

## OVERTIME COMPENSATION FOR RADIO INSPECTORS

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FEBRUARY 7, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. O'LEARY, from the Committee on the Merchant Marine and Fisheries, submitted the following

### REPORT

[To accompany H. R. 533]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 533) to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The current bill is identical with H. R. 10205 of the Seventy-sixth Congress, which passed the House August 19, 1940.

Every possible cooperation is had between the inspection staff and the owners to make these inspections and not to hamper the movement of the ships. These inspectors have regular hours of work, but if inspection is requested by a ship outside of regular hours, then the inspection is made. Authority for the payment of the compensation of such overtime is desirable, and would be granted under the proposed legislation. Under this bill, the overtime is to be paid by the owner of the vessel at whose request the inspection of the equipment was made at hours other than regular hours of work.

The purpose of the proposed legislation is to provide extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission.

During the period from July 1, 1939, to December 31, 1939, radio inspectors at the request of the owners of vessels were required to work 633 hours overtime for the purpose of inspection of radio equipment and apparatus in order that the owners of the vessels might obtain certificates as required by section 360 (b) of the Communications Act. That section of the act requires that once each year every

ship subject to part III, title III of the Communications Act must be inspected to make sure that its radio installation complies with the requirements of the law. If the radio installation meets the requirements, then a certificate is issued by the Communications Commission.

Your committee is informed that the authority for the overtime pay which is desired by the radio inspectors is identical with that given under similar circumstances to inspectors of the Bureau of Marine Inspection and Navigation, such authority being granted in Public, No. 503, Seventy-fifth Congress, approved May 11, 1938.

Your committee is informed that the cost to the owners of vessels as a whole for the overtime pay for this inspection would be between \$3,500 to \$4,000 a year. However, the bill would be of benefit to the owners in the long run, for, in many instances, the delays to the vessels, if overtime inspection were not made, would exceed the pay provided in this bill.

The letter from the Chairman of the Federal Communications Commission, dated July 1, 1940, recommending the introduction and enactment of this legislation, together with a statement of reasons, outlines the situation very fully, and both are appended below.

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- FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D. C., July 1, 1940.

HON. WILLIAM B. BANKHEAD,  
*Speaker of the House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: The Federal Communications Commission transmits herewith a proposed bill to authorize the payment by private owners of vessels, at whose request inspections of radio equipment are made, of extra compensation for overtime service of inspectors of the Federal Communications Commission with the request that this matter receive the consideration of the Congress.

By letter of June 22, 1940, the Commission has been informed by the Director of the Bureau of the Budget that there would be no objection to the submission of this proposed legislation.

Sincerely yours,

JAMES LAWRENCE FLY, *Chairman.*

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STATEMENT OF REASONS

The purpose of the proposed legislation is to provide for extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. The extra compensation is to be paid by the owner of the vessel at whose request the inspection of radio equipment and apparatus is made for services at hours other than regular hours of work.

During the period July 1, 1939, to December 31, 1939, radio inspectors of the Field Division, at the request of owners of vessels, were required to work 633 hours overtime for the purpose of inspection of radio equipment and apparatus in order that the owner of a vessel might obtain a certification as required under section 360 (b) of the act. Based upon the amount of work of overtime services rendered by radio inspectors as shown above, it is estimated that the cost to shipowners would be approximately \$3,500 for a fiscal year.

The proposed bill will not increase the budget of the Federal Communications Commission.

This bill is identical in substance with S. 2986, Seventy-fifth Congress, third session, providing for extra compensation for overtime services for local inspectors of steam vessels and their assistants, and customs officers and employees, which was approved May 11, 1938, as Public, No. 503, Seventy-fifth Congress, chapter 194, third session.

## CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in section 4 (f) of the Communications Act of 1934, as amended (49 Stat. 1098), made by the bill are shown as follows (existing law in which no change is proposed is shown in roman and new matter is printed in *italic*):

(f) (1) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services; and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

(2) *The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purpose of part II of title III of this Act, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: Provided, That the amounts of such collections received by the said collector of customs or his representative shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: Provided further, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: Provided further, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: And provided further, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed."*

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