

DEPARTMENT OF DEFENSE
ARMED FORCES SECURITY AGENCY
Washington 25, D. C.001
7AFSA MEMORANDUM NO. 32-77

14 December 1951

SUBJECT: Limitations on Personnel Actions - Whitten Amendment.

1. The First Supplemental Appropriation Act, 1952 (Public Law 253, 82nd Congress) became effective 1 November 1951. Section 1310 of this Act, the "Whitten Amendment," contains detailed provisions which apply to administration of AFSA and ASA civilian personnel as follows:

a. Classification Act employees.

- (1) Appointments and promotions. All appointments and promotions will continue to be made as Schedule F excepted appointments. (AFSA and ASA have been authorized an exception to that part of the Whitten Amendment requiring that such actions be made temporary.)
- (2) Reassignment after appointment. No employee will be reassigned to a different line of work within 3 months after appointment if the position to be filled is in grade GS 2, 3, 4 or 5; or within 6 months after appointment if the position to be filled is in grade GS 6 or above.
- (3) Actions from grade GS-2 through GS-5:
 - (a) No employee or former Federal employee may be appointed or promoted to a higher grade within 3 months after his last appointment.
 - (b) No employee or former Federal employee may be advanced more than 2 grades above the lowest grade he held within the past 12 months. This advancement may be 2 grades at one time or in 2 separate actions.
- (4) Actions to grade GS-6 and above.
 - (a) No employee or former Federal employee may be appointed or promoted to a higher grade within 12 months after the appointment which began his latest period of continuous Federal employment, or after his last appointment or promotion to a higher grade (whichever is later), and
 - (b) No employee or former employee may be advanced more than one grade above the lowest grade he held within the past 12 months. However, in the following cases he may be advanced 2 grades above the lowest grade he held within the past 12 months when the position to be filled is:

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- 1 Not higher than grade GS-11 and is in a line of work properly classified at two-grade intervals under the Classification Act of 1949.
 - 2 In the agency in which he is serving if there is no position in the normal line of promotion in the grade immediately below that of the position to be filled and prior approval of the Civil Service Commission representative has been obtained.
- (5) Employees demoted or separated by reduction in force. The restrictions of the Whitten Amendment do not apply to any employee who is being appointed or promoted to any grade up to and including that from which he had ever been demoted or separated, by any Federal Agency, because of reduction in force. Any time or grade requirement for promotion above the grade from which he had been separated or demoted will begin with the effective date of his appointment or promotion to that grade.
- b. Wage Board employees. The provisions of the Whitten Amendment do not apply to Wage Board employees at the present time.
2. Personnel actions taken subsequent to 31 October 1951 will be reviewed on the basis of the requirements of the Whitten Amendment as they apply to AFSA and ASA.
 3. Inclosed is a series of questions and answers concerning the application of the Whitten Amendment to personnel actions.
 4. The Chief, ASA, concurs that the provisions of this memorandum apply to ASA personnel.
 5. A revision of AFSA Memorandum No. 32-76, 5 Sept. 1951, subject: "Promotion Policy - AFSA Civilian Employees," will be published to include the provisions of the Whitten Amendment, retroactive to 1 November 1951.

FOR THE DIRECTOR:

G. E. Campbell
 GEO. E. CAMPBELL
 Colonel, AGC
 Adjutant General

Inclosure - 1
 List of questions and answers

DISTRIBUTION III

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QUESTIONS AND ANSWERS CONCERNING THE APPLICATION
OF THE WRITTEN AMENDMENT TO PERSONNEL ACTIONS

1. Q. An employee was promoted to a grade GS-9 position one year ago. He resigned from this position six months ago. May he now be appointed to a grade GS-10 position?
 - A. Yes, inasmuch as one year has elapsed since his last promotion. (If, however, he is now appointed to a grade GS-9 position, one year must elapse from the date of his new appointment before he may be promoted.)

2. Q. A former Federal employee resigned more than a year ago from a grade GS-7 position. Is there any limitation on the grade to which he may now be appointed?
 - A. No. Since he has not been employed by the Federal Government within the past year he may now be appointed to any position for which he possesses necessary experience or training to qualify.

3. Q. An employee with no previous Federal service has been given an appointment to a grade GS-3 position. How soon may he be promoted to a grade GS-4?
 - A. The employee may be promoted after three calendar months have elapsed from date of appointment, provided he is otherwise qualified.

4. Q. When may the employee who was promoted to grade GS-4 in the previous question be promoted to grade GS-5?
 - A. He may be promoted at any time to a grade GS-5 position for which he meets the qualification standards.

5. Q. An employee was appointed at GS-2 on 1 January 1951, promoted to GS-3 on 15 April 1951 and promoted to GS-4 on 1 August 1951. A promotion to grade GS-5 was processed effective 4 November 1951. Should this action be canceled?
 - A. Yes. The employee may not legally be promoted to grade GS-5 until one year has elapsed since his promotion to grade GS-3. No employoo may be advanced more than two grades above the lowest grade held within the past twelve months; i.e., 15 April 1952.

6. Q. When an employoo moves between Federal agencies at the same grade without a break in service, should service in both agencies be considered in determining eligibility for promotion?
 - A. Yes.

Incl. 1 with AFSA Memorandum No. 32-77 of 14 December 1951

7. Q. An employee was appointed to an excepted position in grade GS-11 in January 1951. In July 1951 his excepted appointment was terminated and he was appointed without ~~break~~ in service to a competitive position of the same grade. When may he be promoted?
- A. This employee may be promoted in January 1952. This answer would also be true if he had been appointed to a competitive position in January 1951 and subsequently changed to an excepted position of the same grade without a break in service.
8. Q. If a position is allocated to a higher grade but the incumbent does not satisfy requirements, what action should be taken?
- A. Action should first be taken to determine eligibility for promotion in terms of time and grade requirements of the Whitten Amendment. In the event eligibility cannot be so established (as in the case of an employee who has been promoted two grades within the previous year), the incumbent may be detailed to the higher grade position until he is eligible for promotion. (This assumes the position may not be feasibly filled with a fully qualified person either by appointment or position change).