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THE WHITE HOUSE
WASHINGTON

ACTION

August 8, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: H.R. 5094 - Upgrading of Deputy United States Marshals

Awaiting your action is H.R. 5094, a bill that would upgrade nonsupervisory Deputy United States Marshal positions by one, two and three grades.

Background

This bill would legislate changes in the pay structure for some 1,300 nonsupervisory Deputy Marshals, based on a reconstruction of their grades and steps. It's substantially similar to the Deputy Marshal upgrading bill you pocket vetoed October 27, 1972 although - unlike the earlier bill - nominal coverage under the general schedule pay system is retained.

Congressional support for this bill was strong, as evidenced by the House vote of 319-84 and passage in the Senate by voice vote. Debate in favor of the legislation pointed out the unfavorable comparison between starting salaries for D.C. police and those for Deputy Marshals. Also, the Marshals' expanded role in crime control, air piracy and other law enforcement activities were said to warrant the increase.

Recommendations

Roy Ash, Justice and Civil Service recommend disapproval of this bill.

Bill Timmons and I feel very strongly that you should approve it today.

The first year cost is estimated at \$2 million, too small an issue to take a stand on.

APPROVE

DISAPPROVE

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5094 - Upgrading of Deputy
United States Marshals
Sponsor - Rep. Udall (D) Arizona and 13 others

Last Day for Action

August 12, 1974 - Monday

Purpose

Upgrades nonsupervisory deputy United States marshal positions
by one, two and three grades.

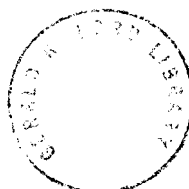
Agency Recommendations

Office of Management and Budget	Disapproval (Veto message attached)
Department of Justice	Disapproval (Veto message attached)
Civil Service Commission	Disapproval (Veto message attached)

Discussion

H.R. 5094 is substantially similar to the deputy marshal upgrading bill passed in the 92nd Congress, H.R. 13895, which you pocket vetoed October 27, 1972. It has the effect of exempting deputy U.S. marshals from the job evaluation standards and controls of the General Schedule pay system, although--unlike the vetoed bill--nominal coverage under that system would be retained. In another respect, however, the bill is even more objectionable than the vetoed bill because of its discriminatory "grade conversion" provisions described below.

Under existing law, salaries for deputy United States marshals are fixed under the General Schedule (GS) classification and pay system which governs the pay of some 1.2 million Federal



white collar employees, including other law enforcement employees in the Justice Department and elsewhere throughout the Government.

Prior to June 15, 1973, deputy marshals were classified at grade levels GS-6 through GS-9, with GS-8 as the typical journeyman level. They were promoted at one-grade intervals. Special deputy positions existed at GS-4 and GS-5 to provide employment opportunities for Vietnam veterans with inadequate or insufficient law enforcement training or experience to qualify at the entry level.

On June 15, 1973, the Civil Service Commission issued new standards for the deputy marshal occupation as a result of a full-scale study. The new standards recognize the expanded duties and responsibilities imposed on the Marshal Service and accord deputy marshals classification and pay treatment which is consistent with that of other Federal employees. Under this system, the deputy marshal occupation is classified at grade levels GS-5 through GS-9 and structured to provide a two-grade interval progression for promotion, i.e., GS-5, GS-7, and GS-9, with GS-9 as the full journeyman level. GS-4 was retained as the special rate for trainees and veterans, and GS-5 as the entry level for more qualified candidates.

As a result of the new standards, large scale upgradings have occurred. For example, Justice states that prior to the application of the June 15, 1973 standard, 429 deputy marshals were in grade GS-9 whereas now 949 are in that grade. Positions not upgraded were carefully evaluated and found to be properly classified at existing levels.

H.R. 5094 would legislate changes in the pay structure for some 1,300 nonsupervisory deputy marshals, based on a reconstruction of the grades and steps they were in prior to CSC's 1973 reclassification, as follows:

-- The classification structure administratively defined by the CSC would be fixed in statute and revised so that GS-5 would be used as a trainee level only, and GS-11, rather than GS-9, would become the full journeyman level. The GS-4 sub-entry level would be eliminated.



-- Deputies in GS-4, GS-5, GS-7, and GS-9 would be advanced to GS-5, GS-7, GS-9 and GS-11, respectively. These persons would be converted to the same step rates of the higher grades as those they now have in their present grades.

-- "Grade conversion" provisions in the bill would require that persons who occupied positions at GS-6 and GS-8 would be advanced to three different grades, GS-7, GS-9, or GS-11, solely on the basis of their previous step rate. Those in step 7 or below of their reconstructed grades would advance to the next grade; those in higher steps would advance three grades.

During congressional consideration of H.R. 5094, the Justice Department, CSC and OMB strongly opposed enactment, and threatened veto as unwarranted and discriminatory.

Arguments for Approval

1. It is argued that CSC's 1973 action in reclassifying deputy marshal positions is insufficient in view of the expanded duties and responsibilities imposed in recent years on marshals, as a result of their increasing role in crime control, urban strife, air piracy and other law enforcement activities. The House Committee states that the revision failed to upgrade deputy marshals to the pay status they deserve.
2. In the House debate, a comparison was drawn between the starting salary of \$10,000 for D.C. Police privates, and \$6,882, then the sub-entry GS-4 rate for deputy marshal trainees. The GS-5 trainee rate which would be provided in the enrolled bill is currently \$8,055 and the GS-7 rate is \$9,969.
3. Despite veto of the predecessor bill, and the strong opposition of the executive branch, there is strong congressional support for H.R. 5094, as evidenced by the House vote of 319-84 and passage in the Senate by voice vote.
4. The upgrading of deputy marshals which has already occurred as a result of CSC's new classification standards reduces the number of upgradings under the enrolled bill, so that its budget impact would be minimal.

Arguments for Disapproval.

1. H.R. 5094 is contrary to the most fundamental principles of position classification and pay administration. Preferential upgrading for deputy marshals, regardless of duties or of the relationship of such work to other Federal occupations, subverts the principle of equal pay for equal work which is the basis for the Federal pay system.
2. The proposed pay increases for marshals would blatantly discriminate against the other 1.2 million Federal employees under the General Schedule system, and most particularly against those other law enforcement employees, such as border patrol and correctional officers, whose pay grades have been carefully aligned with those of deputy marshals.
3. Legislative job classification for deputy marshals will become a direct precedent for other occupational groups--firefighters, building guards, special police groups, et al--to demand equal special pay treatment in Congress. While the immediate impact of this legislation will be on law enforcement groups within the Department of Justice, pressure for statutory upgrading can be expected from all professional and occupational categories, with substantial potential budgetary cost if successful.
4. CSC states that continued congressional upgrading will eventually dismantle the whole position classification system, and the result will be "a hodgepodge of irrational misalignments," based entirely on the amount of pressure each group can bring to bear.
5. The special employment program for Vietnam veterans in the Marshal Service would have to be reduced, because the bill eliminates the existing sub-entry level GS-4 position used to employ veterans who lack sufficient education and experience to qualify for GS-5.
6. The grade conversion features of the bill would create irrational pay disparities within the Marshal Service itself. The bill mandates highly irregular rules for the initial promotion to grade and to step within grade, with the result that persons now performing identical work will be placed in different grades, and those within the same grade will receive unjustified differentials in pay. Additional upgradings may well be required to remedy the pay distortions the bill legislates.

7. Deputy marshals cannot fairly be compared with city policemen, however important, valuable or dangerous their work may be. The fact that D.C. Metropolitan Police receive higher pay than marshals, cited as justification for H.R. 5094, is not valid grounds for the upgrading this bill provides. CSC emphasizes the fact that GS-11 is simply not warranted as the journeyman level for deputy marshal work, especially when compared with the demands of investigative positions classified at the same grade.

Recommendations

Justice recommends against approval of H.R. 5094, and expresses particular concern for "...the chain reaction effect that undoubtedly will follow if H.R. 5094 becomes law." The Department also states:

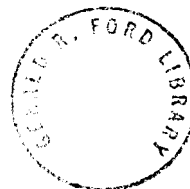
"...we believe that legislation of this type is totally unwarranted and unnecessary and that enactment of H.R. 5094 would irreparably harm the Federal compensation system."

CSC strongly opposes the bill and urges disapproval, citing "the very serious potential dangers of this sort of legislation". The Commission also states:

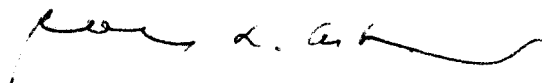
"We are convinced that a large number of occupational pressure groups are watching the progress of H.R. 5094 with great interest. If it is approved we expect them to move immediately in the same direction. The eventual result could be the scrapping of the classification system, and the piecemeal establishment by Congress of every grade and every step for every separate occupation in the Federal service."

OMB concurs with Justice and CSC and strongly recommends disapproval. Both agencies have prepared draft veto messages and we have also prepared a draft for your consideration, drawing on the CSC draft.

We are giving consideration as to whether or not it would be desirable to include in the veto message reference to certain other objectionable personnel bills which are pending in the



Congress, and will be in touch with your staff on this matter.



Director

Enclosures



Department of Justice
Washington, D.C. 20530

AUG 2 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill, H.R. 5094, a bill "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes."

Positions of deputy United States marshal now are graded under the general position classification and pay plan established by the Congress in chapter 51 of title 5, United States Code, to provide sound and equitable grade and pay relationships among white collar positions throughout the Government. Under this plan, the Civil Service Commission prepares Government-wide standards which define the different grades in terms of the duties, responsibilities and qualification requirements of the positions, and the Department of Justice fixes the grades and pay of its positions in accordance with these standards. Significantly, this plan permits the Department of Justice to base decisions to promote employees on two fundamental considerations: (1) is there work of the higher grade to be performed?, and (2) are the employees qualified to perform the higher level of work? These are management prerogatives essential to the effective and economical administration of a large and diversified work force.

H.R. 5094 would, on the other hand, fix the grades and pay of deputy marshal positions arbitrarily by statute rather than permit their evaluation under the carefully structured position classification system applicable to the positions of most other white collar Federal employees. Moreover, it would legislate a promotion system based on seniority which would require the Attorney General to promote each deputy marshal year after year until he reached the top non-supervisory grade of GS-11 whether or not there was GS-11 level work to be done by that employee.



2.

Not to be overlooked, of course, is the chain reaction effect that undoubtedly will follow if H. R. 5094 becomes law. How long will the same union which represents many deputy marshals wait to seek similar legislation for border patrol agents and correctional officers, whose grades traditionally have been carefully aligned with those of deputy marshals? Already the Immigration and Naturalization Service has asked the Acting Assistant Attorney General for Administration to seek Civil Service Commission revision of the position classification standard for border patrol agent positions giving as one basis for this the recent upgrading of deputy marshal positions under the June 15, 1973 standard cited in H. R. 5094.

Another objectionable feature of H. R. 5094 is the cost which would be both exorbitant and inflationary. First year costs are estimated to be \$2 million; costs in succeeding years would have to be determined on an individual basis, but obviously would be substantial.

In summary, we consider that deputy marshals have been treated fairly under the existing system. For example, it should be noted that prior to application of the June 15, 1973 standard, 429 deputy marshals were in grade GS-9, whereas now 949 are in that grade. For the reasons stated above, we believe that legislation of this type is totally unwarranted and unnecessary and that enactment of H. R. 5094 would irreparably harm the Federal compensation system. Similar legislation, H. R. 13895 of the 92nd Congress, was disapproved by President Nixon last year because of the highly preferential treatment it would have accorded deputy marshals.

The Department of Justice recommends against Executive approval of this bill.

A proposed veto message is enclosed.

Sincerely,

W. Vincent Rakestraw

W. Vincent Rakestraw
Assistant Attorney General



MEMORANDUM OF DISAPPROVAL

I have before me H.R. 5094, a bill "To amend Title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes." This bill would remove deputy marshals from the General Schedule system and raise their pay by as much as 24 percent. While I fully recognize the complexity and importance of the work that is performed by our deputy United States marshals, I have had to decide not to approve this bill.

The General Schedule classification and pay system provides for the equitable compensation of more than 1.2 million Federal employees, including deputy United States marshals and employees in other law enforcement occupations with responsibilities similar to those of deputy United States marshals. A bill such as H.R. 5094, which would classify positions by statute rather than by an evaluation of the work performed, defeats the basic principle of equal pay for equal work, and is unfair to all the other General Schedule employees whose positions would continue to be classified in accordance with accepted classification principles.

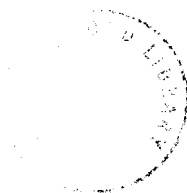
The Civil Service Commission, working with the Department of Justice, recently revised the classification standard for the deputy marshal occupation in recognition of the increasing responsibilities of the work they perform. I understand that, as a result of this,



2.

all positions are now classified in accordance with the new Civil Service Commission standards, and a substantial number of deputy marshals have been appropriately upgraded.

This Administration is vitally concerned that we do everything we can to win the battle against inflation by holding the line on wage increases that are excessive. The increases afforded deputy United States marshals as a result of the revised Civil Service Commission standard provided an equitable level of pay for these vital employees in relation to other Federal employees.





UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

August 2, 1974

Honorable Roy L. Ash
Director
Office of Management and Budget

Attention: Assistant Director for Legislative
Reference

Dear Mr. Ash:

This is in response to your request for the Commission's views and recommendation on enrolled bill H.R. 5094, an enrolled bill "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes."

This measure legislates grades for deputy U.S. marshals, placing them in grades on the basis of the grade and step they were in prior to June 1973, regardless of their duties or the relationship of deputy marshal work to the work of other Federal occupations. The bill effectively establishes GS-11 as the full performance grade for deputy marshal work, and eliminates the possibility of a GS-4 entry level. The Civil Service Commission strongly opposes this highly preferential measure and urges that it be disapproved. The bill:

- is contrary to the most fundamental principles of position classification and pay administration;
- would subvert the statutory principle of equal pay for equal work, creating inequities between deputy U.S. marshals and the other 1.2 million Federal employees under the General Schedule (especially those in other law enforcement occupations);
- would place deputy marshals performing identical work in different grades;
- would establish completely irrational pay differentials between deputy marshals in the same grade; and
- would stop the present practice of employing veterans under special programs starting at the GS-4 level when those veterans do not meet the qualification requirements for the GS-5 level.



This enrolled bill is very similar to a previous bill, H.R. 13895, which was passed by the 92nd Congress but disapproved by the President. Among the arguments for H.R. 13895 was the contention that the Civil Service Commission standards for this occupation were not up to date, and did not provide appropriate grades for deputy marshal work. Since that time, the Civil Service Commission has completed an occupational study of the deputy marshal occupation. The study found that the occupation needed substantial restructuring, including a change from a one to a two-grade interval progression for promotions, and an increase in the typical journeyman level from the GS-8 to the GS-9 level. Those changes in the occupation were carried out through the approval, in June 1973, of new qualification and classification standards for the occupation.

One of the specific findings of the occupational study was that the GS-11 level is simply not warranted for the typical journeyman position in the Marshals Service. The study included, for example, a comparison of deputy marshal and investigative positions. The Commission's standard for investigative positions shows that GS-11 investigators are responsible for the independent handling of an entire case. The characteristics and specific examples given in the standards for investigative positions indicate that the full performance level of deputy marshals does not match the GS-11 level. Deputy marshals are almost exclusively limited to one aspect of the cases described at this level, i.e. location and apprehension of the subject. Seizure of property is also limited in scope. There is no need to establish any case concerning the property. The deputy identifies, seizes, and protects the property. The rest of the case relating to the property is the concern of others. To place these positions at the GS-11 level would therefore be in conflict with the principle of equal pay for equal work.

That principle would be even more blatantly violated by the grade conversion provisions of H.R. 5094. Those provisions would place deputies performing identical work in different grades by assigning grades based on the previous within-grade (pay) step held by each deputy. Since large scale upgradings have occurred by application of the new standard since June, the bill has now been amended to prevent a "double-jump." If a marshal has been upgraded under the new standard, the bill requires the Department of Justice to determine where he was prior to this upgrading, and move him from that point to the grade and step specified by the peculiar advancement formula provided by the bill.

The formula ignores the fact that grade level alone reflects the level of work, while the pay step reflects longevity. The bill would in some instances force the Department of Justice to upgrade deputy marshals to a particular grade based on their previous step. As an example, two marshals doing identical work have been advanced to GS-9



under the new standard. The bill passes. The Department of Justice determines that last June one was in step 7 of GS-8 while the other (because of longer service) was in step 8 of the same grade. The bill advances the more senior to GS-11 (for which he is clearly not qualified) with an increase of \$68 a year. The more junior remains in GS-9 but with an increase of \$1624 a year. One gets an unwarranted two-grade promotion; the other gets an unwarranted four-step salary increase; the more junior now earns \$1150 a year more than his co-worker with longer service; and they are still doing identical jobs.

Under the new standard, we now have about 800 marshals in GS-9, all working at the same level--doing essentially the same job. H.R. 5094 would leave half of them in GS-9 but move the other half to GS-11. The 400 left in the correct grade will surely file appeals. The bill makes no pretense at equity; it openly establishes inequity.

Clearly, the establishment of the principle that a whole occupation can be inequitably upgraded by preferential legislation--if its lobby is vocal enough--is simply the thin edge of the wedge leading to the dismantling of our whole position classification system. Obviously, all employees would like to be in higher grades. If the deputy marshals succeed in getting preferential treatment, we would expect the policeman to try the same tactic; if they are successful, then the firefighters, then the correctional officers, then the translators, then the IRS officers, and so forth, until eventually the whole classification structure is a hodgepodge of irrational misalignments. Then the marshals, having seen their preferential position eroded by the success of other groups, would be ready to start the process over again with a special bill to raise them to GS-12.

We are convinced that a large number of occupational pressure groups are watching the progress of H.R. 5094 with great interest. If it is approved, we expect them to move immediately in the same direction. The eventual result could be the scrapping of the classification system, and the piecemeal establishment by Congress of every grade and every step for every separate occupation in the Federal Service.

The bill would also reduce the hiring of veterans by the U.S. Marshal Service. The Service has encouraged the hiring of veterans through the Veterans Readjustment Act by filling positions below the normal trainee level. This practice has permitted the hiring and training of veterans who could not meet all of the normal entry requirements. H.R. 5094 would stop this and similar programs by failing to provide for the possible filling of positions below the GS-5 level.



In view of these problems, and the very serious potential dangers of this sort of legislation, the Civil Service Commission urges that the President disapprove H.R. 5094. A proposed veto message is enclosed.

By direction of the Commission:

Sincerely yours,

Jayne B Spain
Acting
Chairman

Enclosure



TO THE HOUSE OF REPRESENTATIVES

I am returning to Congress without my approval H. R. 5094, an enactment "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes".

This enactment would violate fundamental principles of fairness, creating serious pay inequities between deputy United States marshals and other Federal law enforcement personnel. Even more illogically, it would create severe disruption of existing grade and pay relationships among the deputy marshals themselves - extending so far in some cases as to place more junior marshals in pay rates as much as \$1,150 above more senior coworkers who now, properly, are at a relatively higher rate. Some deputies doing identical work would be placed in different pay grades, and deputies doing different work would be placed in the same pay grade.

The enactment would run directly counter to the principle of equal pay for equal work. I find no basis for granting this small group such highly preferential treatment. Our policy must be, and is, to provide equitable salaries for all Federal employees. The proposed legislation violates that policy.

The action I am taking today in no way reflects on my appreciation of these employees. Their work is obviously important, but approval of this legislation would give this one small group an unwarranted advantage over other groups of equally dedicated employees.

Accordingly, I am constrained to disapprove enactment of H.R. 5094.

THE WHITE HOUSE



TO THE HOUSE OF REPRESENTATIVES

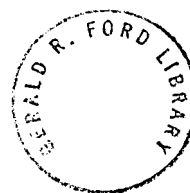
I am returning without my approval, H.R. 5094, a bill which would raise the pay of deputy United States marshals by as much as 24 percent through comprehensive, across-the-board upgrading.

This bill is similar to H.R. 13895 which I disapproved on October 27, 1972.

I am disapproving H.R. 5094 because it violates fundamental principles of fairness. It would place deputy marshal positions in salary ranges that would value such work at higher levels than the General Schedule provides for other work of comparable difficulty, despite the fact that the Civil Service Commission has already taken action to remedy any inequities which may have existed.

Even worse, it would create severe disruption of existing grade and pay relationships among the deputy marshals themselves--extending so far in some cases as to call for paying junior marshals as much as \$1,150 above more senior coworkers. Some deputies doing identical work would be placed in different pay grades, and deputies doing different work would be placed in the same pay grade. The bill could also markedly reduce the present special hiring program for veterans who wish to become deputy marshals and thus run counter to our efforts to enhance employment for Vietnam veterans.

H.R. 5094 runs directly counter to the principle of equal pay for equal work. Our policy must be, and is, to provide equitable salaries for all Federal employees. I find no basis for granting one small group highly preferential treatment.



Approval of the proposed statutory pay plan, in addition to being inherently unfair, would also serve as a precedent for other occupational groups to seek favored treatment in the Congress. The result could be a welter of costly, irrational pay systems, which would undermine the classification principles which are at the heart of the Government's merit system.

My action in disapproving this bill in no way reflects on the very high regard I have for the outstanding men and women who carry out the important work of deputy marshals. Approval of this bill, however, would give these employees a wholly unwarranted advantage over many other groups of equally devoted Federal employees who also perform valuable service.

I am also disturbed with this bill in that it represents another in a series of congressional actions to pass a myriad of unwarranted legislation often requiring unbudgeted increases in Federal expenditures. The result invariably is that cumulative and subsequently uncontrollable increases occur in many areas including unwarranted liberalizations in Federal personnel benefits.

Over the past two years, legislation passed by the Congress has increased the unfunded liability costs of the Federal employees retirement system by \$2 billion. These actions will increase outlays in the next fiscal year by \$300 million. Other benefit bills still pending before Congress would create an additional unfunded liability of about \$20 billion and would further increase 1976 budget outlays by \$850 million. These bills would be directly counter to our present efforts



to reduce the level of Federal spending and to submit a balanced budget for fiscal year 1976. They would fuel inflation precisely when all sectors of the economy must exercise strict restraint.

It is most important to our Nation to have adequately paid and motivated Federal employees. Nevertheless, Congress cannot justifiably continue to pass legislation which is not fiscally responsible. If we are to deal successfully with inflation, the Federal Government as the Nation's largest single employer must take the lead. If we expect restraint in the private sector on wage and price demands we must exercise even greater restraint in the Government.

I urge the Congress to join me in the fight against inflation which is our Nation's number one domestic problem. I would hope that Congress will exercise responsibility in considering further legislation benefiting Federal employees.

Accordingly, I feel compelled to disapprove enactment of H.R. 5094.



THE WHITE HOUSE

August , 1974

*To -
Hansen Hendricks
8-7-74*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5094 - Upgrading of Deputy
United States Marshals
Sponsor - Rep. Udall (D) Arizona and 13 others

Last Day for Action

August 12, 1974 - Monday

Purpose

Upgrades nonsupervisory deputy United States marshal positions by one, two and three grades.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto message attached)
Department of Justice	Disapproval (Veto message attached)
Civil Service Commission	Disapproval (Veto message attached)

Discussion

H.R. 5094 is substantially similar to the deputy marshal upgrading bill passed in the 92nd Congress, H.R. 13895, which you pocket vetoed October 27, 1972. It has the effect of exempting deputy U.S. marshals from the job evaluation standards and controls of the General Schedule pay system, although--unlike the vetoed bill--nominal coverage under that system would be retained. In another respect, however, the bill is even more objectionable than the vetoed bill because of its discriminatory "grade conversion" provisions described below.

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white collar employees, including other law enforcement employees in the Justice Department and elsewhere throughout the Government.

Prior to June 15, 1973, deputy marshals were classified at grade levels GS-6 through GS-9, with GS-8 as the typical journeyman level. They were promoted at one-grade intervals. Special deputy positions existed at GS-4 and GS-5 to provide employment opportunities for Vietnam veterans with inadequate or insufficient law enforcement training or experience to qualify at the entry level.

On June 15, 1973, the Civil Service Commission issued new standards for the deputy marshal occupation as a result of a full-scale study. The new standards recognize the expanded duties and responsibilities imposed on the Marshal Service and accord deputy marshals classification and pay treatment which is consistent with that of other Federal employees. Under this system, the deputy marshal occupation is classified at grade levels GS-5 through GS-9 and structured to provide a two-grade interval progression for promotion, i.e., GS-5, GS-7, and GS-9, with GS-9 as the full journeyman level. GS-4 was retained as the special rate for trainees and veterans, and GS-5 as the entry level for more qualified candidates.

As a result of the new standards, large scale upgradings have occurred. For example, Justice states that prior to the application of the June 15, 1973 standard, 429 deputy marshals were in grade GS-9 whereas now 949 are in that grade. Positions not upgraded were carefully evaluated and found to be properly classified at existing levels.

H.R. 5094 would legislate changes in the pay structure for some 1,300 nonsupervisory deputy marshals, based on a reconstruction of the grades and steps they were in prior to CSC's 1973 reclassification, as follows:

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-- Deputies in GS-4, GS-5, GS-7, and GS-9 would be advanced to GS-5, GS-7, GS-9 and GS-11, respectively. These persons would be converted to the same step rates of the higher grades as those they now have in their present grades.

-- "Grade conversion" provisions in the bill would require that persons who occupied positions at GS-6 and GS-8 would be advanced to three different grades, GS-7, GS-9, or GS-11, solely on the basis of their previous step rate. Those in step 7 or below of their reconstructed grades would advance to the next grade; those in higher steps would advance three grades.


During congressional consideration of H.R. 5094, the Justice Department, CSC and OMB strongly opposed enactment, and threatened veto as unwarranted and discriminatory.

Arguments for Approval

1. It is argued that CSC's 1973 action in reclassifying deputy marshal positions is insufficient in view of the expanded duties and responsibilities imposed in recent years on marshals, as a result of their increasing role in crime control, urban strife, air piracy and other law enforcement activities. The House Committee states that the revision failed to upgrade deputy marshals to the pay status they deserve.
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3. Despite veto of the predecessor bill, and the strong opposition of the executive branch, there is strong congressional support for H.R. 5094, as evidenced by the House vote of 319-84 and passage in the Senate by voice vote.
4. The upgrading of deputy marshals which has already occurred as a result of CSC's new classification standards reduces the number of upgradings under the enrolled bill, so that its budget impact would be minimal.



Arguments for Disapproval.

1. H.R. 5094 is contrary to the most fundamental principles of position classification and pay administration. Preferential upgrading for deputy marshals, regardless of duties or of the relationship of such work to other Federal occupations, subverts the principle of equal pay for equal work which is the basis for the Federal pay system.
 2. The proposed pay increases for marshals would blatantly discriminate against the other 1.2 million Federal employees under the General Schedule system, and most particularly against those other law enforcement employees, such as border patrol and correctional officers, whose pay grades have been carefully aligned with those of deputy marshals.
 3. Legislative job classification for deputy marshals will become a direct precedent for other occupational groups--firefighters, building guards, special police groups, et al--to demand equal special pay treatment in Congress. While the immediate impact of this legislation will be on law enforcement groups within the Department of Justice, pressure for statutory upgrading can be expected from all professional and occupational categories, with substantial potential budgetary cost if successful.
 4. CSC states that continued congressional upgrading will eventually dismantle the whole position classification system, and the result will be "a hodgepodge of irrational misalignments," based entirely on the amount of pressure each group can bring to bear.
 5. The special employment program for Vietnam veterans in the Marshal Service would have to be reduced, because the bill eliminates the existing sub-entry level GS-4 position used to employ veterans who lack sufficient education and experience to qualify for GS-5.
 6. The grade conversion features of the bill would create irrational pay disparities within the Marshal Service itself. The bill mandates highly irregular rules for the initial promotion to grade and to step within grade, with the result that persons now performing identical work will be placed in different grades, and those within the same grade will receive unjustified differentials in pay. Additional upgradings may well be required to remedy the pay distortions the bill legislates.
- 

7. Deputy marshals cannot fairly be compared with city policemen, however important, valuable or dangerous their work may be. The fact that D.C. Metropolitan Police receive higher pay than marshals, cited as justification for H.R. 5094, is not valid grounds for the upgrading this bill provides. CSC emphasizes the fact that GS-11 is simply not warranted as the journeyman level for deputy marshal work, especially when compared with the demands of investigative positions classified at the same grade.

Recommendations

Justice recommends against approval of H.R. 5094, and expresses particular concern for "...the chain reaction effect that undoubtedly will follow if H.R. 5094 becomes law." The Department also states:

"...we believe that legislation of this type is totally unwarranted and unnecessary and that enactment of H.R. 5094 would irreparably harm the Federal compensation system."

CSC strongly opposes the bill and urges disapproval, citing "the very serious potential dangers of this sort of legislation". The Commission also states:

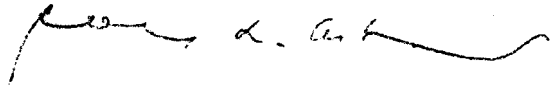
"We are convinced that a large number of occupational pressure groups are watching the progress of H.R. 5094 with great interest. If it is approved we expect them to move immediately in the same direction. The eventual result could be the scrapping of the classification system, and the piecemeal establishment by Congress of every grade and every step for every separate occupation in the Federal service."

OMB concurs with Justice and CSC and strongly recommends disapproval. Both agencies have prepared draft veto messages and we have also prepared a draft for your consideration, drawing on the CSC draft.

We are giving consideration as to whether or not it would be desirable to include in the veto message reference to certain other objectionable personnel bills which are pending in the



Congress, and will be in touch with your staff on this matter.



Director

Enclosures



TO THE HOUSE OF REPRESENTATIVES

I am returning without my approval, H.R. 5094, a bill which would raise the pay of deputy United States marshals by as much as 24 percent through comprehensive, across-the-board upgrading.

This bill is similar to H.R. 13895 which I disapproved on October 27, 1972.

I am disapproving H.R. 5094 because it violates fundamental principles of fairness. It would place deputy marshal positions in salary ranges that would value such work at higher levels than the General Schedule provides for other work of comparable difficulty, despite the fact that the Civil Service Commission has already taken action to remedy any inequities which may have existed.

Even worse, it would create severe disruption of existing grade and pay relationships among the deputy marshals themselves--extending so far in some cases as to call for paying junior marshals as much as \$1,150 above more senior coworkers. Some deputies doing identical work would be placed in different pay grades, and deputies doing different work would be placed in the same pay grade. The bill could also markedly reduce the present special hiring program for veterans who wish to become deputy marshals and thus run counter to our efforts to enhance employment for Vietnam veterans.

H.R. 5094 runs directly counter to the principle of equal pay for equal work. Our policy must be, and is, to provide equitable salaries for all Federal employees. I find no basis for granting one small group highly preferential treatment.

Approval of the proposed statutory pay plan, in addition to being inherently unfair, would also serve as a precedent for other occupational groups to seek favored treatment in the Congress. The result could be a welter of costly, irrational pay systems, which would undermine the classification principles which are at the heart of the Government's merit system.

My action in disapproving this bill in no way reflects on the very high regard I have for the outstanding men and women who carry out the important work of deputy marshals. Approval of this bill, however, would give these employees a wholly unwarranted advantage over many other groups of equally devoted Federal employees who also perform valuable service.

I am also disturbed with this bill in that it represents another in a series of congressional actions to pass a myriad of unwarranted legislation often requiring unbudgeted increases in Federal expenditures. The result invariably is that cumulative and subsequently uncontrollable increases occur in many areas including unwarranted liberalizations in Federal personnel benefits.

Over the past two years, legislation passed by the Congress has increased the unfunded liability costs of the Federal employees retirement system by \$2 billion. These actions will increase outlays in the next fiscal year by \$300 million. Other benefit bills still pending before Congress would create an additional unfunded liability of about \$20 billion and would further increase 1976 budget outlays by \$850 million. These bills would be directly counter to our present efforts

to reduce the level of Federal spending and to submit a balanced budget for fiscal year 1976. They would fuel inflation precisely when all sectors of the economy must exercise strict restraint.

It is most important to our Nation to have adequately paid and motivated Federal employees. Nevertheless, Congress cannot justifiably continue to pass legislation which is not fiscally responsible. If we are to deal successfully with inflation, the Federal Government as the Nation's largest single employer must take the lead. If we expect restraint in the private sector on wage and price demands we must exercise even greater restraint in the Government.

I urge the Congress to join me in the fight against inflation which is our Nation's number one domestic problem. I would hope that Congress will exercise responsibility in considering further legislation benefiting Federal employees.

Accordingly, I feel compelled to disapprove enactment of H.R. 5094.

THE WHITE HOUSE

August , 1974

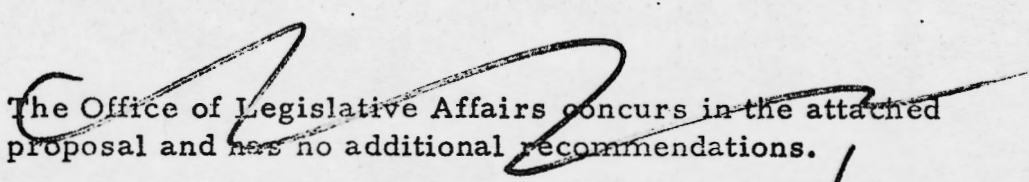
THE WHITE HOUSE

WASHINGTON
August 8, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS

SUBJECT: Action Memorandum - Log No. 497
Enrolled Bill H. R. 5094 - Upgrading
of Deputy United States Marshals


The Office of Legislative Affairs concurs in the attached
proposal and has no additional recommendations.

Attachment

*Bill should be
signed today!*

*copy of Jensen staffing given
to JAG to show Timmons*



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 497

Date: August 8, 1974

Time: 9:30 a. m.

FOR ACTION: Geoff Shepard
Fred Buzhardt
✓ Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Dave Gergen

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 8, 1974 Time: 2:00 p. m.

SUBJECT: Enrolled Bill H.R. 5094 - Upgrading of Deputy United States Marshals

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☐ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

RUSH

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 497

Date: August 8, 1974

Time: 9:30 a. m.

FOR ACTION: Geoff Shepard
Fred Buzhardt
✓ Bill Timmons

cc (for information): Warren K. Hendriks
Jerry Jones
Dave Gergen

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 8, 1974 Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 5094 - Upgrading of Deputy United States Marshals

ACTION REQUESTED:

_____ For Necessary Action

XX For Your Recommendations

_____ Prepare Agenda and Brief

_____ Draft Reply

_____ For Your Comments

_____ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 7 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5094 - Upgrading of Deputy
United States Marshals
Sponsor - Rep. Udall (D) Arizona and 13 others

Last Day for Action

August 12, 1974 - Monday

Purpose

Upgrades nonsupervisory deputy United States marshal positions by one, two and three grades.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto message attached)
Department of Justice	Disapproval (Veto message attached)
Civil Service Commission	Disapproval (Veto message attached)

Discussion

H.R. 5094 is substantially similar to the deputy marshal upgrading bill passed in the 92nd Congress, H.R. 13895, which you pocket vetoed October 27, 1972. It has the effect of exempting deputy U.S. marshals from the job evaluation standards and controls of the General Schedule pay system, although--unlike the vetoed bill--nominal coverage under that system would be retained. In another respect, however, the bill is even more objectionable than the vetoed bill because of its discriminatory "grade conversion" provisions described below.

Under existing law, salaries for deputy United States marshals are fixed under the General Schedule (GS) classification and pay system which governs the pay of some 1.2 million Federal

white collar employees, including other law enforcement employees in the Justice Department and elsewhere throughout the Government.

Prior to June 15, 1973, deputy marshals were classified at grade levels GS-6 through GS-9, with GS-8 as the typical journeyman level. They were promoted at one-grade intervals. Special deputy positions existed at GS-4 and GS-5 to provide employment opportunities for Vietnam veterans with inadequate or insufficient law enforcement training or experience to qualify at the entry level.

On June 15, 1973, the Civil Service Commission issued new standards for the deputy marshal occupation as a result of a full-scale study. The new standards recognize the expanded duties and responsibilities imposed on the Marshal Service and accord deputy marshals classification and pay treatment which is consistent with that of other Federal employees. Under this system, the deputy marshal occupation is classified at grade levels GS-5 through GS-9 and structured to provide a two-grade interval progression for promotion, i.e., GS-5, GS-7, and GS-9, with GS-9 as the full journeyman level. GS-4 was retained as the special rate for trainees and veterans, and GS-5 as the entry level for more qualified candidates.

As a result of the new standards, large scale upgradings have occurred. For example, Justice states that prior to the application of the June 15, 1973 standard, 429 deputy marshals were in grade GS-9 whereas now 949 are in that grade. Positions not upgraded were carefully evaluated and found to be properly classified at existing levels.

H.R. 5094 would legislate changes in the pay structure for some 1,300 nonsupervisory deputy marshals, based on a reconstruction of the grades and steps they were in prior to CSC's 1973 reclassification, as follows:

-- The classification structure administratively defined by the CSC would be fixed in statute and revised so that GS-5 would be used as a trainee level only, and GS-11, rather than GS-9, would become the full journeyman level. The GS-4 sub-entry level would be eliminated.



-- Deputies in GS-4, GS-5, GS-7, and GS-9 would be advanced to GS-5, GS-7, GS-9 and GS-11, respectively. These persons would be converted to the same step rates of the higher grades as those they now have in their present grades.

-- "Grade conversion" provisions in the bill would require that persons who occupied positions at GS-6 and GS-8 would be advanced to three different grades, GS-7, GS-9, or GS-11, solely on the basis of their previous step rate. Those in step 7 or below of their reconstructed grades would advance to the next grade; those in higher steps would advance three grades.

During congressional consideration of H.R. 5094, the Justice Department, CSC and OMB strongly opposed enactment, and threatened veto as unwarranted and discriminatory.

Arguments for Approval

1. It is argued that CSC's 1973 action in reclassifying deputy marshal positions is insufficient in view of the expanded duties and responsibilities imposed in recent years on marshals, as a result of their increasing role in crime control, urban strife, air piracy and other law enforcement activities. The House Committee states that the revision failed to upgrade deputy marshals to the pay status they deserve.
2. In the House debate, a comparison was drawn between the starting salary of \$10,000 for D.C. Police privates, and \$6,882, then the sub-entry GS-4 rate for deputy marshal trainees. The GS-5 trainee rate which would be provided in the enrolled bill is currently \$8,055 and the GS-7 rate is \$9,969.
3. Despite veto of the predecessor bill, and the strong opposition of the executive branch, there is strong congressional support for H.R. 5094, as evidenced by the House vote of 319-84 and passage in the Senate by voice vote.
4. The upgrading of deputy marshals which has already occurred as a result of CSC's new classification standards reduces the number of upgradings under the enrolled bill, so that its budget impact would be minimal.

Arguments for Disapproval.

1. H.R. 5094 is contrary to the most fundamental principles of position classification and pay administration. Preferential upgrading for deputy marshals, regardless of duties or of the relationship of such work to other Federal occupations, subverts the principle of equal pay for equal work which is the basis for the Federal pay system.
2. The proposed pay increases for marshals would blatantly discriminate against the other 1.2 million Federal employees under the General Schedule system, and most particularly against those other law enforcement employees, such as border patrol and correctional officers, whose pay grades have been carefully aligned with those of deputy marshals.
3. Legislative job classification for deputy marshals will become a direct precedent for other occupational groups--firefighters, building guards, special police groups, et al--to demand equal special pay treatment in Congress. While the immediate impact of this legislation will be on law enforcement groups within the Department of Justice, pressure for statutory upgrading can be expected from all professional and occupational categories, with substantial potential budgetary cost if successful.
4. CSC states that continued congressional upgrading will eventually dismantle the whole position classification system, and the result will be "a hodgepodge of irrational misalignments," based entirely on the amount of pressure each group can bring to bear.
5. The special employment program for Vietnam veterans in the Marshal Service would have to be reduced, because the bill eliminates the existing sub-entry level GS-4 position used to employ veterans who lack sufficient education and experience to qualify for GS-5.
6. The grade conversion features of the bill would create irrational pay disparities within the Marshal Service itself. The bill mandates highly irregular rules for the initial promotion to grade and to step within grade, with the result that persons now performing identical work will be placed in different grades, and those within the same grade will receive unjustified differentials in pay. Additional upgradings may well be required to remedy the pay distortions the bill legislates.

7. Deputy marshals cannot fairly be compared with city policemen, however important, valuable or dangerous their work may be. The fact that D.C. Metropolitan Police receive higher pay than marshals, cited as justification for H.R. 5094, is not valid grounds for the upgrading this bill provides. CSC emphasizes the fact that GS-11 is simply not warranted as the journeyman level for deputy marshal work, especially when compared with the demands of investigative positions classified at the same grade.

Recommendations

Justice recommends against approval of H.R. 5094, and expresses particular concern for "...the chain reaction effect that undoubtedly will follow if H.R. 5094 becomes law." The Department also states:

"...we believe that legislation of this type is totally unwarranted and unnecessary and that enactment of H.R. 5094 would irreparably harm the Federal compensation system."

CSC strongly opposes the bill and urges disapproval, citing "the very serious potential dangers of this sort of legislation". The Commission also states:

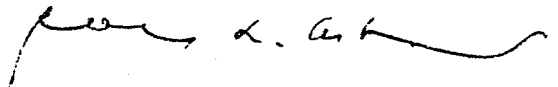
"We are convinced that a large number of occupational pressure groups are watching the progress of H.R. 5094 with great interest. If it is approved we expect them to move immediately in the same direction. The eventual result could be the scrapping of the classification system, and the piecemeal establishment by Congress of every grade and every step for every separate occupation in the Federal service."

OMB concurs with Justice and CSC and strongly recommends disapproval. Both agencies have prepared draft veto messages and we have also prepared a draft for your consideration, drawing on the CSC draft.

We are giving consideration as to whether or not it would be desirable to include in the veto message reference to certain other objectionable personnel bills which are pending in the

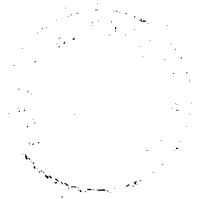


Congress, and will be in touch with your staff on this matter.

A handwritten signature in dark ink, appearing to read "Roy L. Ash". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director

Enclosures



Department of Justice
Washington, D.C. 20530

AUG 2 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill, H.R. 5094, a bill "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes."

Positions of deputy United States marshal now are graded under the general position classification and pay plan established by the Congress in chapter 51 of title 5, United States Code, to provide sound and equitable grade and pay relationships among white collar positions throughout the Government. Under this plan, the Civil Service Commission prepares Government-wide standards which define the different grades in terms of the duties, responsibilities and qualification requirements of the positions, and the Department of Justice fixes the grades and pay of its positions in accordance with these standards. Significantly, this plan permits the Department of Justice to base decisions to promote employees on two fundamental considerations: (1) is there work of the higher grade to be performed?, and (2) are the employees qualified to perform the higher level of work? These are management prerogatives essential to the effective and economical administration of a large and diversified work force.

H.R. 5094 would, on the other hand, fix the grades and pay of deputy marshal positions arbitrarily by statute rather than permit their evaluation under the carefully structured position classification system applicable to the positions of most other white collar Federal employees. Moreover, it would legislate a promotion system based on seniority which would require the Attorney General to promote each deputy marshal year after year until he reached the top non-supervisory grade of GS-11 whether or not there was GS-11 level work to be done by that employee.



Not to be overlooked, of course, is the chain reaction effect that undoubtedly will follow if H. R. 5094 becomes law. How long will the same union which represents many deputy marshals wait to seek similar legislation for border patrol agents and correctional officers, whose grades traditionally have been carefully aligned with those of deputy marshals? Already the Immigration and Naturalization Service has asked the Acting Assistant Attorney General for Administration to seek Civil Service Commission revision of the position classification standard for border patrol agent positions giving as one basis for this the recent upgrading of deputy marshal positions under the June 15, 1973 standard cited in H. R. 5094.

Another objectionable feature of H. R. 5094 is the cost which would be both exorbitant and inflationary. First year costs are estimated to be \$2 million; costs in succeeding years would have to be determined on an individual basis, but obviously would be substantial.

In summary, we consider that deputy marshals have been treated fairly under the existing system. For example, it should be noted that prior to application of the June 15, 1973 standard, 429 deputy marshals were in grade GS-9, whereas now 949 are in that grade. For the reasons stated above, we believe that legislation of this type is totally unwarranted and unnecessary and that enactment of H. R. 5094 would irreparably harm the Federal compensation system. Similar legislation, H. R. 13895 of the 92nd Congress, was disapproved by President Nixon last year because of the highly preferential treatment it would have accorded deputy marshals.

The Department of Justice recommends against Executive approval of this bill.

A proposed veto message is enclosed.

Sincerely,

W. Vincent Rakestraw

W. Vincent Rakestraw
Assistant Attorney General



MEMORANDUM OF DISAPPROVAL

I have before me H.R. 5094, a bill "To amend Title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes." This bill would remove deputy marshals from the General Schedule system and raise their pay by as much as 24 percent. While I fully recognize the complexity and importance of the work that is performed by our deputy United States marshals, I have had to decide not to approve this bill.

The General Schedule classification and pay system provides for the equitable compensation of more than 1.2 million Federal employees, including deputy United States marshals and employees in other law enforcement occupations with responsibilities similar to those of deputy United States marshals. A bill such as H.R. 5094, which would classify positions by statute rather than by an evaluation of the work performed, defeats the basic principle of equal pay for equal work, and is unfair to all the other General Schedule employees whose positions would continue to be classified in accordance with accepted classification principles.

The Civil Service Commission, working with the Department of Justice, recently revised the classification standard for the deputy marshal occupation in recognition of the increasing responsibilities of the work they perform. I understand that, as a result of this,



2.

all positions are now classified in accordance with the new Civil Service Commission standards, and a substantial number of deputy marshals have been appropriately upgraded.

This Administration is vitally concerned that we do everything we can to win the battle against inflation by holding the line on wage increases that are excessive. The increases afforded deputy United States marshals as a result of the revised Civil Service Commission standard provided an equitable level of pay for these vital employees in relation to other Federal employees.



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

August 2, 1974

Honorable Roy L. Ash
Director
Office of Management and Budget

Attention: Assistant Director for Legislative
Reference

Dear Mr. Ash:

This is in response to your request for the Commission's views and recommendation on enrolled bill H.R. 5094, an enrolled bill "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes."

This measure legislates grades for deputy U.S. marshals, placing them in grades on the basis of the grade and step they were in prior to June 1973, regardless of their duties or the relationship of deputy marshal work to the work of other Federal occupations. The bill effectively establishes GS-11 as the full performance grade for deputy marshal work, and eliminates the possibility of a GS-4 entry level. The Civil Service Commission strongly opposes this highly preferential measure and urges that it be disapproved. The bill:

- is contrary to the most fundamental principles of position classification and pay administration;
- would subvert the statutory principle of equal pay for equal work, creating inequities between deputy U.S. marshals and the other 1.2 million Federal employees under the General Schedule (especially those in other law enforcement occupations);
- would place deputy marshals performing identical work in different grades;
- would establish completely irrational pay differentials between deputy marshals in the same grade; and
- would stop the present practice of employing veterans under special programs starting at the GS-4 level when those veterans do not meet the qualification requirements for the GS-5 level.

This enrolled bill is very similar to a previous bill, H.R. 13895, which was passed by the 92nd Congress but disapproved by the President. Among the arguments for H.R. 13895 was the contention that the Civil Service Commission standards for this occupation were not up to date, and did not provide appropriate grades for deputy marshal work. Since that time, the Civil Service Commission has completed an occupational study of the deputy marshal occupation. The study found that the occupation needed substantial restructuring, including a change from a one to a two-grade interval progression for promotions, and an increase in the typical journeyman level from the GS-8 to the GS-9 level. Those changes in the occupation were carried out through the approval, in June 1973, of new qualification and classification standards for the occupation.

One of the specific findings of the occupational study was that the GS-11 level is simply not warranted for the typical journeyman position in the Marshals Service. The study included, for example, a comparison of deputy marshal and investigative positions. The Commission's standard for investigative positions shows that GS-11 investigators are responsible for the independent handling of an entire case. The characteristics and specific examples given in the standards for investigative positions indicate that the full performance level of deputy marshals does not match the GS-11 level. Deputy marshals are almost exclusively limited to one aspect of the cases described at this level, i.e. location and apprehension of the subject. Seizure of property is also limited in scope. There is no need to establish any case concerning the property. The deputy identifies, seizes, and protects the property. The rest of the case relating to the property is the concern of others. To place these positions at the GS-11 level would therefore be in conflict with the principle of equal pay for equal work.

That principle would be even more blatantly violated by the grade conversion provisions of H.R. 5094. Those provisions would place deputies performing identical work in different grades by assigning grades based on the previous within-grade (pay) step held by each deputy. Since large scale upgradings have occurred by application of the new standard since June, the bill has now been amended to prevent a "double-jump." If a marshal has been upgraded under the new standard, the bill requires the Department of Justice to determine where he was prior to this upgrading, and move him from that point to the grade and step specified by the peculiar advancement formula provided by the bill.

The formula ignores the fact that grade level alone reflects the level of work, while the pay step reflects longevity. The bill would in some instances force the Department of Justice to upgrade deputy marshals to a particular grade based on their previous step. As an example, two marshals doing identical work have been advanced to GS-9


under the new standard. The bill passes. The Department of Justice determines that last June one was in step 7 of GS-8 while the other (because of longer service) was in step 8 of the same grade. The bill advances the more senior to GS-11 (for which he is clearly not qualified) with an increase of \$68 a year. The more junior remains in GS-9 but with an increase of \$1624 a year. One gets an unwarranted two-grade promotion; the other gets an unwarranted four-step salary increase; the more junior now earns \$1150 a year more than his co-worker with longer service; and they are still doing identical jobs.

Under the new standard, we now have about 800 marshals in GS-9, all working at the same level--doing essentially the same job. H.R. 5094 would leave half of them in GS-9 but move the other half to GS-11. The 400 left in the correct grade will surely file appeals. The bill makes no pretense at equity; it openly establishes inequity.

Clearly, the establishment of the principle that a whole occupation can be inequitably upgraded by preferential legislation--if its lobby is vocal enough--is simply the thin edge of the wedge leading to the dismantling of our whole position classification system. Obviously, all employees would like to be in higher grades. If the deputy marshals succeed in getting preferential treatment, we would expect the policeman to try the same tactic; if they are successful, then the firefighters, then the correctional officers, then the translators, then the IRS officers, and so forth, until eventually the whole classification structure is a hodgepodge of irrational misalignments. Then the marshals, having seen their preferential position eroded by the success of other groups, would be ready to start the process over again with a special bill to raise them to GS-12.

We are convinced that a large number of occupational pressure groups are watching the progress of H.R. 5094 with great interest. If it is approved, we expect them to move immediately in the same direction. The eventual result could be the scrapping of the classification system, and the piecemeal establishment by Congress of every grade and every step for every separate occupation in the Federal Service.

The bill would also reduce the hiring of veterans by the U.S. Marshal Service. The Service has encouraged the hiring of veterans through the Veterans Readjustment Act by filling positions below the normal trainee level. This practice has permitted the hiring and training of veterans who could not meet all of the normal entry requirements. H.R. 5094 would stop this and similar programs by failing to provide for the possible filling of positions below the GS-5 level.



In view of these problems, and the very serious potential dangers of this sort of legislation, the Civil Service Commission urges that the President disapprove H.R. 5094. A proposed veto message is enclosed.

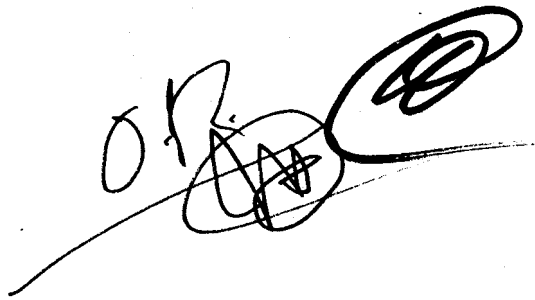
By direction of the Commission:

Sincerely yours,

Jayne B. Spain
Acting
Chairman

Enclosure

TO THE HOUSE OF REPRESENTATIVES



I am returning to Congress without my approval H. R. 5094, an enactment "To amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes".

This enactment would violate fundamental principles of fairness, creating serious pay inequities between deputy United States marshals and other Federal law enforcement personnel. Even more illogically, it would create severe disruption of existing grade and pay relationships among the deputy marshals themselves - extending so far in some cases as to place more junior marshals in pay rates as much as \$1,150 above more senior coworkers who now, properly, are at a relatively higher rate. Some deputies doing identical work would be placed in different pay grades, and deputies doing different work would be placed in the same pay grade.

The enactment would run directly counter to the principle of equal pay for equal work. I find no basis for granting this small group such highly preferential treatment. Our policy must be, and is, to provide equitable salaries for all Federal employees. ~~The proposed~~ *This measure* ~~legislation~~ violates that policy.

The action I am taking today in no way reflects on my appreciation of these employees. Their work is obviously important, but approval of this legislation would give this one small group an unwarranted advantage over other groups of equally dedicated employees.

Accordingly, I am constrained to disapprove enactment of H.R. 5094.

THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES

I am returning without my approval, H.R. 5094, a bill which would raise the pay of deputy United States marshals by as much as 24 percent through comprehensive, across-the-board upgrading.

This bill is similar to H.R. 13895 which I disapproved on October 27, 1972.

I am disapproving H.R. 5094 because it violates fundamental principles of fairness. It would place deputy marshal positions in salary ranges that would value such work at higher levels than the General Schedule provides for other work of comparable difficulty, despite the fact that the Civil Service Commission has already taken action to remedy any inequities which may have existed.

Even worse, it would create severe disruption of existing grade and pay relationships among the deputy marshals themselves--extending so far in some cases as to call for paying junior marshals as much as \$1,150 above more senior coworkers. Some deputies doing identical work would be placed in different pay grades, and deputies doing different work would be placed in the same pay grade. The bill could also markedly reduce the present special hiring program for veterans who wish to become deputy marshals and thus run counter to our efforts to enhance employment for Vietnam veterans.

H.R. 5094 runs directly counter to the principle of equal pay for equal work. Our policy must be, and is, to provide equitable salaries for all Federal employees. I find no basis for granting one small group highly preferential treatment.

Approval of the proposed statutory pay plan, in addition to being inherently unfair, would also serve as a precedent for other occupational groups to seek favored treatment in the Congress. The result could be a welter of costly, irrational pay systems, which would undermine the classification principles which are at the heart of the Government's merit system.

My action in disapproving this bill in no way reflects on the very high regard I have for the outstanding men and women who carry out the important work of deputy marshals. Approval of this bill, however, would give these employees a wholly unwarranted advantage over many other groups of equally devoted Federal employees who also perform valuable service.

I am also disturbed with this bill in that it represents another in a series of congressional actions to pass a myriad of unwarranted legislation often requiring unbudgeted increases in Federal expenditures. The result invariably is that cumulative and subsequently uncontrollable increases occur in many areas including unwarranted liberalizations in Federal personnel benefits.

Over the past two years, legislation passed by the Congress has increased the unfunded liability costs of the Federal employees retirement system by \$2 billion. These actions will increase outlays in the next fiscal year by \$300 million. Other benefit bills still pending before Congress would create an additional unfunded liability of about \$20 billion and would further increase 1976 budget outlays by \$850 million. These bills would be directly counter to our present efforts

to reduce the level of Federal spending and to submit a balanced budget for fiscal year 1976. They would fuel inflation precisely when all sectors of the economy must exercise strict restraint.

It is most important to our Nation to have adequately paid and motivated Federal employees. Nevertheless, Congress cannot justifiably continue to pass legislation which is not fiscally responsible. If we are to deal successfully with inflation, the Federal Government as the Nation's largest single employer must take the lead. If we expect restraint in the private sector on wage and price demands we must exercise even greater restraint in the Government.

I urge the Congress to join me in the fight against inflation which is our Nation's number one domestic problem. I would hope that Congress will exercise responsibility in considering further legislation benefiting Federal employees.

Accordingly, I feel compelled to disapprove enactment of H.R. 5094.

THE WHITE HOUSE

August , 1974

(Gergen)

August 12, 1974

TO THE HOUSE OF REPRESENTATIVES

I am today returning to the Congress without my approval H. R. 5094, a measure that would require the reclassification and upgrading of deputy United States marshals.

A bill substantially similar to this legislation was passed by the Congress and then pocket vetoed by President Nixon in October, 1972. Since that time various departments of the executive branch have consistently argued that such legislation would be unwise and discriminatory.

That opposition has been based upon the view that by singling out deputy United States marshals for significant salary increases, the Government would be creating serious pay inequities with other Federal law enforcement personnel, thus violating fundamental principles of fairness. In addition, H. R. 5094 would severely disrupt existing grade and pay relationships among the deputy marshals themselves. In some cases, under this legislation, junior marshals would be paid \$1,150 a year more than their senior colleagues. Some deputies doing identical work would be placed in different pay grades, while deputies performing different jobs would be placed in the same pay grade.



I fully appreciate the fine service performed by our deputy U.S. marshals, and I am aware that the Congress was prompted by a desire to ensure that their pay matched the increasing responsibilities they have assumed in recent years. But I also believe that this legislation would run directly counter to the principle of equal pay for equal work that underlies our civil service system. Our policy has been and must continue to be one of fundamental fairness to all Federal employees. For that reason, I am returning this legislation without my approval.

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