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M. K. G. up
new file

23 August 1945

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MEMORANDUM

TO: [REDACTED]
Assistant Director

Via: Office of General Counsel

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FROM: [REDACTED]
Chief, Special Funds Division

SUBJECT: Federal Employees Pay Act of 1945 -
Application to OSS Unvouchered Funds Personnel

1. A question has arisen concerning an apparent conflict between the provisions of General Order No. 88, effective 26 July 1945, and Administrative Instruction No. 38, effective 30 July 1945. It is requested that this matter be clarified for the information and guidance of the branches concerned and Special Funds Division.

2. General Order No. 88 provides in part that it will be the administrative policy of OSS to extend the pay increase provided for under the Federal Employees' Pay Act of 1945 to employees on exempt and on unvouchered funds where such employees are occupying positions administratively classified and/or carrying pay at levels prescribed by the Classification Act of 1923, as amended. It appears that, under the provisions of this Order, personnel on unvouchered funds may not be extended pay increases until the positions which they are occupying have been administratively classified and/or carry pay at levels prescribed by the Classification Act of 1923 as amended. From the wording of General Order No. 88, it would seem that in the case of those employees whose positions are administratively classified subsequent to 1 July 1945, the pay increase is effective as of the date the position has been so classified or 26 July 1945, (the effective date of General Order No. 88) whichever is later, and is not retroactive to 1 July 1945.

3. Administrative Instruction No. 39 provides in part that unvouchered personnel occupying positions administratively classified or carrying pay at levels prescribed by the Classification Act of 1923, as amended, will be given pay increases in line with the Federal Employees' Pay Act of 1945, retroactive to 1 July 1945. Therefore, although the retroactive feature is clear in Administrative Instruction No. 39, it does not appear that such retroactive pay increase is authorized under the provisions of General Order No. 38.

4. The question presented for your determination is: (i) will unvouchered personnel whose positions are administratively classified subsequent to 1 July 1945 be extended a pay increase in line with the Federal Employees' Pay Act of 1945 under authority of General Order No. 38, retroactive to 1 July 1945, or, (ii) will the pay increase be effective as of the date of General Order No. 38, 26 July 1945, or, (iii) if the date of determination that the position occupied is administratively classified and/or carries pay at levels prescribed by the Classification Act of 1923, as amended, is subsequent to 26 July 1945, will the pay increase be effective as of such date of administrative classification.

 Chief
Special Funds Division

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