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POSTAL PAY AND CLASSIFICATION

HEARINGS
BEFORE THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
FIRST SESSION
ON
POSTAL PAY AND CLASSIFICATION

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The CHAIRMAN. That is what he recommended to the committee last Wednesday. Is not that correct, General Lyons?

Mr. LYONS. Yes, sir.

Mr. DOHERTY. We withdraw our objection to the language in section 601 under those circumstances stipulated by the distinguished chairman.

The CHAIRMAN. You endorsed the provision of the bill that gives special delivery messengers the same pay as letter carriers.

Mr. DOHERTY. Wholeheartedly. Also that part of the bill that gives higher pay to supervisors and postmasters, Mr. Chairman. We think it is long overdue. We are objecting to the fact that the letter carriers and postal clerks and motor-vehicle people are not being treated fairly. We don't want proportionate increases or like increases. What we would like to have is something better than the measly 5 percent contained in the bill.

The CHAIRMAN. In your statement you say as follows:

I know postal procedure may seem unsound to base the salary of the supervisors on receipts of the office, but actually there is no other sound basis upon which they can be established.

So you maintain that the salaries of supervisory officials should be based solely upon the receipts of an office?

Mr. DOHERTY. Not entirely, Mr. Chairman. The element of personnel supervised enters the picture under Public Law 154, as the chairman knows. Both of these things together come up with the answer, or nearly the right answer. In other words, as nearly as human minds can make it.

The CHAIRMAN. Mr. Doherty, do you not think this bill is an improvement over the bill submitted last year with reference to reclassification?

Mr. DOHERTY. The bench marks have very definitely favored everyone but letter carriers and postal clerks and motor-vehicle employees, those in level 4, for the most part.

The CHAIRMAN. That is your principal objection to the reclassification, because you are not classified high enough?

Mr. DOHERTY. No; we object vociferously and vigorously to the nullifying clauses. I have said that several time, sir.

The CHAIRMAN. Point out the nullifying clauses to which you refer.

Mr. DOHERTY. Yes, sir. I would be glad to. It is in position level No. 1, section 4, as the needs of the service require, may perform other related duties as the same level as assigned, occasionally may perform duties of a higher level. Of course, that is level 1, and there is not any place they can go lower. From here on out the word lower is used in that particular language.

Mr. MOSS. Mr. Chairman, I wonder if I might ask a question at this point.

The CHAIRMAN. Mr. Moss.

Mr. MOSS. At the bottom of page 6—

as the needs of the service require, may perform other related duties of the same level as assigned and only occasionally may perform duties of a higher level.

Mr. DOHERTY. Yes.

Mr. MOSS. They could as a matter of regularity under this language be assigned other duties.

Mr. DOHERTY. They could, as I see it, Congressman Moss, and they could perform higher duties and receive no higher pay for it under the provisions of the bill that we have in front of us. That is the only place where it does not mention lower grades or lower levels. If you will turn to page 9, to make my point, line 13, it reads:

As the needs of the service require, may perform other related duties of the same or lower level as assigned, occasionally may perform duties of a higher level.

As I said in my testimony, that language was not shown to us when we appeared in the Post Office Department, and we had these very friendly consultations with Mr. Lyons and the other departmental officials. They did not show us that language. It is there in 19 other places, too, Mr. Chairman. If you want me to point them out, I will.

Mr. MOSS. The thing that you fear is that there could be a regular assignment of other lower level duties to postal employees, and then only occasionally would they have the opportunity to perform services which might open other opportunities to them.

Mr. DOHERTY. That is the inference there, as I see it, Mr. Moss. I think it permits upgrading or downgrading, as the case may be. I am fearful that it will be downgrading.

The CHAIRMAN. Do you have any real fears about that?

Mr. DOHERTY. Yes; I do, most sincerely, Mr. Chairman.

Mr. MOSS. Mr. Lyons has indicated a desire to make a statement.

Mr. LYONS. I attempted to explain to the committee—unfortunately Mr. Doherty was absent during the days when the Department was presenting its analysis of the bill—the reason for the language in there. It is that when a man occasionally performs the higher duties, and I define occasionally as meaning infrequently, or is performing the lower duties, it maintains his salary so that it would not be necessary in case he performed these lower duties to reduce his salary.

The reason that Mr. Doherty did not see that language at the time, as he well knows, is that the position description was revised after our meetings to include a number of suggestions which he made, and a number of suggestions which other organizations made. That particular language was suggested by the Solicitor and reviewed by GAO in order to prevent the employee from being paid a lower amount of money in case he happened to be dusting the counter or something, such as a clerk might do. It was the saving feature for the employee.

Mr. MOSS. Would it not be more of a saving feature for the employee if we changed the position of "occasionally" and state "related duties of the same or lower level, may perform occasionally other related duties of the same or lower level assigned", and then "may perform duties of a higher level"?

Mr. LYONS. Postmasters point out, for instance, that in many cases every morning the window clerk may dust off his counter and clean up around the window. It is very minor, but as I explained to the committee before, we have had these experiences where an employee refused to open a door for another employee simply because it was not in his job description. All the Department is asking is a safeguard for just reasonable commonsense flexibility in these assignments.

The facts are as to downgrading that we all note that not only the application of the civil-service law, but rules of the Civil Service

Commission are preserved by this bill. That means that if an employee is downgraded, in other words, assigned consistently to perform lower level duties, and his salary changed to conform with that, a letter of charges would have to be filed just as it is now when you seek to dismiss an employee.

The only other instance where an employee might be downgraded would be in cases where a particular post office had dropped substantially in volume, and the employee was given an opportunity for a lower level position based on his seniority in lieu of layoff, or a r. i. f. That is all.

Mr. MOSS. Is this not also possible? We know that in some of the offices, at least I have been told, they are not getting as much money for maintenance or janitorial services as the office would like to receive, or feels that it needs to do a proper housekeeping job. It would be possible for the postmaster to detail clerks or carriers or supervisors and say, "Boys, we don't have a janitor now, so each day you fellows, when you get here, first thing you do is clean up."

That would be part of their time each day—not a major portion—regularly absorbing the responsibilities of another position, provided for in this classification.

Mr. LYONS. It would be possible.

Mr. MOSS. It could be done?

Mr. LYONS. It would be possible. The only thing is that it would be very expensive to the Department to be paying the letter carriers and clerks' salaries for people engaged in sweeping floors all the time. It would be extremely bad management. One of the things that we are anxious to protect by these position descriptions is a complaint which we have received particularly from clerks that employees are being assigned not occasionally but repeatedly to higher level duties, and not being paid for them.

Under this bill, if that is done, the salary for the level of position to which the employee is assigned will be paid to him.

Mr. MOSS. I am not troubled about the occasional higher level assignment. I am concerned by the complete absence of any regulations upon the lower level assignment.

Mr. LYONS. The only thing there is, as I said, in the event that the employee does at times work of a lower level than is set forth in his position description, the fact it is in his position description preserves his higher salary for doing the lower level work. I think it is very important that it be in there.

Mr. MOSS. I think the problem you have in mind could be taken care of, and I think the problem I have in mind could be taken care of by a change in language. I think that this is a definite weakening of the clearly established 50 level key positions, because it occurs repeatedly in the description. I know that we are dealing with human beings, and I know that it would be possible just as a matter sometimes of getting even with someone to assign them to duties which might be very unpleasant. Under this provision it would be a perfectly legal action on the part of any supervisor or the part of any postmaster. It could open the door to abuses. I think language could be devised to overcome it and certainly we should consider it.

Mr. LYONS. May I ask, sir, what language in the present law prevents the postmaster from assigning the clerks to that?

Mr. MOSS. I am never concerned with the present law when I am working on a new bill. I try to see means of improving the existing law. I do not know whether it has been improved. I have had Mr. Johnson as time was available working on quite a series of questions about this bill. I am not at all satisfied with the general repealer. I think we should have far more specific language in the section which repeals something. I do not know what we are repealing. Perhaps you do. I know a lot of the repealer says that the law is inconsistent, and I know that the inconsistency can be determined administratively. I do not like a broad repeal of something that I do not know about. I would like to see specific language, we repeal this section or that section, or this law or that law, but we do not repeal everything which may be found to be inconsistent. There are many things of that nature which I think require careful study. I am very frankly sorry that I am not in a position today to raise other questions. I hope that Mr. Johnson over the weekend might find the time to have further analysis made so that I will be better prepared to discuss some of these features.

Mr. CHETILLA. Mr. MOSS, would you yield?

The CHAIRMAN. Mr. Doherty wants to make a statement.

Mr. DOHERTY. May I at this point insert in the record the exact language that was shown us in the Post Office Department by Mr. Lyons, and his able assistants:

May perform other related duties of a similar position level as assigned.

We had no quarrel with that language, none whatsoever. But when the bill is printed, we find this language:

As the needs of the service require, may perform other related duties of the same or lower level as assigned, occasionally may perform duties of a higher level.

That is why we are aroused. There is no ill feeling toward these gentlemen in the Post Office Department. I think they are working indefatigably in an honest attempt to do something to help the postal employees, and give the people of America better service. But this bill is not the answer in its present form.

Mr. KEATING. Mr. Chairman, with reference to what Mr. Lyons says in the third of a century that I have been connected with the postal service, I have known of few instances or no instances where a man would not open a door or perform some reasonable request. I don't think that any such grant of power or language is necessary. It is our experience that when you give this power, presumably you are giving it to the Postmaster General, and to his assistants. But actually you are giving it to several thousand people who administer that law.

Our experience has been that they will take this as a license to do just the things that they are not supposed to do. That comes from our experience with postal administration.

The CHAIRMAN. Do you think the postmasters will exercise their power arbitrarily?

Mr. KEATING. Yes, sir. We have seen a good deal of arbitrary exercise of power by postmasters.

Mr. MOSS. Mr. Chairman, along that line, why should not that provision apply to postmasters who are asked to perform other duties? It does not appear so far as I know with respect to postmasters.

The CHAIRMAN. They are expected to do everything that is required of them around an office from janitor on up to postmaster.

Mr. CROSS. Why does not this provision apply to them?

The CHAIRMAN. They do it all right.

We will proceed in order now. Mr. Rees.

Mr. REES. There is just one thing that disturbs me. I thought we had done a fine job with respect to insurance for people employed in the Government, and then to have you come back and indicate that it did not seem to amount to much is disappointing to me. I make that observation.

Mr. DOHERTY. I am sorry if I disappointed the distinguished gentleman from Kansas. I am very sorry.

Mr. REES. I thought you would be praising that legislation.

Mr. DOHERTY. I am sorry, I just can't. I would much rather have had a pay raise last year.

Mr. REES. I know you would, but I thought that was something worth considering, and I notice you did not discuss it in your correspondence with your employees across the country. I was disappointed that you did not say that was something that was worthwhile.

Mr. KEATING. We put out several bulletins on the insurance plan. We will send you a copy if you have not seen it.

Mr. REES. I have not heard any commendation of it. I am not objecting if that is the way you feel about it, but I am disappointed that you did not feel that it was as important as some of us thought it was.

Mr. DOHERTY. May I repeat what I said previously when some of the members were not here, that it is excellent supplemental insurance supplementing the policies we have had in force for a long time in the National Association of Letter Carriers.

Mr. REES. I talked to a number of letter carriers—not many, comparatively—but they seemed to think it was a pretty good thing.

Mr. DOHERTY. I think it is a pretty good thing. It is a grand supplemental insurance.

Mr. REES. My second point is this. You seem to feel, as I understand it, that we do not spell out—I think that is the term you used—as we should in this proposed legislation. We do not do that in the Classification Act of 1919; do we?

Mr. DOHERTY. I am not too familiar with the Classification Act. That does not apply to the field service of the Post Office Department. Sometimes I am very thankful that it doesn't.

Mr. REES. I withdraw that if you are not familiar with the Classification Act of 1919. I thought you were.

I was interested in one little thing. It probably does not mean too much. You spoke at the beginning of your statement that these men here represented one hundred and forty-some-odd years in carrying the mail; is that correct?

Mr. DOHERTY. I stated when they entered the postal service, the exact year when they entered; yes, sir.

Mr. REES. But they did not carry the mail that long.

Mr. DOHERTY. I have not carried the mail for 13 years. I left the Cincinnati post office in 1941 after carrying mail for 19 years. Mr. Keating carried 26, and 45 for Mr. Cahill. Mr. Keating carried it 20 years.

Mr. REES. I thought it added up to a lot of years of carrying mail.

Mr. DOHERTY. It is more years than the average people that testify at this witness stand.

Mr. REES. It is not important, but I was interested in your statement.

Mr. DOHERTY. Thank you.

The CHAIRMAN. Mr. Morrison.

Mr. MORRISON. I have no questions, but I would like to commend Mr. Doherty and the other members of his organization. I think they have a very fine knowledge of the overall picture with regard to their organization. I think he has made a very excellent presentation.

The CHAIRMAN. Mrs. St. George.

Mrs. ST. GEORGE. I have no questions. I was unavoidably detained yesterday, and therefore could not hear the testimony. So I do not think I can ask any important questions at the present time.

I would like to say one thing, Mr. Doherty. I think you and I at one point made the same remark about classification, and that is that we both used the word "monstrosity." I do not think we did it simultaneously. Am I correct?

Mr. DOHERTY. I don't think we did it viciously.

Mrs. ST. GEORGE. I am sure we did not do it viciously, certainly not.

Mr. DOHERTY. The word has been bandied about here in Washington recently. I am very sorry that the lovely lady from New York did not hear my testimony from yesterday, because I look upon her as one of the outstanding legislators of our time.

The CHAIRMAN. Judge Davis.

Mr. DAVIS. I was called out yesterday afternoon and kept out this morning, so I am sorry, too. I did not get to hear the statement. Of course, I have it here and will read it.

I have been interested in this discussion that has been going on here within the last few minutes about these provisions as the needs of the service require, and so forth, to which Mr. Doherty has raised objection. Mr. Lyons stated—and he made the same statement during his testimony here a day or two ago—using the same illustration that he used this morning, that a window clerk might possibly be called on to dust off a window or to do some incidental task of that kind which in reality is a part of the service of the window. I think it is a part of the window service to keep it clean and neat and presentable. Would you not think so, Mr. Doherty?

Mr. DOHERTY. We never objected to that. We think it is part of the function of any postal employee to keep his surroundings neat and tidy at all times.

Mr. DAVIS. I thoroughly agree with that. Of course, also there is not a janitor available, I would think, at all times to perform some of those functions.

Mr. DOHERTY. Sometimes the postmaster does it.

Mr. DAVIS. So really there is no point of difference there; is there?

Mr. DOHERTY. The only difference in the window clerk's specification is that they do under the bill give him authority to adjust service complaints. We think that a person of equal level ought not to be sent out to adjust service complaints. We think that responsibility ought to rest with the supervisory officials. I so stated in my statement yesterday.

Mr. DAVIS. Of course, your primary concern is with the letter carrier, and not what might happen to some window clerk or someone else. From that standpoint, Mr. Doherty, what would you apprehend might be done with reference to a letter carrier under these provisions here which we have been discussing?

Mr. DOHERTY. I think he ought to be at least in level 6.

Mr. DAVIS. No; I mean as to what he might be called on to do as the needs of the service may require to perform related duties of the same or lower level as assigned.

Mr. DOHERTY. It has been pretty well spelled out in the job description. I am happy to report that General Lyons and his associates did accept some of our suggestions. However, there are other duties that a letter carrier might perform, occasionally; occasionally go over on the clerks' side and perform the work of the distributor, because most letter carriers know the scheme in a given community. We don't advocate that. Occasionally they could do it.

The CHAIRMAN. You would not object to it if it was done in an emergency or occasionally.

Mr. DOHERTY. No; I would not in an emergency. We do object to those of a lower level, such as the mail handler, making relays. That is specifically provided in the bill.

Mr. DAVIS. That is what I was asking. I was not referring now to higher level duties which he might occasionally be called on to perform, but other related duties of the same or lower level. I wanted to find out what duties of a lower level you apprehended somebody might sometime call on a letter carrier to perform which would be objectionable.

Mr. DOHERTY. That is one of the instances, the language pertaining to mail handlers. We have great respect for our friends in that branch of the service, but we won't think that a letter carrier ought to be called upon to do the work of a mail handler, and we don't think the mail handler in the lower level ought to be called upon to do the work of a postal clerk or letter carrier. That is our position.

Mr. DAVIS. I would not find any fault with that position. From what I heard here, I would not think that Mr. Lyons would, either. Would you, Mr. Lyons?

Mr. LYONS. Not at all, sir. As a matter of fact, apparently Mr. Doherty did miss out on all of the Department's presentation. Had he been here, he would have known that we said that sentence in the mail-handler position was in error, and asked that it be stricken from the bill, and it was so stricken.

Mr. DOHERTY. Mr. Doherty did testify before the Senate committee on last Friday. He regrets that he missed the enlightening statement of the Department officials before this committee. Since the departmental officials have already changed several sections of the bill, Mr. Chairman, why would it not be well for them to change the 21 places that this very unfriendly language seems to appear, and go back to the original language they showed us in the Post Office Department—"may perform other related duties of a similar position level as assigned." I think there would be a very wholesome atmosphere around here if that kind of change could be made right now.

The CHAIRMAN. Then would you support the reclassification fear-

Mr. DOHERTY. As I said to Mr. Abrams in the Post Office Department, when he said if we changed the bill, would you then support it, and I said, "If you took some of the powers that are apparently intended for the Postmaster General away from him, we could support most of the bill."

I suggested, too, that he raise his sights regarding the percentage point in the bill as it applies to clerks and carriers, and said we could then support most of the bill. I am that way this morning. We could support most of the bill if it was properly amended.

The CHAIRMAN. I wish you would elaborate on that a little further and let us get your views definitely on the record as to the kind of bill you support. You say if the salary level was raised for carriers—

Mr. DOHERTY. And all others in level 4 to at least 10 percent or more.

Mr. CRETELLA. How much more?

Mr. DOHERTY. Ten percent or more, sir. Ten percent is the bill we are supporting that was introduced by Congressman Morrison, and others on this committee. That language could very well be put into this bill, if you are in a mood to amend this bill. We could sit right down here at this table as we did in 1945, and come out with a very fine reclassification act, providing, of course, the other postal employee organizations are permitted to sit in on the conference.

The CHAIRMAN. Your personal objection to the bill is on this increase in the pay of the carriers?

Mr. DOHERTY. That is part of it, sir.

The CHAIRMAN. Is that not the principal objection?

Mr. DOHERTY. I would not say principal. It is one of the objections.

The CHAIRMAN. Do you not concede this bill has a lot of fine, constructive provisions? It is a great step in the advancement of the affairs of the Department.

Mr. DOHERTY. I am sorry, sir, I cannot agree with you.

Mr. KEATING. Mr. Chairman, with reference to Mr. Davis' question, actually what is feared in that clause that is provided is that eventually it would give the power to the Postmaster General and to the officials of the Department to break down all classification. A letter carrier becomes expert and proficient in his own route. If he continues on that route, you have good performance of duties. However, if you have a provision in the classification where they can pull that man off and put him working in a distribution case on Monday, and have him doing the mail-handler work on Wednesday, you are giving supervisor power that will react on the detriment of the service, and is unfair to the men. This is exactly what the authority provided in bill would give him. Whether they intend to use it that way or not is beside the question. What the top level of the Department may feel that they should do with it is also beside the question. You can have a change in the top level of the Department with the introduction of different ideas entirely, and 6 months later we may find men shuffled from one job to another. That is why we object to the power that is given to the Postmaster General in the bill.

Mr. DAVIS. This particular provision here which appears a number of times in the bill possibly does present some points for argument and a good deal of consideration. As it appears to me, I feel that it

are occasions and possible occasions would arise when a letter carrier might very well without any disadvantage to him or without the use of any spite work of any kind be called upon to perform some duty of a lower level which at the moment nobody is there to perform, and which commonsense and reason would require that he do perform. I think that there ought to be language in this bill that would provide for the doing of such an act at such a time by a letter carrier or by any other postal employee.

Mr. DOHERTY. Mr. Murray stated it correctly when he said in an emergency, and I agree with him, Congressman Davis.

Mr. DAVIS. So I think the bill ought to have language which would provide for such a situation as that. Then I think also as Mr. Moss has pointed out here, it ought to be possible to write in language which would be able to prevent any imposition being made. I think in so far as this is concerned, it does not present any insuperable difficulty, and one which a little bit of consideration on both sides might work out language which would take care of every situation that could arise.

That is all I have, Mr. Chairman.

The CHAIRMAN. Mr. Cretella.

Mr. CRETELLA. Mr. Keating, getting back to the comments you made a few moments ago, in reference to this particular bill, if this bill did not pass the fact remains that you would then be bound by the law as it is on the books now.

Mr. KEATING. That is right.

Mr. CRETELLA. The law that is on the books now does permit this interchange of personnel occasionally, does it not?

Mr. KEATING. In emergencies. It is very restricted.

Mr. CRETELLA. But it permits it at the present time.

Mr. KEATING. That is right.

Mr. CRETELLA. I will agree with you that if you are going to get a spiteful postmaster, and there are those human beings who will probably assign a menial job to an individual out of spitework, for any reason he may see fit, which to you and I does not make sense, I believe no matter what law you try to write, you are still going to have those men on your hands. You agree with that, do you not? I have found this, that by far and large all postal employees are loyal employees. They are happy to have a job. They are proud of the job they are doing. I do not think that any particular individual, unless he is in turn stricken with vindictiveness toward his postmaster, would object to doing a task that is not spelled out in the law that he either should do or should not do. I do not suppose you subscribe to the individual who would not open a door to a fellow employee.

Mr. KEATING. No, sir. We agree with everything you said, Mr. Cretella. We agree that there are postmasters that are exactly as you described.

Mr. CRETELLA. I know of some.

Mr. KEATING. What we object to doing is licensing those men, and that is exactly what this bill does. It gives legality to what they want to do. Under the present law they cannot do it.

Mr. DOWDY. Will the gentleman yield?

Mr. CRETELLA. Surely.

Mr. DOWDY. On that particular thing you are talking about, you mention assignment of menial duty. This provision says related

Mr. CRETELLA. I yield to that language.

Mr. DOWDY. There is that limitation.

Mr. KEATING. It says as the needs of the service may require, may perform other or related duties of the same or lower level as assigned.

Mr. DOWDY. Related duty.

Mr. KEATING. That is open to terrific wide interpretation.

Mr. CRETELLA. I know a postmaster that assigned a guard to wash the walls of a post office. They were not washed since the post office was built. This was a related job. He told him to cut shrubs and we never had shrubs around the office.

Mr. DOHERTY. The position was made very clear by the gentleman from Connecticut. We subscribe to that language very thoroughly. Did I understand the gentleman from the Department saying he was taking the language out of the bill in those 21 places?

Mr. LYONS. No, sir, I did not.

Mr. DOHERTY. I am sorry I misunderstood you.

Mr. LYONS. I would suggest you consult with the legislative counsel, and particularly the General Accounting Office, before you remove language from the bill which protects the employee.

Mr. TUMULTY. Mr. Lyons, in this analysis of the postal pay bill, on page 5, would you be kind enough to look at that? I direct your attention under the chapter Key Positions, the third paragraph down. I will read it to make it easier:

Some descriptions (relating to descriptions of key positions) further provide that an employee may occasionally be assigned to perform work of a higher level without change of position or salary.

The word "occasionally" is here used, and I call your attention to this, which is more restrictive than the language in the position description relating to assignment to lower level work. The Postmaster General does not assign employees for any extended period of higher level of work without violating the principal of equal pay for substantially equal work.

You will notice that in your analysis the word "occasionally" is restrictive only when it relates to assigning an employee to higher work.

Mr. LYONS. Yes, sir.

Mr. TUMULTY. Am I correct in assuming that the word "occasionally" which was deliberately left out of assigning persons to lower level work so it might not be restrictive?

Mr. LYONS. Yes, sir, it was.

Mr. TUMULTY. That is what I thought.

Mr. LYONS. For this reason. Occasionally we will have a letter carrier that is disabled in one way or another, as an example. He is unable to carry his route. The National Association of Letter Carriers from time to time has asked the Department if some light duties could not be found for the man so that he could get back on the payroll after his sick leave had run out.

The General Accounting Office pointed out this to us, that in the event such an occasion occurred, and we put that letter carrier back, and we found some light duty around the post office for him, if we didn't have "may perform lower level work," we would then have to reduce his pay to the level of the job which he was performing. This language in there would prevent that situation from occurring.

Mr. TUMULTY. So I understand you, sir, when you draw this section, this so-called nullification clause which seems to be the stumbling block here, and I read it—

as the needs of the service require, may perform other related duties of the same or lower level—

the word "occasionally" could have been inserted before lower level, and deliberately was not for the reasons assigned by you.

Mr. LYONS. That is correct.

Mr. TUMULTY. Therefore, a person may be assigned to work at a lower level regularly under this section; is that correct?

Mr. LYONS. Yes, sir; but his salary is maintained, of course.

Mr. TUMULTY. I realize that. I am not imputing anything other than to get the exact state of affairs. It would be possible for some postmaster for some arbitrary reason to regularly assign a person to a lower level, therefore to some menial duty, out of spite-work under this section as it now stands.

Mr. LYONS. And under Public Law 134, as it now stands. Despite the gentleman's statement there is nothing in Public Law 134 which says in emergency.

Mr. TUMULTY. That law was passed before I got here, not that it would have made any difference.

Mr. LYONS. I think there has to be a little mutual trust in the thing based on past performance in the post offices.

Mr. TUMULTY. I realize that. What I am driving at is this. Would it not make your bill easier for passage if this bill were worded so that what you testified to could be accomplished, and these men will not have their fears?

Mr. LYONS. The Department would be very happy to consider any language that would protect the employee, but we will not blindly remove language if by removing it we could not do as we do now in many offices at times when a letter carrier is disabled, give him some light work.

Mr. TUMULTY. You are not averse to at least going over the matter with the honorable chairman and Mr. Doherty and proper people to see if this could not be worked out in an agreeable fashion so that what seems to be the most disturbing feature of the bill could be corrected.

Mr. LYONS. Not at all, sir. We would be delighted to have Mr. Doherty bother to call us up and tell us his objections to the bill despite the shortness of time.

Mr. DOWDY. You mentioned in this conversation about being regularly assigned to lower duties, that regular assignment we are talking to in the case you had in mind would prevail or last only so long as the disability lasted, as I understand your explanation of the provision.

Mr. LYONS. Only a few weeks usually.

Mr. TUMULTY. There is nothing in the bill which states that, is there?

Mrs. Sr. GEORGE. Would you yield for a question?

Mr. TUMULTY. Yes.

Mrs. Sr. GEORGE. Don't you think it would certainly be cause for complaint if any employee was assigned to a lower-level job, and paid a higher rate than that job called for? Do you not think after

at least a month or so some supervisor would catch this and would say this office is being very badly managed? I do not know of many post offices where they pay a man one salary and have him do work which is in a lower level.

Mr. TUMULTY. What you said may be true, but we are writing a statute, and it seems to me that if the statute could be amended agreeably, it would solve the problems.

Mrs. Sr. GEORGE. I agree with you. I think that we are rather raising ghosts and stumbling blocks which would hardly exist. I agree with you thoroughly, Mr. Tumulty, that the language should be changed if it will make the bill any more agreeable.

The CHAIRMAN. I cannot see why the language cannot be revised to the satisfaction of everyone. I think it could specify occasionally or in case of emergencies.

Mr. TUMULTY. I do not think there is any problem. Everybody knows you sometimes do something you are not assigned to do. Any tendency to shake this structure of security may cause justifiable fears. I know if you are very heavy and sit on a chair, and you have the slightest suspicion that it might fall, you get very worried about it. That is why I am concerned with the problem.

Mr. DOHERTY. Mr. Chairman, might I say to the gentleman from New Jersey, and I am for his observation, that when a letter carrier is disabled, he is not placed in a position of lower level. He is ordinarily assigned temporarily to the clerical branch of service, because the letter carrier and the postal clerk take the same civil-service examination.

The CHAIRMAN. And have the same title.

Mr. DOHERTY. In the examination it is the clerk-carrier examination. Therefore he goes over there temporarily during his period of convalescence. If you put that carrier who has served the Government long and faithfully in a lower level job, I think it is an insult to his intelligence. I certainly hope that language does not prevail except in emergencies, as the chairman has said.

Mrs. HARDEN. Mr. Chairman, in pursuing a question which you asked, I did not understand Mr. Doherty's reply. It is on page 16 of your statement where you state:

We believe the authority to fix the number of supervisors and other employees should remain with the Congress of the United States.

Mr. Doherty, do you feel that the Congress should also determine the number of letter carriers in each post office?

Mr. DOHERTY. The Congress does that now. When the Appropriations Committee take up the recommendations of the Post Office Department, the Appropriations Committee sets the number of employees that shall be engaged in the field service of the Post Office Department, and these gentlemen from the Post Office Department will verify my statement.

Mr. LYONS. Yes, sir; I would be very glad to verify that statement. That is exactly the control the Congress now has and will continue to have, since the Appropriations Committee forces us to justify all our supervisory positions and all our letter-carrier positions.

Mr. HARDEN. I did not understand your reply. Thank you. Thank you, Mr. Lyons.

Mr. DOHERTY. It is a very important point.