

## UNITED STATES CIVIL SERVICE COMMISSION

Washington, D. C.

February 19, 1915.

Hon. Charles S. Hamlin,  
Governor, Federal Reserve Board,  
Washington, D. C.

Sir:

This Commission has the honor to acknowledge the receipt of your communication of February 16, asking whether an employee of the Government appointed under the civil service rules who resigns from such employment to become a member of the staff of the Federal Reserve Board would thereby lose his civil service status.

Civil Service Rule X, clause 3, provides that "Any person may be retransferred to a position in which he was formerly employed, or to any position to which transfer could be made therefrom, if since his transfer he has been continuously in the executive \* \* \* civil service of the United States \* \* \* \* \*."

The Federal Reserve Act, section 11, providing that employees shall be appointed without regard to the civil service act declares that "nothing herein shall prevent the President from placing such employees in the classified service." This provision, together with the reasons given in the opinion of the Attorney General made public December 19, 1914, indicate that an employee transferred to the Board from the classified service may be regarded for the purposes of the rules and in the interests of good administration as

eligible for return to the classified service, to the position in which he was formerly employed or to any position to which transfer could be made therefrom, if he has been continuously in the service.

It is suggested that your Board request this Commission to issue its certificate for the transfer in order that there may be a record in the Commission.

It may be added that in being transferred from the classified competitive service to the Federal Reserve Board, which is outside the classified service, the employee would not carry with him any other rights or privileges than those of reinstatement and retransfer. He would not, any more than any other employee of the Board, be entitled to charges and an opportunity of reply before removal as required by law in the case of competitive employees. The act makes it discretionary with the President to place employees of the Board in the classified service, and until he so directs, such employees acquire none of the rights and privileges attaching to classified employees except where transferred from the classified competitive service and then only to the extent of reinstatement or retransfer.

By direction of the Commission:

Very respectfully,

(Signed) JOHN A. McILHENNY,

President.