

TRADITION

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Utilization of Personnel for Dual Functions

We have reviewed again the question: can a single ACTION employee concurrently direct both Peace Corps and domestic programming in one geographical area. ACTION will soon be obligated to provide domestic programming in the Commonwealth of the Northern Mariana Islands, Peace Corps programming will still be authorized in that location as well, but will be gradually phased out. Additionally, Peace Corps presence will continue in adjoining areas of the U.S. Trust Territory.

It is still our opinion that ACTION may not utilize one person in a dual role. In reaching this conclusion, we have reviewed the issue: whether existing statutory language limits the utilization of a single individual for a dual function?

The Domestic and Peace Corps statutes create two separate and distinct personnel systems. The former limits domestic line personnel to the General Schedule system under Title V of the United States Code. Section 7 of the Peace Corps Act bars the utilization of non-FS employees in line functions, with the exception of "officers or employees of agencies of the United States Government. . ." detailed to Peace Corps positions. If the phrase "agencies of the United States" is interpreted to include ACTION's Domestic side, then it is conceivable that an ACTION DO employee could be detailed to a Peace Corps position, and in some manner occupy a dual role. However, this is not a permissible interpretation, due to the fact that the statute was written prior to the merger of Peace Corps and Domestic programs.

Even if the phrase is re-interpreted to include our Domestic Program side as a possible source for Peace Corps employees, there is no authorization in the statute which would permit the "donating" agency (DO) to continue to call upon the services of the employee detailed to Peace Corps. In other

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words, the employee detailed would be able to perform Peace Corps functions, but would not be authorized to continue his domestic functions while on the detail. The goal of dual employment cannot be reached by this means.

Because a single ACTION employee cannot serve in a dual capacity, the following alternatives should be considered:

- (1) the establishment of two full-time positions, one for IO, the other for DO;
- (2) the termination of Peace Corps activities in the area, with reliance upon domestic programs to meet objectives;
- (3) a statutory change in one or both Acts, permitting the cross-utilization of line personnel in certain limited, specific areas, such as one posed by the present problem; and,
- (4) Congressional oversight committee approval for dual employment not contemplated by Congress when it drafted the applicable legislation.

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