

When a senior-level federal bureaucrat turned down a pay raise—"I just don't deserve it," Andy Bavas insisted—the system went haywire



ARTHUR SHAY

A Bureaucrat Who Said "No!"

*Condensed from "LOSING IT: THE ECONOMIC
FALL OF THE MIDDLE CLASS"*

ROBERT C. YEAGER

BACK IN THE DEPRESSION, a prominent midwestern banker faced an angry crowd of depositors who wanted their money back. Suddenly one man, a Greek immigrant, shoved his way to the front, clutching a wad of bills. In full view of the throng, he made a large deposit. The group calmly dispersed.

The banker retold the story for years. He would never forget that customer's simple act of courage.

Neither would the customer's son, Andrew L. Bavas.

On November 29, 1978, Andy Bavas took a similarly singular step during a different kind of financial chaos. He became the first federal employee to turn down a pay raise. That is, to *attempt* to turn down a pay raise. For, as Bavas found out, it isn't merely unusual for one of Uncle Sam's minions to want less money; it is also illegal.

A small man with the burly

build of a blacksmith, Bavas was a \$43,248-a-year official based in Chicago with the Department of Health, Education and Welfare. In his seven years with HEW, automatic increases had pushed his salary up by about 80 percent.

"My cost-of-living increase usually came in October," Bavas says, "and my step increase, the automatic raise you get as a federal civil servant, came in November. So I was getting an average 11- or 12-percent-a-year increase at a time when inflation was running at a much lower rate."

When word came that he was being awarded yet another pay hike, to nearly \$45,000 annually, Bavas balked. "The job wasn't worth it," he says. "My raise was just another example of how we have institutionalized inflation by legislation and government programs that automatically increase spending. In general, I had not felt that many people working at upper levels of the federal bureaucracy were earning their salaries."

Inflated government salaries didn't just happen to be on Bavas's mind. At the time, Chicago's city council, the Cook County Board of Commissioners and the Illinois state legislature were all trying to vote themselves fat pay boosts. Says Bavas, "I could not understand how so-called public servants could give themselves raises when you couldn't pick up a newspaper without seeing evidence of worsening inflation."

Bavas wrote to HEW's Chicago director, saying he appreciated the recognition of his work but he was turning down the \$1272 raise. Soon he received a telephone call from regional headquarters. "When they told me I couldn't turn a raise down," recalls Bavas, "I said that's silly. Of course I can. You can't tell me there is no precedent for a federal employee turning down a wage increase."

He was wrong. Federal personnel officials could find no other such case. Moreover, a 1900 federal-court decision, *Miller v. United States*, forbade federal employees from rejecting pay increases. Behind the decision was a desire to insulate government workers against pressure from superiors who might otherwise control their salary levels and, in the process, their readiness to report wrongdoing.

Bavas scoffs at the relevance of the 81-year-old court opinion. "Clearly, circumstances have changed," he says, "and civil servants are no longer our most endangered species. There are more regulations and rules protecting federal workers than there are protecting the American eagle."

Convinced that he somehow could still successfully win the point, Bavas pushed for a definitive response to his request, in writing. On February 23, 1979, it came: "The law and its implementing regulations do not permit an employee to waive payment of an increase," wrote Christopher B. Cohen,

regional director of HEW in Chicago.

In the meantime, the unusual situation triggered a rash of anti-government newspaper editorials, angering some of Bavas's bureaucratic colleagues. The same day he wrote seeking final resolution of the raise issue, personnel officials in Washington ordered Bavas demoted in grade and transferred to Philadelphia. On April 30, 1979, the day he was to show up for his new job, Bavas resigned. "The transfer was apparently an attempt to get at me. Besides, I like living in Chicago," reflects the 51-year-old Bavas.

Letters poured in to Bavas. "If there's anything a working taxpayer in Minnesota can do to help you, please feel free to call," offered one man. "We need more Americans like you," wrote a woman from Wyoming.

From the \$40,000-plus types at Chicago's HEW headquarters, however, Bavas heard not a word. But he did get a telephone call from a secretary who works for one of the high officials there. "Andy, I've been in this place for ten years and I know you're right," she said. "They're all overpaid!"

Bavas remains convinced that many federal programs are vitally important, especially to the nation's poor and minority citizens. But in too many instances, he argues, goals and performance remain separated by a wide chasm. "Perhaps we have reached the point where the prima-

ry beneficiaries are not the disadvantaged," he says, "but a whole range of bureaucracies.

"When I first joined the government, I thought the work would have some value. As it turned out, it was of no consequence. My guess is that between one-half and two-thirds of the federal executives at my level could be dispensed with. We generated a ton of paper work for Washington, and I know firsthand that some of the material was shredded and tossed out, or simply stuffed on a shelf by other bureaucrats whose job was to receive it. The whole thing is self-perpetuating."

Bavas's criticism of the federal bureaucracy cannot be brushed aside lightly. For one thing, his own service was extensive and distinguished. Moreover, Bavas's graduate academic training was in organizational theory—specifically, the study of bureaucracy.

"I have found," he says, "that civil servants have institutionalized their working lives through a system in which Congress passes legislation, then turns implementation of it over to bureaucrats who write rules and guidelines that perpetuate the bureaucracy.

"There was probably no more futile gesture in the history of economics or bureaucracy than my own. It was only symbolic; I knew that going in. But someplace along the line, somebody has to break the chain. Somebody has to say no."