

Public Law 85-737

AN ACT

August 23, 1958
[H. R. 1168]

To clarify the application of section 507 of the Classification Act of 1949 with respect to the preservation of the rates of basic compensation of certain officers or employees in cases involving downgrading actions.

Federal employ-
ees.
Downgrading ac-
tions.
Compensation.
5 USC 1107.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 507 of the Classification Act of 1949, as amended (70 Stat. 291; Public Law 594, Eighty-fourth Congress), is amended to read as follows:

"SEC. 507. (a) Subject to the limitation contained in subsection (c) of this section, each officer or employee subject to this Act—

"(1) who at any time after June 17, 1956, is or was reduced in grade from any grade of a basic compensation schedule of this Act (other than grade 16, 17, or 18 of the General Schedule);

"(2) who, on the effective date of such reduction in grade, holds or held a career or career-conditional appointment in the competitive civil service or an appointment of equivalent tenure in the excepted service or holds or held a position outside the competitive civil service and the excepted service as an officer or employee of the Library of Congress, of the Architect of the Capitol, of the Botanic Garden, or of the municipal government of the District of Columbia;

"(3) whose reduction in grade is not or was not caused by a demotion for personal cause, is not or was not at his own request, and is not or was not effected in a reduction in force due to lack of funds or curtailment of work;

"(4) who, for two continuous years immediately prior to such reduction in grade, served (A) in the same department and (B) in the same grade or in the same and higher grades; and

"(5) whose performance of work at all times during such period of two years is or was satisfactory or better than satisfactory, shall be entitled, as of the effective date of such reduction in grade or as of the first day of the first pay period which begins after the date of enactment of this amendment, whichever is later, unless or until he is entitled to receive basic compensation at a higher rate by reason of the operation of this Act, or until the expiration of a period of two years immediately following the effective date of such reduction in grade or immediately following the first day of such first pay period, as applicable, to receive the rate of basic compensation to which he was entitled immediately prior to such reduction in grade so long as he continues in the same department without any break in service of one workday or more and is not demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work.

"(b) Subject to the limitation contained in subsection (c) of this section, each officer or employee subject to this Act—

"(1) who, during the period beginning July 1, 1954, and ending June 17, 1956, was reduced in grade from any grade of a basic compensation schedule of this Act (other than grade 16, 17, or 18 of the General Schedule);

"(2) whose reduction in grade was not caused by a demotion for personal cause, was not at his own request, and was not effected in a reduction in force due to lack of funds or curtailment of work;

"(3) who, for two continuous years immediately prior to such reduction in grade, served (A) in the same department and (B) in the same grade or in the same and higher grades;



“(4) whose performance of work at all times during such period of two years was satisfactory or better than satisfactory; and

“(5) whose employment in the same department has been continuous since such reduction in grade and who, since such reduction in grade, has not been demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work,

shall be entitled, as of the first day of the first pay period which begins after the date of enactment of this amendment, unless or until he is entitled to receive basic compensation at a higher rate by reason of the operation of this Act, or until the expiration of a period of two years immediately following the first day of such first pay period, as applicable, to receive the rate of basic compensation to which he was entitled immediately prior to such reduction in grade so long as he continues in the same department without any break in service of one workday or more and is not demoted or reassigned for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work.

“(c) The rate of basic compensation to which such officer or employee is entitled under subsection (a) or (b) of this section with respect to each reduction in grade to which this section applies shall not exceed the sum of (1) the minimum scheduled rate of the grade to which he is reduced under each such reduction in grade occurring on or after July 1, 1954, and (2) the difference between his rate immediately prior to the first of such reductions in grade occurring on or after July 1, 1954, and the minimum scheduled rate of that grade which is three grades lower than the grade from which he was reduced under the first of such reductions in grade.

“(d) The Civil Service Commission is authorized to issue regulations to carry out the purposes of this section.”

SEC. 2. The amendment made by the first section of this Act to section 507 of the Classification Act of 1949, as amended—

(1) shall not be construed to affect (A) the saved rate of basic compensation determined, at any time prior to the date of enactment of this Act, for any officer or employee under and in accordance with such section 507, as enacted by the Act of June 18, 1956 (70 Stat. 291; Public Law 594, Eighty-fourth Congress), and (B) the right of such officer or employee to receive for any period, under and in accordance with such section 507 as so enacted, the payment of such basic compensation so determined; and

5 USC 1107.

(2) shall not be construed to deprive any officer or employee of any benefit, under and in accordance with such section 507 as so enacted, to which he was entitled prior to the date of enactment of this Act,

except that, in the event of any reduction in grade with respect to such officer or employee which occurs on or after the date of enactment of this Act, such rate of basic compensation, and any benefit to which he may be entitled with respect to such reduction in grade, shall be determined in accordance with such section 507, as amended by the first section of this Act.

SEC. 3. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2091-2103), all changes in rates of basic compensation by reason of the operation of section 507 of the Classification Act of 1949, as enacted by the Act of June 18, 1956 (70 Stat. 291; Public Law 594, Eighty-fourth Congress), or

Group life insurance.
58 Stat. 736.

5 USC 1107.

as amended by the first section of this Act, whichever is applicable, shall be held and considered to be effective as of the first day of the first pay period following the pay period in which the payroll change is approved with respect to such individual.

Approved August 23, 1958.

Public Law 85-738

AN ACT

August 23, 1958
[H. R. 3820]

To amend sections 490 and 645 of title 14, United States Code, relative to the settlement of claims of military and civilian personnel of the Coast Guard, and for other purposes.

Coast Guard.
Personnel
claims.
63 Stat. 534.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 490 of title 14 of the United States Code is amended as follows:

(1) By amending subsection (a) thereof by inserting therein the words "not in excess of \$6,500" after the words "pay any claim".

(2) By redesignating subsections (b), (c), and (d) thereof as (c), (d), and (e), respectively, and by inserting after subsection (a) thereof the following new subsection:

Personal prop-
erty.

"(b) In the event of the death of any person among the military personnel or civilian employees enumerated in subsection (a), the Secretary may consider, ascertain, adjust, determine, settle, and pay any claim, otherwise cognizable under this section, presented by the survivor of such person for damage to or loss, destruction, capture, or abandonment of the personal property of such person, regardless of whether such damage, loss, destruction, capture, or abandonment occurred concurrently with or subsequent to such death. For the purposes of this section, the term 'survivor' means surviving spouse, child or children, parent or parents, or brothers or sisters or both, of the decedent, and claims by survivors shall be settled and paid in that order of precedence."

"Survivor."

(3) By amending redesignated subsection (c) thereof to read as follows:

Conditions.

"(c) No claim shall be settled under this section unless presented in writing within two years after the accident or incident out of which such claim arises has occurred; if such accident or incident occurs in time of war or in time of armed conflict in which the Armed Forces of the United States are engaged, or if war or such armed conflict intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within two years after such good cause ceases to exist, but not later than two years after peace is established or such armed conflict terminates. The dates of commencement and termination of an armed conflict for the purpose of this subsection shall be as established by concurrent resolution of the Congress or by determination of the President."

SEC. 2. Notwithstanding the provisions of section 490 of title 14, United States Code, as amended by this Act, any claim cognizable under that section which has not heretofore been presented for consideration, or has been presented for consideration and disapproved for the reason that the claimant did not file such claim within the time authorized by law, or any claim cognizable thereunder of any survivor which has not heretofore been presented for consideration, or has been presented for consideration and disapproved for the reason that heretofore such survivor acquired no right of recovery under that section may, at the written request of the claimant made within one year from the date of the enactment of this Act, be considered or reconsidered and settled in accordance with the provisions thereof.