

DEPARTMENT OF JUSTICE

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| DEPARTMENT OF JUSTICE |
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| DIVISION OF RECORDS |
| LANDS-ADMINISTRATIVE |

TO ALL FIELD AND UNITED STATES ATTORNEYS FOR WHOM THE LANDS DIVISION OF THE DEPARTMENT OF JUSTICE HAS APPOINTED CLERICAL EMPLOYEES IN CONNECTION WITH WORK ASSIGNED BY THE LANDS DIVISION:

1. Effective July 1, 1939, the Lands Division of the Department of Justice will bring all clerical positions in the Field into the competitive classified service under the provisions of Rule II, Section 6, Civil Service Rules (as amended by Executive Order No. 7915, June 24, 1938, effective February 1, 1939), which Rule reads as follows:

6. Excepted employees-- when classified.--Except as provided in section 7 of this rule a person holding a position when it becomes classified or otherwise subject to competitive examination, shall, upon recommendation to the Commission by the head of the department or establishment in which he is employed, have all the rights which he would acquire if appointed thereto upon competitive examination: Provided, (a) That he was appointed at least six months prior to the effective date of the change in the status of the position; (b) that he has performed satisfactory active service during at least three

months of the year immediately preceding the change in the status of the position; (c) that he shall pass such appropriate noncompetitive tests of fitness as the Commission may prescribe; and (d) that he is not disqualified by any of the provisions of section 3 of Civil Service Rule V or of any provision of the Civil Service Act and rules, or of any other statute or Executive order. Any such person who fails to meet the foregoing requirements of this section shall be separated from the service within thirty days (exclusive of leave to which he is entitled) after the Commission reports that he is ineligible for classification unless the head of the agency concerned certifies to the Commission that such person has rendered satisfactory service and that he should be retained although without acquiring a competitive classified status.

2. As a result all Lands Division stenographers, clerks and typists in the Field occupying positions with the Lands Division on January 1, 1939, may be considered for classification:

a) Upon recommendation by the Attorney General and certification to the Civil Service Commission that the incumbent was in the service of the Department of Justice on January 1, 1939, and has rendered satisfactory active service during at least three months of the year immediately preceding the change in status of the position.

b) Upon passing such appropriate noncompetitive tests of fitness as the Civil Service Commission may prescribe.

Provided that he or she is a citizen of the United States

and is not disqualified by any provision of law, civil service rule, any other statute or Executive Order.

3. Any such incumbent who fails to meet the foregoing requirements shall be separated from the service within 30 days (exclusive of leave to which he or she is entitled) after the Civil Service Commission reports that he or she is ineligible for classification, unless the Attorney General certifies to the Commission that such incumbent has rendered satisfactory service and should be retained, although without acquiring a competitive classified status.

4. Any clerical employee who the attorney or United States Attorney does not feel justified in recommending for classification or for retention will be dropped from the rolls at the close of June 30, 1939, upon advice to that effect from the attorney or United States Attorney having such employee under his supervision.

5. In the case of those stenographers and clerks who were on duty in their present position on January 1, 1939, and who are therefore eligible to be recommended for classification, each Attorney or United States Attorney having such employees under their supervision must:

a) Prepare a letter addressed to the Attorney General (Attention: Assistant Attorney General Norman M. Littell, Lands Division) containing a statement to the effect that

to
the stenographer, clerk or typist/be recommended for classification has rendered satisfactory active service during at least three months of the year immediately preceding the change in status of the position, and is recommended for classification.

b) Have such stenographer, clerk or typist who was on duty January 1, 1939, and who is to be recommended for classification execute the enclosed Forms 375, 2390, 2413 1769, and application blank, and return them to the Department immediately with the letter outlined in the above instruction "a)". The Department will then transmit such forms to the Civil Service Commission.

6. Employees who are foreign born must furnish proof of United States citizenship. If United States citizenship is based on a naturalization certificate, the original of that certificate should be forwarded with the forms, as it is contrary to law to make copies thereof. Original naturalization certificates will be returned to the employee.

7. There is attached hereto as part of this circular a list indicating the places at which there are either full or part-time Federal medical officers who are available for conducting the medical examination required on Form 2413. These examinations will be given free of charge unless otherwise indicated. Medical examinations will not be acceptable

unless conducted at one of the stations or by one of the medical officers indicated on the list, unless no medical officer is available within 50 miles, which fact is noted on list. Any expense incident to the examinations must be borne by the employee.

8. There is also attached hereto as part of this circular a list indicating where Form 2390, requiring fingerprints, may be executed.

9. The noncompetitive examinations will be conducted by the Civil Service Commission at a later date, and information relative thereto will be sent direct to the employees concerned by the Civil Service Commission, thereafter, the Department will be notified by the Commission as to those employees meeting the requirements, and they will in turn be formally notified by the Department of Justice. Deductions for retirement will be made from their salaries beginning at the next pay period following this formal notification.

10. Those employees who entered on duty after January 1, 1939, do not fill out any forms. However, it is necessary that each attorney or United States Attorney having such employees under their supervision ^{immediately} prepare a letter addressed to the Attorney General (Attention: Assistant Attorney General Norman M. Littell) containing a statement to the effect that the stenographer, clerk or typist to be recommended for retention

has rendered satisfactory service and is recommended for retention although without acquiring a classified status. Those employees who entered on duty after January 1, 1939, and who are recommended for retention by their immediate superior will be certified by the Attorney General to the Civil Service Commission for retention in status quo and will be restricted by the rules of the Civil Service Commission to the position which they now hold. They may not be transferred, promoted to another grade, or assigned to another position subject to civil service rules and regulations, and they will enjoy none of the benefits of the classified civil service since they do not meet provision "(a)" of Rule II, Section 6 of Civil Service Rules set out above.

11. After July 1, 1939, all Lands Division vacancies in clerical positions in the Field will be filled by authorization by this Department and after approval of the Civil Service Commission, in one of the following ways:

- a. By transfer of personnel from other agencies operating under civil service; or
- b. By reinstatement of persons with a civil service status who were previously employed; or
- c. By selection from registers of eligibles furnished by the District Managers of the Civil Service Commission.

Norman M. Littell
NORMAN M. LITTELL
Assistant Attorney General