tension distributor for the ignition systems of internal combustion engines. |
| 1,963,679  | 6-19-34  | Ernst Schaeren   | Valveless plunger pumps.  |
| 1,968,947  | 8-7-34   | Albert Kaufman   | Electric starting motors for internal combustion engines.                         |
| 2,015,163  | 9-24-35  | Gottlieb Steiner | Switching apparatus.  |
| 2,018,830  | 10-29-35 | Jakob Bohli      | Magnetic electric ignition apparatus.   |
| 2,151,487  | 3-21-39  | Ernst Schaeren   | Electric motor and current generator apparatus.                                   |
| 2,165,657  | 7-11-39  | do               | Regulating apparatus for fuel injector pumps of internal combustion engines.      |
| 2,165,658  | 7-11-39  | do               | Angularly adjustable shaft coupling devices.                                      |
| 2,177,120  | 10-24-39 | do               | Fuel injection apparatus.   |
| 2,190,887  | 2-20-40  | do               | Electric machine.   |
| 2,190,900  | 2-20-40  | Hesper von Tavel | Motion transmission mechanism.  |
| 2,243,269  | 5-27-41  | do               | Electric current distributors.  |
| 2,263,370  | 11-18-41 | do               | Internal combustion engine installation.  |
| 2,288,963  | 7-7-42   | do               | Driving connection.   |
| 2,302,358  | 11-17-42 | do               | Regulating device for fuel injection apparatus.                                   |
| 2,335,765  | 11-9-43  | Orlando Cello    | Starting device for internal combustion engines.                                  |
| 2,335,645  | 11-30-43 | do               | Variable crank gears.   |
| 2,348,958  | 5-16-44  | do               | Slide valve controlled reciprocating piston engine of variable piston stroke.     |

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Scintilla, A. G. by virtue of an agreement dated September 17, 1924, (including all modifications thereof and supplements thereto, if any) by and between Brown Boveri and Company, Scintilla, A. G. and Laurence Wilder, as Agent of and for the benefit of Wilder Electric Trust and an instrument of assignment executed by Wilder Electric Trust in favor of Scintilla Magneto Company, Inc. on February 1, 1928 (including all modifications thereof and supplements thereto, if any) which agreement and assignment relate among other things, to United States Letters Patent Nos. 1,764,906.

[F. R. Doc. 47-4147; Filed, Apr. 30, 1947; 8:46 a. m.]

## [Vesting Order 8464]

SCINTILLA, A. G.

In re: Patents and certain contract interests owned by Scintilla, A. G. of Solothurn, Switzerland.

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 Robert Bosch, G. m. b. H. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That a substantial part (75.97%) of the issued and outstanding capital stock of Scintilla, A. G., a corporation organized under the laws of and maintaining its principal place of business in Switzerland, is owned by said Robert Bosch, G. m. b. H., that such stock ownership is evidence of control of said Scintilla, A. G. by a national of a foreign country (Germany) and that said Scintilla, A. G. is a national of a foreign country (Germany);

3. That the property described as follows: Property identified in Exhibit A, attached hereto and made a part hereof, is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, Scintilla,

In re: Interests of Kamilla Dan in U. S. Patent No. 2,323,751 and a certain contract.

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 Mrs. Kamilla Dan, whose last known address is Budapest, Hungary, is a resident of Hungary and a national of a foreign country (Hungary);

2. That the property described as follows: (a) An undivided one-fourth interest, and an undivided one-fourth interest for the life of Kamilla Dan, in the following United States Letters Patent:

*Patent Number, Date of Issue, Inventor and Title*

2,323,751; 7-6-43; Siegfried Gottfried; Process for treating pelts or furs;

including all accrued royalties thereunder and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, and

(b) An undivided one-fourth of the interests and rights, and an undivided one-fourth for the life of Kamilla Dan of the interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages with respect to such interests and rights for breach of the agreement hereinafter described, together with the right to sue therefor) created in Pannonia (London) Ltd. by virtue of an agreement by and between Pannonia (London) Limited and J. Laskin & Sons Corporation, evidenced by two letters from J. Laskin & Sons Corporation to Pannonia (London) Limited dated July 21, 1937 (including all modifications thereof and supplements thereto, if any) which agreement relates, among other things, to United States Letters Patent Nos. 2,225,267 and 2,323,751,

is property of, and is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Hungary).

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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

[F. R. Doc. 47-4148; Filed, Apr. 30, 1947;  
8:46 a. m.]

sultation 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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

[F. R. Doc. 47-4149; Filed, Apr. 30, 1947;  
8:46 a. m.]

[Vesting Order 8507]

LADISLAS K. NAMENYI ET AL.

In re: Interests of Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros in every agreement by and between Ladislas K. Namenyi and Max Kiss and/or Emery I. Stern which relate, among other things, to United States Letters Patent No. 2,217,523.

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 Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros, each of whose last known address is Budapest, Hungary, are residents of Hungary and nationals of a foreign country (Hungary);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in favor of Ladislas K. Namenyi, Stephan Zacharias, Ferenc Stern and Joseph Boros and each of them by virtue of every agreement (including all modifications of, and supplements to each thereof, if any) by and between Ladislas K. Namenyi on the one part and Max Kiss and Emery I. Stern or either of them on the other, which agreement or agreements relate, among other things, to United States Letters Patent No. 2,217,523,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Hungary);

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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

[F. R. Doc. 47-4151; Filed, Apr. 30, 1947;  
8:47 a. m.]

[Vesting Order 8738]

MRS. HANNA MUELLER

In re: Insurance policy rights owned by Mrs. Hanna Mueller. File D-28-9895; H-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

[Vesting Order 8465]

TH. GOLDSCHMIDT A. G. ET AL.

In re: Interest of Th. Goldschmidt A. G. in an agreement with the Procter & Gamble Company, dated February 7, 1936; and in an agreement with the Procter & Gamble Company and The Emulsol Corporation, dated October 7, 1936.

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 Th. Goldschmidt A. G. is a corporation organized under the laws of, and having its principal place of business in, Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Th. Goldschmidt A. G.;

3. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements or either of them hereinafter described, together with the right to sue therefor) created in Th. Goldschmidt A. G. of Essen, Germany, by virtue of: (1) An agreement dated February 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between Th. Goldschmidt A. G. and the Procter & Gamble Company, an Ohio corporation, which agreement relates, among other things, to United States Patent No. 1,826,900; and (2) an agreement dated October 7, 1936 (including all modifications thereof and supplements thereto, if any) by and between Th. Goldschmidt A. G., the Procter & Gamble Company, an Ohio corporation, and The Emulsol Corporation, an Illinois corporation, which agreement relates, among other things, to United States Patent No. 1,826,900,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

All determinations and all action required by law, including appropriate con-

[Vesting Order 8506]

GYOZO LANG AND AKOS LANG

In re: United States Letters Patent owned by Gyozo Lang and Akos Lang.

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 Gyozo Lang and Akos Lang, whose last known address is Budapest, Hungary, are residents of Hungary and nationals of a foreign country (Hungary);

2. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

| Patent No. | Date     | Inventor     | Title            |
|------------|----------|--------------|------------------|
| 2,172,165  | 9/5/39   | John Lang... | Resilient wheel. |
| 2,213,072  | 8/27/40  | .....do..... | Heel for shoe.   |
| 2,221,590  | 11/12/40 | .....do..... | Smoking pipe.    |
| 2,249,571  | 7/15/41  | .....do..... | Do.              |

is property of the aforesaid nationals of a foreign country (Hungary);

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 term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

[F. R. Doc. 47-4150; Filed, Apr. 30, 1947;  
8:46 a. m.]

## NOTICES

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hanna Mueller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. 4378355-C issued by The Metropolitan Life Insurance Company of San Francisco, California, on the life of Hedwig M. Ziskoven, deceased, wherein Hanna Mueller is designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which is or was held by Hanna Mueller, together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf 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.

Executed at Washington, D. C., on April 16, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-4153; Filed, Apr. 30, 1947;  
8:47 a. m.]

## NEVADA

## MOUNT DIABLO MERIDIAN

T. 11 N., R. 25 E.  
Sec. 4, Lot 8;  
Sec. 9, Lot 1, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ .

The area described aggregates 157.94 acres.

APRIL 15, 1947.

WARNER W. GARDNER,  
Assistant Secretary of the Interior.

[F. R. Doc. 47-4116; Filed, Apr. 30, 1947;  
8:59 a. m.]

[Order 2313]

## ALASKAN LAND DISTRICTS

Under authority of section 6 of the act of October 9, 1942, 56 Stat. 779 (U. S. C., title 48, Supp. V, sec. 365), it is ordered, as follows:

1. The Juneau land district, established by Executive Order No. 4680 of June 30, 1927, is hereby redesignated the Anchorage land district, the district land office to remain at Anchorage.

2. The land district boundaries established by Executive Order No. 4680 of June 30, 1927, are reestablished so that the boundary of the Anchorage land district shall conform to the boundaries of judicial divisions numbered 1 and 3, the boundary of the Fairbanks land district shall conform to the boundary of judicial division numbered 4, and the boundary of the Nome land district shall conform to the boundary of judicial division numbered 2, as such judicial division boundaries are now constituted by the Act of June 6, 1900 (31 Stat. 322, 48 U. S. C. sec. 101), as amended, or may hereafter be constituted.

WARNER W. GARDNER,  
Assistant Secretary of the Interior.

APRIL 21, 1947.

[F. R. Doc. 47-4115; Filed, Apr. 30, 1947;  
8:59 a. m.]

[Misc. 1932898]

## CALIFORNIA

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 14, 1947.

Departmental Order approved July 6, 1945, revoked Departmental Order of September 14, 1942, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands hereinafter described within the American River Investigations, California, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 16, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 17, 1947, to September 15,

1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 28, 1947, to June 16, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 17, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 16, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from August 27, 1947, to September 15, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 16, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

The lands affected by this order are described as follows:

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## NEVADA

## MODIFYING GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315 et seq.), and subject to the limitations and conditions therein contained, Nevada Grazing District No. 3 is modified by eliminating therefrom the following-described land:

## MOUNT DIABLO MERIDIAN

T. 13 N., R. 9 E.,  
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas described aggregate 140.00 acres. The lands have a rolling to rough surface with a sandy soil containing considerable rock.

THOS. C. HAVELL,  
Acting Assistant Director.

[F. R. Doc. 47-4113; Filed, Apr. 30, 1947;  
8:58 a. m.]

[Misc. 2058661]

## WYOMING

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 21, 1947.

Departmental Order approved September 26, 1945, revoked Departmental Order of December 11, 1908, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the lands herein-after described within the Shoshone Project, Wyoming, and provided that such revocation shall not affect the withdrawal of any other lands by said order or effect any other order withdrawing or reserving the lands described.

At 10:00 a. m. on June 23, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 24, 1947, to September 22, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 4, 1947, to June 23, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 24, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 23, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from September 3, 1947, to September 22, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 23, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Cheyenne, Wyoming.

The lands affected by this order are described as follows:

## SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 105 W.,  
Sec. 14, Lots 4, 5, 7, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$   
SW $\frac{1}{4}$ .

The areas described aggregate 314.74 acres. Part of the lands are patented.

The lands are located in Park County, Wyoming, near the North Fork of the Shoshone River. They lie within an area which is generally rough and mountainous in character.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-4114; Filed, Apr. 30, 1947;  
8:58 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. DI-174]

## MONTANA LIGHT &amp; POWER CO.

## NOTICE OF FINDING OF COMMISSION

APRIL 28, 1947.

Notice is hereby given that, on April 25, 1947, the Federal Power Commission issued its finding, entered April 22, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4141; Filed, Apr. 30, 1947;  
8:51 a. m.]

[Docket No. G-690]

## CHICAGO DISTRICT PIPELINE CO.

## NOTICE OF APPLICATION

APRIL 25, 1947.

Notice is hereby given that on April 18, 1947, Chicago District Pipeline Company (Applicant), an Illinois corporation having its principal office in Joliet, Illinois, 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 lease from the Peoples Gas Light and Coke Company (Peoples Company) and operate certain natural gas facilities, subject to the jurisdiction of the Commission, described as follows:

A 20-inch pipeline and a 24-inch pipeline extending from the present terminus of Applicant's so-called Crawford line at the westerly city limits of the City of Chicago, Illinois, to the intake of Applicant's metering station located on the Crawford Plant side of Peoples Gas Light and Coke Company, and a 24-inch pipeline extending from the present terminus of Applicant's Calumet Line at the southerly city limits of the City of Chicago to and into the Calumet Station of said Peoples Company, together with regulating and metering facilities located in said plant and two lateral lines to points of delivery to Northern Indiana Public Service Company on the Illinois Indiana state line.

Applicant states in its application that it will continue to serve only its present gas distributing customers, namely, Peoples Gas Light and Coke Company, Western United Gas & Electric Company, Public Service Company of Northern Illinois and Northern Indiana Public Service Company. The leased facilities are proposed to be operated in the same manner as Applicant's present pipeline system and Applicant states that the acquisition of the proposed leased facilities will neither increase nor decrease the capacity of Applicant's natural gas transportation system.

Applicant represents that neither its total revenue, its fixed charges nor total operating expenses will be materially affected by the acquisition of such proposed facilities. Applicant states that the proposed lease will not result in any increase in Applicant's rates for service. Applicant further states that its acquisition by lease of said facilities by providing for continuous supervision, operation and control by Applicant will improve the conditions under which Applicant's natural gas transportation system is now being operated and will be in the ultimate best interests of the consuming public.

Applicant proposes to pay Peoples Company as an annual rental for said facilities an amount equal to the sum of 7 per cent of the depreciated cost of said facilities as of December 31st of the year preceding such payment plus 4.02 per cent of the original cost of said facilities representing the allowance for depreciation thereof, and plus 2.04 per cent of the original cost of said facilities, representing insurance and taxes thereon, plus any and all fees, rentals and compensation in addition to those now payable, which may be incurred by the Peoples Company because of the use and

## NOTICES

operation by Applicant of said facilities. The original cost of said facilities as of December 31, 1946 is stated in the application to be \$743,424.45 and the depreciated cost thereof as of said date is stated to be \$351,025.73.

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 Chicago District Pipeline 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's 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 specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-4140; Filed, Apr. 30, 1947;  
8:50 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 4308]

ASSOCIATED FUR COAT AND TRIMMING  
MANUFACTURERS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April A. D. 1947.

In the matter of Associated Fur Coat and Trimming Manufacturers, Inc., a membership corporation, its officers, directors and members, Julius Green, individually and as President of said membership corporation, Benjamin Morsoff, individually and as First Vice-President of said membership corporation, Julius B. Gross, individually and as Second Vice-President of said membership corporation, Sol Rosenberg, individually and as Third Vice-President of said membership corporation, Alexander Abrams, individually and as Secretary of said membership corporation, Louis Fenster, individually

and as Treasurer of said membership corporation, Alexander Abrams and Alexander Winkler, copartners trading as Alexander Abrams & Winkler, Harry Fuchs, Manuel Fuchs and Joseph Deutsch, copartners trading as Harry Fuchs & Deutsch, Abe Grauer and Herman Herskowitz, copartners trading as Grauer & Herskowitz, Max Kotuck, Elias Chavin and Samuel Mednick, copartners trading as Kotuck, Mednick & Chavin, Louis Rose, Benjamin Pack and Howard M. Pack, copartners trading as Rose & Pack, Jonas Weinig and Alexander Weinig, copartners trading as J. Weinig & Son, Barney Wollman and Herman Wollman, copartners trading as B. Wollman & Bro., Anna Walzer and Charles Walzer, copartners trading as A. Walzer & Son, Arnhimer, Inc., a corporation, I. & A. Berger, Inc., a corporation, Geo. J. Baruch, Inc., a corporation, S. & H. Berger, Inc., a corporation, Brand & Brody, Inc., a corporation, J. DeLeo & Co., Inc., a corporation, Feinberg & Freeman, a corporation, Julius Green Fur Co., Inc., a corporation, Harry & Jack Grossman, Inc., a corporation, Ben Kahn, Inc., a corporation, M. M. Loinger Co., Inc., a corporation, Lenkowsky Bros. Furs, Inc., a corporation, Chauncey I. Rice, Inc., a corporation, Schwartz & Bluestein, Inc., a corporation, Louis Stein & Son, Inc., a corporation, Lou White, Inc., a corporation, and Zimmerman & Scher, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

*It is ordered*, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Thursday, May 1, 1947, at ten o'clock in the forenoon of that day (eastern standard time), in Room 1314, 393 Seventh Avenue, New York, New York.

Upon the completion of the taking of testimony and the receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-4142; Filed, April 30, 1947;  
8:51 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[S. O. 721]

UNLOADING OF COMMODITIES AT LAKE  
CHARLES, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

It appearing, that 3 cars containing various commodities at Lake Charles, Louisiana, on Texas and New Orleans Railroad 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) *Commodities at Lake Charles, La., on T. & N. O. RR., be unloaded.* The Texas and New Orleans Railroad Company, its agents or employees, shall unload immediately cars NYC 104438, Sou. 40116 and ATSF 150921, containing lead, electronic cells, and carbon furnace electrodes, respectively, now on hand at Lake Charles, Louisiana, consigned to H. K. Ferguson Company, Inc., c/o Southern Alkali Corporation.

(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., April 28, 1947, and continuing until the actual unloading of said car 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. 47-4122; Filed, Apr. 30, 1947;  
8:49 a. m.]

[S. O. 722]

## UNLOADING OF COMMODITIES AT LAKE CHARLES, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April A. D. 1947.

It appearing, that 14 cars containing various commodities at Lake Charles, Louisiana, on The Kansas City Southern 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) *Commodities at Lake Charles, La., on K. C. S. Ry., be unloaded.* The Kansas City Southern Railway Company, its agents or employees, shall unload immediately the following cars, now on hand at Lake Charles, Louisiana, consigned to H. K. Ferguson Company, Inc.:

| Initials and No.: | Contents     |
|-------------------|--------------|
| PM 92289          | Machinery.   |
| STLSF 87315       | Stone.       |
| STLB&M 2360       | Sand.        |
| WAB 36094         | Stone.       |
| IC 77123          | Do.          |
| IC 77486          | Do.          |
| IC 77238          | Do.          |
| SOU 117024        | Machinery.   |
| PA 748354         | Stone.       |
| NP 10731          | Cement.      |
| PLE 33992         | Merchandise. |
| ACL 21498         | Do.          |
| WAB 47612         | Steel.       |
| SOOL 176240       | Do.          |

(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., April 28, 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. 47-4123; Filed, Apr. 30, 1947;  
8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1331]

AMERICAN POWER &amp; LIGHT CO. ET AL.

## ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS 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 24th day of April A. D. 1947.

In the matter of American Power & Light Company, Northwestern Electric Company, and Pacific Power & Light Company, File No. 70-1331.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific") and Northwestern Electric Company ("Northwestern"), electric utility subsidiaries of American, having filed joint applications-declarations, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (b), 12 (c), 12 (d), 12 (e), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, U-45, U-50 and U-62 thereunder regarding (a) certain capital contributions by American to Northwestern and Pacific; (b) the merger of Northwestern into and with Pacific; (c) the retirement of the presently outstanding preferred stocks of Northwestern and Pacific through the issuance in exchange therefor by Pacific, as the surviving corporation, of New Preferred Stock and by specified cash payments; and (d) the issuance by Pacific, as the surviving corporation, of new common stock to American in exchange for the common stocks of Northwestern and Pacific held by American, such transactions to be consummated as follows:

(1) American will surrender to Northwestern for cancellation, as a contribution, 54,300 shares of Northwestern's common stock having a par value of \$35 per share, which contribution will be credited by Northwestern to Capital Surplus in the amount of \$1,900,000;

(2) Northwestern will dispose of the remaining balance of \$1,914,367 in its Account 107—Electric Plant Adjustments—by a charge of \$1,900,500 to Capital Surplus and a charge of \$13,867 to Earned Surplus;

(3) American will contribute to Pacific \$2,200,000 in cash, which contribution will be credited by Pacific to Capital Surplus;

(4) Pacific will dispose of the remaining balance of \$2,986,867 in its Account 107—Electric Plant Adjustments—by a charge of \$2,799,500 to Capital Surplus,

a charge of \$43,409 to Earned Surplus and a charge of \$143,958 to Deferred Credit—Utility Plant Adjustments.

(5) Thereafter Northwestern will be merged into and with Pacific pursuant to the terms of a Merger Agreement under which the authorized Capital Stock of Pacific, as the surviving corporation, will consist of (a) 114,815 shares of 5% Preferred Stock of the par value of \$100 per share ("New Preferred Stock"); and (b) 750,000 shares of common stock without par value.

(6) The holders of the outstanding preferred stocks of Northwestern and Pacific (except those preferred stockholders who dissent from the action of their respective corporations in entering into the Merger Agreement) will be entitled to receive, upon the effective date of the merger, the following:

(a) For each share of the outstanding 6% Preferred Stock of Northwestern and \$6 Preferred Stock of Pacific one share of the New Preferred Stock of the Surviving Corporation plus a cash adjustment in an amount which, together with the dividends receivable on the New Preferred Stock, will give each such holder a dividend at the rate of 6% or \$6 per annum, as the case may be, up to the effective date of the Merger Agreement.

(b) For each share of the outstanding 7% Preferred Stocks of Pacific and Northwestern one share of the New Preferred Stock of the Surviving Corporation plus \$5.00 in cash, and an amount which, together with dividends receivable on the New Preferred stock, will give each such holder a dividend at the rate of 7% per annum up to the effective date of the Merger Agreement:

(7) All shares of the 7% and 6% Preferred Stocks of Northwestern, the holders of which dissent from Northwestern's action in entering into the Merger Agreement, will be appraised and paid for in cash in accordance with the applicable statutes of the State of Washington. Northwestern preferred stockholders who dissent from the merger may, in lieu of an appraisal, accept a compromise cash payment of \$115 per share for their 7% preferred stocks and \$110 for their 6% preferred stocks;

(8) All shares of Pacific's 7% Preferred Stock, the holders of which vote against adoption of the Merger Agreement, and all shares of Pacific's non-voting \$6 Preferred Stock, the holders of which, at or prior to the taking of the vote upon the Merger Agreement, dissent therefrom in writing, will be redeemed at their respective redemption prices;

(9) Under the program 45,700 shares of Northwestern's Common Stock of the par value of \$35 per share (being all of Northwestern's Common Stock remaining outstanding after the contribution by American to Northwestern of 54,300 shares of such Common Stock) and 1,000,000 shares of Pacific's Common Stock without par value, all owned by American, will be converted into 500,000 shares of New Common Stock of the Surviving Corporation. The remaining 250,000 shares of New Common Stock of

## NOTICES

Pacific will have the status of authorized by unissued shares.

(10) Pacific and Northwestern will employ, at a cost estimated not to exceed \$40,000, a financial firm or firms to assist them in soliciting the holders of their preferred stocks who dissent from or vote against the actions of the respective corporations in entering into the Merger Agreement to withdraw such dissenters or to reconsider such unfavorable votes; and

Pacific having requested an order pursuant to sub-paragraph (a) (5) of Rule U-50 exempting the issuance and exchange of the New 5% Preferred Stock from the competitive bidding requirements of paragraphs (b) and (c) of said Rule U-50; and

Public hearings having been held, after appropriate notice, and the Commission having made and filed its Findings and Opinion herein:

*It is ordered*, That said declarations, as amended, be, and the same hereby are, permitted to become effective, and said applications, as amended, be, and the same hereby are, granted, subject, however, to the terms and conditions prescribed by Rules U-24 and U-62 and subject to the further terms and conditions set forth below:

1. No dividends shall be declared or paid on the common stock of Pacific, other than dividends payable in common stock, except out of earnings accumulated subsequent to the effective date of the Merger Agreement and after deducting therefrom the dividend requirement on Pacific's preferred stock from such date.

2. That a copy of our Findings and Opinion herein be mailed to each preferred stockholder of Pacific and Northwestern with the notices of the respective special stockholders' meetings to be called to consider the proposed Merger Agreement.

3. That each preferred stockholder of Northwestern and of Pacific be provided, prior to the special meeting of stockholders, with a suitable form for the purpose of expressing his opinion as to the proposed program and that such form be submitted to this Commission for approval prior to use.

4. That all material to be used in connection with the proposed solicitation program, including instructions to solicitors, be submitted to this Commission at least five days prior to use.

5. That jurisdiction be reserved over all fees and expenses to be incurred in connection with the proposed solicitation program.

6. That jurisdiction be reserved over the fee proposed to be paid the law firm of Davis, Polk, Wardwell, Sunderland & Kiendl for legal services in connection with the proposed transactions and over all fees proposed to be paid witnesses who testified in this proceeding.

*It is further ordered*, That the application of Pacific for the exemption of the issue and exchange of its new 5% preferred stock from the competitive bidding requirements of paragraphs (b)

and (c) of Rule U-50 be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4110; Filed, Apr. 30, 1947;  
8:58 a. m.]

[File No. 812-490]

## GENERAL PUBLIC SERVICE CORP.

NOTICE OF APPLICATION, STATEMENT OF  
ISSUES, AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of April A. D. 1947.

Notice is hereby given that General Public Service Corporation on April 17, 1947 filed an application pursuant to Rule N-17D-1, promulgated under section 17 (d) of the Investment Company Act of 1940, requesting that the Commission permit said application, which relates to a proposed bonus and profit-sharing plan, to become effective.

General Public Service Corporation is a closed-end, diversified, management investment company registered under the Investment Company Act of 1940. It is proposed that the board of directors of General Public Service Corporation adopt a resolution providing that officers and employees be paid an amount in addition to their fixed salaries if the board of directors, acting upon the recommendation of the Salary Committee, so determine. Pursuant to the proposed resolution the Salary Committee shall make a recommendation to the board of directors as to whether the business of the corporation has been sufficiently prosperous to warrant the payment of additional compensation. If the Salary Committee recommends payment of additional compensation to be paid each officer or employee, in arriving at such amount the Salary Committee and board of directors shall take into consideration any unusual or extraordinary services rendered by the officer or employee. The determination of whether such additional amounts shall be payable in any year and the amount to be paid shall be solely in the discretion of the board of directors and shall not exceed an amount greater than a reasonable amount for the services performed. The amount of additional compensation so paid in any fiscal year shall in the aggregate not exceed 15% of the total fixed compensation paid or payable to all officers or employees during such fiscal year.

Rule N-17D-1 provides that no affiliated person of any registered investment company shall participate in or effect any transaction in connection with any bonus, profit-sharing or pension plan or arrangement in which any such registered company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has become effective prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof

if not so submitted. An application pursuant to this rule becomes effective on the tenth day after filing unless on or before such tenth day the Commission orders a hearing thereon and gives notice thereof to the applicant.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether the provisions of the plan or arrangement are consistent with the policy and purposes set forth in section 1 (b) of the act;

(2) Whether the provisions of the plan or arrangement are in contravention of any other provisions of the act;

(3) Whether the proposed plan or arrangement is consistent with the general purposes of the act;

(4) Whether the proposed transaction is consistent with the policy of General Public Service Corporation as recited in its registration statement and reports filed under the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

*It is ordered*, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on May 6, 1947, at 10:00 a. m., Eastern Daylight Saving Time, Room 318, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered*, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-mentioned General Public Service Corporation, and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before May 5, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-4109; Filed, Apr. 30, 1947;  
8:58 a. m.]