

13. Restrictions on allowances for rent for third-class offices.—The aggregate allowance for rent of third-class post offices made in any year shall not exceed the amount appropriated for such purpose. (July 24, 1888, c. 702, § 1, 25 Stat. 315.)

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Section 31. Appointment and removal; tenure of office.—Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster General, by whom all appointments and removals shall be notified to General Accounting Office. (July 12, 1870, c. 179, § 6, 19 Stat. 80; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

32. Residence.—Every postmaster shall reside within the delivery of the office to which he is appointed or within the town or city where the same is situated. (Apr. 28, 1904, c. 1759, § 8, 33 Stat. 411.)

33. Oaths to expense accounts.—Postmasters and assistant postmasters are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and

no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (Aug. 24, 1912, c. 355, § 8, 37 Stat. 487.)

34. Bond.—Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the department. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the Bureau of Accounts in the Post Office Department. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole. (R. S. § 3831; Mar. 1, 1909, c. 232, 35 Stat. 670; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

35. Approval of bonds.—The bonds of all postmasters may by the direction of the Postmaster General be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster General or by the Fourth Assistant Postmaster General in the name of the Postmaster General. (Mar. 3, 1877, c. 103, § 2, 19 Stat. 335; Dec. 21, 1893, c. 6, 28 Stat. 21.)

36. New bonds; application of payments.—Whenever any postmaster is required to execute a new bond, all payments made by him after the execution of such new bond, may, if the Postmaster General or the Comptroller General deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond. (R. S. § 3835; Feb. 4, 1879, c. 45, 20 Stat. 281.)

37. Deficiency in accounts; notice to sureties.—When a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails, to make good such deficiency, it shall be the duty of the General Accounting Office to notify the Postmaster General of such failure, and upon receiving such notice the Postmaster General shall forthwith deposit a notice in the post office at Washington, District of Columbia, addressed to the sureties respectively upon the bonds of said postmaster, at the office where he or they may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. (R. S. § 3835; Feb. 4, 1879, c. 45, 20 Stat. 281; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

38. Time of sureties' liability.—Every postmaster and his sureties shall be responsible under their bond for the safe-keeping of the public property of the post office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster General. When a person designated to act as postmaster under section 39 of this title shall have taken charge of such post office, the liability of the sureties of the former postmaster shall cease. (R. S. § 3836.)

39. Vacancies; ad interim appointments; bonds of appointees; regular appointments to fill vacancies.—Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safe-keeping of the public property pertaining to the post office and the performance of the duties of his office until

a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay and the Postmaster General shall promptly notify the General Accounting Office of the change. (R. S. § 3836; Mar. 1, 1921, c. 88, § 1, 41 Stat. 1171; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

40. **Release of sureties on bond.**—If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness. (R. S. § 3838.)

41. **Records at post offices.**—Every postmaster shall keep a record, in such form as the Postmaster General shall direct, of all postage stamps, envelopes, postal books, blanks, and property received from his predecessor, or from the department or any of its agents; of all receipts in money for postages and box rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster General; and these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any post-office inspector. (R. S. §§ 3842, 4047; June 11, 1880, c. 206, § 1, 21 Stat. 177.)

42. **Quarterly accounts of receipts.**—Every postmaster shall render to the Postmaster General, under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail matter, or by reason of keeping a branch office, or for the delivery of mail matter in any manner whatever. (R. S. § 3843.)

43. **Same; to be sworn to.**—The Postmaster General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail matter on which the postage was not at the time paid; that such account exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right. (R. S. § 3844.)

44. **Neglect to render accounts.**—Whenever any postmaster neglects to render his accounts for one month after the time, and in the form and manner prescribed by law and the regulations of the Postmaster General, he and his sureties shall forfeit and pay double the amount of the gross receipts at such office during any previous or subsequent equal period of time; and if, at the time of trial, no account has been rendered, they shall be liable to a penalty of such sum as the court and jury shall estimate to be equivalent thereto, to be recovered in an action on the bond. (R. S. § 3845.)

45. **Withholding commissions based on false returns; affidavit to returns.**—In any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, it shall be within his discretion to withhold commissions on such returns, and to allow any compensation that under the circumstances he may deem reasonable. The form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster General. (June 17, 1878, c. 259, § 1, 20 Stat. 141.)

46. **Money to be safely kept.**—Postmasters shall keep safely without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster General to be transferred or paid out. (R. S. § 3846.)

47. **Custody of money in hands of postmasters.**—Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no designated depository, may deposit the same temporarily, at his own risk and in his official capacity, in any national or State bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described. (R. S. § 3847; May 27, 1908, c. 206, 35 Stat. 415.)

48. **Frequent deposits of revenues.**—Postmasters shall deposit the postal revenues and all money accruing at their office, as often as once a week at least, and as much oftener as the Postmaster General may direct. (R. S. § 3848.)

49. **Adjustment of claims of postmasters and Navy mail clerks for losses by burglary and fire.**—The Postmaster General may investigate all claims of postmasters, Navy mail clerks, and assistant Navy mail clerks, for the loss of money-order funds, postal funds, postal savings funds, postage stamps, stamped envelopes, newspaper wrappers, postal cards, postal savings cards, postal savings stamps, postal savings certificates, United States war savings certificate stamps, United States Government thrift stamps, war-tax revenue stamps, and funds received from the sale of such stamps belonging to the United States in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, and for the loss of key-deposit funds, funds deposited to cover postage on mailings, and funds received as deposits to cover orders for stamped envelopes, in the hands of such postmasters, Navy mail clerks, or assistant Navy mail clerks, resulting from burglary, fire, or other unavoidable casualty, and if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, Navy mail clerks, or assistant Navy mail clerks, may pay to such postmasters, Navy mail clerks, or assistant Navy mail clerks, or credit them with the amount so ascertained to have been lost or destroyed, and may also credit postmasters, Navy mail clerks, or assistant Navy mail clerks with the amount of any remittance of money-order funds, postal funds, postal savings funds or funds received from the sale of United States war savings certificate stamps, United States Government thrift stamps, and war tax revenue stamps, made by them in compliance with the instructions of the Postmaster General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster, Navy mail clerk, or assistant Navy mail clerk to the office designated as his depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor. No claim exceeding the sum of \$10,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor. All such claims must be presented within six months from the time the loss occurred. The Postmaster General shall report his action hereon to Congress annually with his reasons therefor in each particular case. (Mar. 17, 1882, c. 41, § 1, 22 Stat. 29; May 9, 1888, c. 231, § 1, 25 Stat. 135; June 11, 1896, c. 424, 29 Stat. 458; Jan. 21, 1914, c. 12, § 1, 38 Stat. 279; May 18, 1916, c. 126, § 14, 39 Stat. 163; July 2, 1918, c. 117, § 10, 40 Stat. 751.)

50. **Postmasters as disbursing officers.**—Postmasters may be designated by the Postmaster General as disbursing officers for the payment of mail messengers and others engaged under their supervision in transporting the mails. He may also designate postmasters at presidential post offices as disbursing officers for the payment of the salaries of the officers and

employees of the postal service concerned in the transportation of mails or in their distribution in transit, and for such other payments as they are authorized to make from postal revenues, and he may designate postmasters at money-order post offices as disbursing officers for the payment of the salaries of officers and employees of the postal service, and for such other payments as postmasters are authorized to make from postal revenues. (May 4, 1882, c. 116, § 1, 22 Stat. 54; July 5, 1884, c. 231, § 1, 23 Stat. 156; July 28, 1916, c. 261, § 1, 39 Stat. 418; June 3, 1921, c. 237, 43 Stat. 350.)

51. Report of delinquencies.—Every postmaster shall promptly report to the Postmaster General every delinquency, neglect, or malpractice of contractors, their agents or carriers, which comes to his knowledge. (R. S. § 3849.)

52. Postmasters not to be contractors.—No postmaster, assistant postmaster, or clerk employed in any post office shall be a contractor or concerned in any contract for carrying the mail. (R. S. § 3850.)

53. Classification of postmasters and employees of Postal Service and adjustment of salaries and compensation.—Postmasters and employees of the Postal Service shall be classified and their salaries and compensation adjusted, except as otherwise provided as follows:

Postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are \$3,200 or more.

The second class shall embrace all those whose annual salaries are less than \$3,200, but not less than \$2,400.

The third class shall embrace all those whose annual salaries are less than \$2,400, but not less than \$1,100.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than \$1,100, exclusive of commissions on money orders issued. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

54. Same; compensation of postmasters of first, second, and third classes to be annual salaries payable semimonthly; computation of salaries of respective classes; transfer of third-class offices to fourth class.—The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

First class—\$10,000, but less than \$50,000, \$3,200; \$50,000, but less than \$60,000, \$3,300; \$60,000, but less than \$75,000, \$3,400; \$75,000, but less than \$90,000, \$3,500; \$90,000, but less than \$120,000, \$3,600; \$120,000, but less than \$150,000, \$3,700; \$150,000, but less than \$200,000, \$3,800; \$200,000, but less than \$250,000, \$3,900; \$250,000, but less than \$300,000, \$1,000; \$300,000, but less than \$400,000, \$1,200; \$400,000, but less than \$500,000, \$1,500; \$500,000, but less than \$600,000, \$5,000; \$600,000, but less than \$7,000,000, \$6,000; \$7,000,000 and upward, \$8,000.

Second class—\$8,000, but less than \$12,000, \$2,400; \$12,000, but less than \$15,000, \$2,500; \$15,000, but less than \$18,000, \$2,600; \$18,000, but less than \$22,000, \$2,700; \$22,000, but less than \$27,000, \$2,800; \$27,000, but less than \$33,000, \$2,900; \$33,000, but less than \$40,000, \$3,000.

Third class—\$1,500, but less than \$1,600, \$1,100; \$1,600, but less than \$1,700, \$1,200; \$1,700, but less than \$1,900, \$1,300; \$1,900, but less than \$2,100, \$1,400; \$2,100, but less than \$2,400, \$1,500; \$2,400, but less than \$2,700, \$1,600; \$2,700, but less than \$3,000, \$1,700; \$3,000, but less than \$3,500, \$1,800; \$3,500, but less than \$4,200, \$1,900; \$4,200, but less than \$5,000, \$2,000; \$5,000, but less than \$6,000, \$2,100; \$6,000, but less than \$7,000, \$2,200; \$7,000, but less than \$8,000, \$2,300. When the gross

postal receipts of a post office of the third class for each of two consecutive calendar years are less than \$1,500, or when in any calendar year the gross postal receipts are less than \$1,400, it shall be relegated to the fourth class.

In order to ascertain the amount of the postal receipts of each office, the Postmaster General may require postmasters to furnish the department with certified copies of their quarterly returns to the Bureau of Accounts in the Post Office Department at such times and for such periods as he may deem necessary in each case. (Mar. 3, 1875, c. 128, § 1, 18 Stat. 340; Mar. 3, 1883, c. 142, §§ 1, 4, 22 Stat. 600, 602; Feb. 7, 1900, c. 11, 31 Stat. 6; Mar. 3, 1903, c. 1009, § 1, 32 Stat. 1166; May 27, 1908, c. 206, 35 Stat. 407; Mar. 4, 1911, c. 241, § 1, 36 Stat. 1329; July 28, 1916, c. 261, § 1, 39 Stat. 413; Oct. 28, 1919, c. 86, 41 Stat. 323; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1053.)

55. Salary of postmaster at Washington.—In fixing the salary of the postmaster in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office. (Feb. 28, 1925, c. 368, § 3, 43 Stat. 1058.)

56. Postmasters' salaries; certain sales of stamps not included.—In determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster. (Mar. 9, 1914, c. 53, 38 Stat. 296.)

57. Compensation of postmasters of fourth class.—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed without postage stamps affixed, and on postage collected in money on matter of the first class mailed without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first \$75 or less per quarter the postmaster shall be allowed 160 per centum on the amount; on the next \$100 or less per quarter, 85 per centum; and on all the balance, 75 per centum, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns. In no case shall there be allowed any postmaster of this class a compensation greater than \$300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may by law be entitled to, not exceeding for the whole fiscal year the sum of \$1,100, exclusive of money-order commissions. (Mar. 3, 1883, c. 142, § 2, 22 Stat. 602; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1051.)

58. Additional compensation to fourth-class postmasters for separating services and for unusual conditions during portion of year.—The Postmaster General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of an allowance for clerical services for this purpose. (May 12, 1910, c. 230, 36 Stat. 359.)

59. Assignment of fourth-class offices to proper class on increase of receipts.—When the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to \$1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as \$1,500, the office shall be

assigned to its proper class on July 1, following, and the salary of the postmaster fixed according to the receipts. (May 18, 1910, c. 120, § 10, 39 Stat. 103; July 28, 1916, c. 231, § 1, 39 Stat. 418; Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055.)

60. Advancement of fourth-class offices to appropriate class under unusual conditions; reduction to appropriate class.—Whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the provisions of section 59 of this title. When the Postmaster General has exercised the authority herein granted, he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter. (Feb. 28, 1925, c. 368, § 1, 43 Stat. 1055.)

61. Salaries; orders relating to.—The Postmaster General shall make all orders relative to the salaries of postmasters; and any change made in such salaries shall not take effect until the first day of the quarter next following the order; and the General Accounting Office shall be notified of any and all changes of salaries. (Mar. 3, 1883, c. 142, § 3, 22 Stat. 602; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

62. Same; limit of pay.—No postmaster shall, under any pretense whatever, have, receive, or retain for himself, in the aggregate, more than the amount of his salary and his commission on the money-order business as provided by law. (R. S. § 3857.)

63. Salaries of acting postmasters.—Any person performing the duties of postmaster, by authority of the President, at any post office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster. (Mar. 3, 1879, c. 180, § 31, 20 Stat. 362.)

64. Post offices; expenses.—The Postmaster General may allow to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, and necessary incidentals to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster General. (R. S. § 3860.)

65. Deductions out of receipts.—The salary of a postmaster, and such other expenses of the Postal Service authorized by law as may be incurred by him, and for which appropriations have been made, may be deducted out of the receipts of his office, under the direction of the Postmaster General. (R. S. § 3861.)

66. Same; audit of vouchers.—Vouchers for all deductions made by a postmaster out of the receipts of his office, on account of the expenses of the Postal Service, shall be submitted for examination to the Bureau of Accounts in the Post Office Department, who shall transmit them for settlement to the General Accounting Office, and no such deduction shall be valid unless found to be in conformity with law. (R. S. § 3862; June 10, 1921, c. 18, § 304, 42 Stat. 24.)

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