

January 12, 1976

SPECIAL AGENT JAMES P. MOSTY, JR.
INFORMATION CONCERNING

FBI POLICY AND PROCEDURES
RELATING TO PERSONNEL MATTERS

In response to a request from the U. S. House of Representatives Committee on the Judiciary December 15, 1975, relating to information contained in the personnel file of SA James P. Mosty, Jr., it is noted that among the documents in question are two copies of a memorandum from Special Agent Mosty to Special Agent in Charge, Dallas, dated December 6, 1963. Each copy contains handwritten notations, corrections or additions thereon. These copies were previously made available to the committee by SA Mosty.

The only other document involved was prepared by the Special Agent in Charge in Dallas on December 8, 1973, and contained the names of Lee Harvey Oswald and Marina Nikolayevna Oswald in the caption. This document contained explanations from individuals involved in the investigation of Lee Harvey Oswald and is available for your review with appropriate excisions to protect the privacy of individuals other than SA Mosty mentioned therein.

In connection with the committee's request for information pertaining to policy and procedures employed by the FBI in personnel matters the following is noted. By statute, all positions in the FBI are excepted from the competitive service and, therefore, our administrative actions relating to disciplinary matters are not governed by the requirements of the Civil Service Commission for the competitive service. We do, however, adhere closely to guidelines set forth by the Commission and have a two-step system wherein employees who are nonveterans and are the subjects of adverse action, which action is taken by the Assistant Director in Charge of the Administrative Division, have the right to appeal this action to the Director. It should be noted that an adverse action case is one involving more than thirty days' suspension, reduction in rank or compensation, or dismissal.

1 - Michael E. Shaneen, Jr.

Special Counsel for Intelligence Coordination

Based on memorandum Burns to Walsh, 1/9/76, FW:rjw

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It should be noted that the two-step appeal system within the FBI, relating to both veterans and nonveterans, was formalized in 1974 as a result of Civil Service Commission revisions relating to adverse actions in September, 1974, which stressed that the final action on an adverse action case should be taken by a higher official than the one that took the initial action. Prior to that time all administrative action of this nature was handled by the Director and appealable only to the Director except for the veteran who had the right of additional appeal to the Civil Service Commission.

In the case of veterans of the military service, however, all such employees are afforded all rights available to them in accordance with the Veterans Preference Act of 1944. A veteran must be given thirty days' advance written notice of the proposal of any of the above-mentioned adverse actions (Title 5, Section 7512, U. S. Code) and may also appeal an adverse decision to the Civil Service Commission (Title 5, Section 7701, U. S. Code). The veteran is entitled to his rights under the provisions of 5 Code of Federal Regulations (CFR), Part 752.201 et seq (Adverse Actions by Agencies) and under Federal Personnel Manual, Section 752.202 (revised September 5, 1974).

Information concerning veterans' rights in such matters appears in the FBI's Manual of Rules and Regulations, Part I, Section 9-E-7, and Part I, Section 10-D-1. Although the veteran has the added protection of the advance written notice and a right of appeal to the Civil Service Commission, all employees are treated in the same manner in relation to other aspects of disciplinary policy. Each employee is fully advised of the specific nature of any allegation pertaining to that employee, is afforded an interview, has the right to reply to specific charges, and is given every opportunity to furnish explanations and refute allegations. Matters involving possible disciplinary action are handled in a thorough manner, including extensive investigation where warranted and no action is taken until all facts have been firmly established. All employees, of course, have the right to contest adverse action in Federal court.

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