

GOVERNMENT PATENTS BOARD

OFFICE OF THE CHAIRMAN

DEPARTMENT OF COMMERCE BUILDING, WASHINGTON 25, D. C.

Interpretations and Opinions No. 2

June 8, 1951

EXCEPTED PART-TIME CONSULTANTS AND PART-TIME EMPLOYEES

The term "Government employee" as used in Administrative Order No. 5, issued by this Office and approved by the President under date of April 26, 1951, is defined in paragraph 4(b) of the order as "any officer or employee, civilian or military, of any Government agency, including any part-time consultant or part-time employee except as may otherwise be provided for by agency regulation approved by the Chairman."

It might be very helpful for the guidance of Government agencies, when confronted with situations necessitating the submission to the Chairman of the Government Patents Board of proposals for the exception of part-time consultants or part-time employees from the provisions of Executive Order 10096, to be advised of the action taken by the Chairman of the Government Patents Board with respect to a group of such Government employees pursuant to one of the provisions of agency rules and regulations previously approved by the Chairman.

The Chairman has approved, for the Department of Defense and its constituent Departments of the Army, Navy and Air Force, a provision in their agency regulations defining the term "Government employee" as including all part-time consultants and part-time employees "except when special circumstances in a specific case require a departure herefrom to meet the needs of the Department of Defense," such circumstances to be reported to the Chairman of the Government Patents Board for approval.

Pursuant to this provision, the Chairman of the Government Patents Board has approved separately the recognition of the special circumstances reported to him and "the exemption thereunder of part-time or intermittent consultants and employees of the Department of Defense to the extent that such consultants and employees are subject to contractual obligations entered into prior to employment by the Government which are inconsistent with this regulation and part-time or intermittent consultants and employees the terms of whose employment contemplate not more than 90 days service in any one calendar year."

Archie M. Palmer
Chairman

GOVERNMENT PATENTS BOARD

OFFICE OF THE CHAIRMAN

DEPARTMENT OF COMMERCE BUILDING, WASHINGTON 25, D. C.

Interpretations and Opinions No. 3

September 10, 1951

PART-TIME CONSULTANTS AND PART-TIME EMPLOYEES

In providing for the exception of part-time consultants and part-time employees of the Government from the provisions of Executive Order 10096, in accordance with paragraph (b) of section 4 of Administrative Order No. 5, the terms "part-time consultant" and "part-time employee" shall be understood to include any person the terms of whose appointment or employment contemplate that he shall work less than (1) the minimum number of hours per day, or (2) the minimum number of days per week, or (3) the minimum number of weeks per year regularly required of full-time employees of his class.

When seeking approval of the exception of an individual part-time consultant or part-time employee or a group of part-time consultants or part-time employees from the provisions of Executive Order 10096 and of any agency regulation issued thereunder, the agency concerned shall submit to the Chairman of the Government Patents Board a statement of the special circumstances requiring the exception.

In determining whether the exception would be approved, the Chairman will take into consideration (1) any conflicting obligation the discharge of which would be inconsistent with the discharge of any obligation arising under Executive Order 10096, (2) the amount of time the person has worked and/or is required to work for the Government, (3) the purpose for which he is employed, and (4) any other relevant facts. It shall be the responsibility of the person concerned to bring to the attention of the employing or appointing agency any conflicting contractual obligation which might affect his status with respect to Executive Order 10096.

For the purposes of this interpretation, a person engaged in the performance of research, development or other activity for the Government under a Government-financed contract or grant is not, insofar as concerns such activity, considered a Government employee.



Archie M. Palmer
Chairman