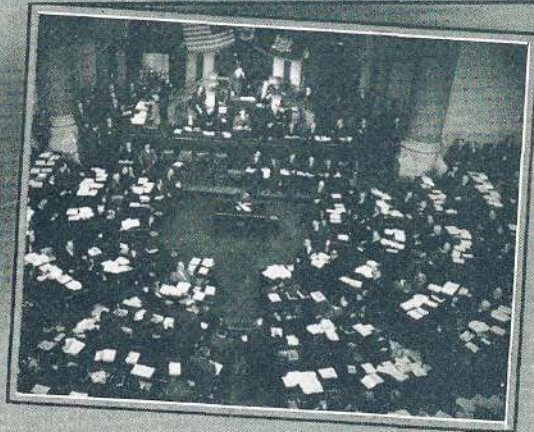


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# The STATE EMPLOYEE



JANUARY  
1946

VOLUME 15  
NO. 1

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EMPLOYEES OF THE STATE OF NEW YORK, INC.**

Organized in 1910 — Present membership 28,000 (the largest all-State employee organization in the United States) — located at seat of State Government — Dues \$3.00 per year — Less than a cent a day.

# THE STATE EMPLOYEE

Official Publication of

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VOL. 15, Number 1

January, 1946

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## *This Month's Cover*

### "THE HOUSE WILL COME TO ORDER!"

These words will soon sound again in Legislative halls in the State Capitol. One of the few times the "House" actually does come to order—real order—is when, on the first day of the session, the Governor appears before a joint session of Senate and Assembly to read his annual message and thus put in motion the wheels of another legislative year.

Our cover shows such a joint session, the photograph by courtesy of the "Albany Knickerbocker News." Also there are small individual pictures of each "House," scenes from the first motion picture ever taken of the N.Y.S. Legislature in session. This "movie" was made by the State Publicity Bureau, Department of Commerce, with the cooperation of the Health Department, whose camera crew did the cinematography.

## *In This Issue*

### *Articles*

Civil Service Motivates Veterans' Preference.....	4
Employees' Wages Need Automatic Adjustment.....	8
Shall State Pay Be Cut?.....	9
Living Together in a Democracy.....	10
How's Your Health?.....	13
Roster of Chapters.....	18
Attendance Rules Set for All Institutions.....	20
In Memoriam.....	23

### *Editorials*

<i>What's Doing in the Departments</i> .....	14
<i>What's Doing in the Institutions</i> .....	16
<i>New York State Publications</i> .....	21
<i>The Letter Box</i> .....	22
<i>Post-War Trends</i> .....	24

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# CIVIL SERVICE MOTIVATES

The adoption by the people of the veterans' preference amendment to the state Constitution has raised many questions regarding the effect of the amendment. In order to appraise local Civil Service Commissioners of the interpretation that should be given to the provisions of the Constitution, the Military Law and the Civil Service Law relating to veterans' rights, the State Department of Civil Service has prepared a set of questions and answers covering these subjects. These questions and answers are equally applicable to the state service. Those of major interest are set forth herein.

THEODORE BECKER

## VETERANS' PREFERENCE

1. When does the Downey-Sherman amendment to the Constitution (Article V, Section 6) go into effect?

Inasmuch as no effective date is set forth in the amendment, it will take effect on January 1, 1946. (Article XIX, Section 1, of the Constitution).

2. Does this amendment apply to eligible lists in existence on and after January 1, 1946, that were established or promulgated prior to January 1, 1946?

Yes.

3. Does the amendment apply to persons who served with the Merchant Marine or with the United States Maritime Service or with the American Red Cross while with the armed forces in foreign service?

No. It applies only to members of the armed forces of the United States who served therein in the time of war. It should be noted that although persons who served in the Merchant Marine and in the other categories are deemed to be in "military duty" and are entitled to the benefits and privileges set forth in Section 246 of the Military Law, such persons are not members of the armed forces of the United States.

4. Does the amendment apply to those who were inducted under the Selective Service Act into the armed forces and were released prior to December 7, 1941?

Inasmuch as the service must be rendered in time of war, it would appear that the answer to this question is No.

5. What are the citizenship and residence requirements for veterans' and disabled veterans' preference?

Claimants must be citizens and residents at the

time of claiming preference and must have been residents at the time of entry into the armed forces.

6. What limitations does the amendment place on veterans' (non-disabled) preference?

Such preference is subordinate to the preference granted to disabled veterans and the preference remains in existence until December 31, 1950, or for a period of five years from the date of honorable discharge or release under honorable circumstances, whichever period is the greater. It will be necessary to accurately record the dates of discharge or release if such dates are on or after January 1, 1946.

7. Does the amendment apply to non-competitive and exempt (and, in cities, labor class) positions?

Preference applies only in cases where eligible lists are established. Therefore, it applies to competitive positions and labor class positions, but does not apply to exempt and non-competitive class positions. (See *Neubeck v. Bard*, 275 N.Y. 43).

8. What is meant by the term "honorable discharge or release under honorable circumstances," as used in the amendment?

There are many types of discharges issued by the military and naval service. A pamphlet covering such discharges was issued by the War Department in October 1944 under the title "Certification of Completion of Military, Naval or Merchant Marine Service." It will be necessary to carefully study the various types of discharges to determine which are covered in the constitutional amendment.

9. What change does the amendment make in the present procedure for the processing of disabled veterans' claims?

Under the present procedure, a candidate making a claim for disabled veterans' preference must first get a certificate from the United States Veterans' Administration showing a war-incurred disability and then must be examined by the civil service commission to determine if the war-incurred disability is in existence at the time application for appointment or promotion is made. Under the amendment the function of the civil service commission will be eliminated and the United States Veterans' Administration is required to certify to the existence of war-incurred disability at the time of application for appointment or promotion. The certificate of the Veterans' Administration on this matter is conclusive.

10. Does a veteran (non-disabled) get preference automatically, or must he file a claim for such preference?

The amendment is silent on this point and it would appear that the veteran should file a claim for preference inasmuch as he must establish the existence of certain factors (such as citizenship, residence, etc.) before the preference can be allowed.

# VETERANS' PREFERENCE

11. Does preference apply to a special eligible list where the original list expired before the claimants were entitled to preference?

Yes. The Constitution requires that preference be given to veterans and disabled veterans on any list. In order to clarify this point, appropriate legislation has been recommended.

12. Does veterans' preference apply to preferred eligible lists?

It is not clear whether preferred eligible lists in existence prior to January 1, 1946, are affected by the amendment. As to preferred lists established on or after January 1, 1946, it would appear that veterans' and disabled veterans' preference applies. Although the Court of Appeals held in the case of *Sergeant v. Kern* (279 N.Y. 709) that disabled veterans are not entitled to preference on preferred lists, such case was decided prior to the "preference in retention" provision in the Constitution. The question of preference on preferred lists should be clarified by legislation.

13. How should "preference in retention" provision in the amendment be interpreted?

Although the amendment specifically provides that preference in retention shall be had in the inverse order of preference as provided in the amendment, it was the intent of the Legislature to provide preference in retention in the order of preference granted. This question will no doubt be resolved through court action. Pending such court action, it would be advisable to get a ruling from the Attorney General. Legislation has been recommended to amend Section 31 to provide that in the event of a lay-off, disabled veterans shall be preferred in retention over veterans, and that veterans (non-disabled) shall be preferred in retention over non-veterans.

14. Does the "retention" provision apply in the event of the aboli-

tion of non-competitive or exempt (or, in cities, labor class) positions?

The provision applies only to positions which are subject to preference in appointment and promotion. It, therefore, would not apply to non-competitive and exempt positions for which no eligible lists are established.

15. How long does the "preference in retention" apply in the case of veterans? In the case of disabled veterans?

Inasmuch as preference in appointment and promotion is granted to veterans (non-disabled) until December 31, 1950, or for a period of five years following honorable discharge or release, the period of preference

"Ted" Becker, Senior Personnel Technician with the Civil Service Department, which he represents on the Association's Executive Committee, member of the Editorial Committee of "The State Employee," offered this material for Civil Service Notes, which he collates for our magazine. However, this material is so important to Veterans and to every State employee that we are this month eliminating Civil Service Notes and making this our leading article.

ED.

in retention is the same. In the case of disabled veterans, there is no time limit upon preference in retention.

16. As among disabled veterans and as among non-disabled veterans, do the present provisions of Section 31 require lay-off in the inverse order appointment in the same service apply?

Yes. Proposed legislation will clarify this point.

## RIGHTS GRANTED UNDER SECTION 246 OF THE MILITARY LAW TO VETERANS AND OTHER PERSONS WHO HAVE ENGAGED IN MILITARY DUTY

### Application of Section 246

17. Are public employees who are members of the commissioned corps of the Public Health Service entitled to military leaves

of absence, reinstatements and other rights granted by Section 246?

Since July 29, 1945, when the President, by Executive Order No. 9575, placed such persons in military service, they are entitled to military leaves of absence, reinstatement and other rights granted to members of the armed forces. Where an employee in State service was on leave of absence prior to July 29, 1945, for service in the commissioned corps of the Public Health Service under Rule XVI (1-b), his leave was changed to a military leave of absence on July 29, 1945.

18. Are public employees who joined the American Red Cross for service with the armed forces overseas entitled to the benefits of Section 246 for an indefinite period?

No. Such persons are considered to be on military duty until July 1, 1946, unless this period is extended further by legislation.

19. Are public employees who enlist at the present time in the Army of Occupation entitled to the rights granted by Section 246?

Yes. The term "military duty" covers service in the military, naval, aviation or marine service of the United States subsequent to July 1, 1940, irrespective of the fact that such service was entered upon following a voluntary enlistment therefor. There is no time limit set in the present law.

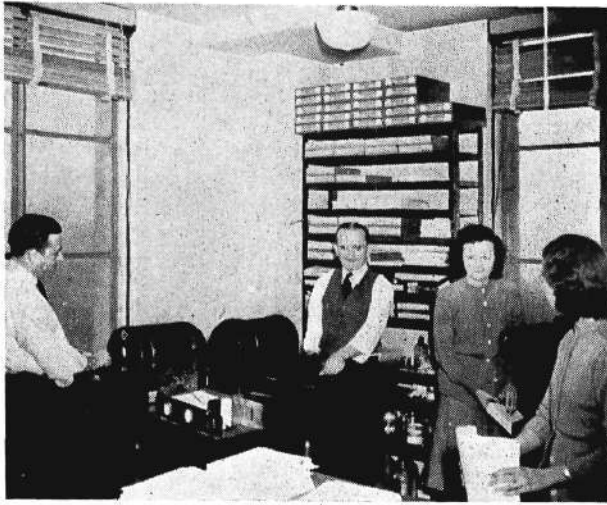
### Reinstatement

20. Where a veteran makes application within ninety days after the date of his discharge for reinstatement to his position, how soon after such application is received should reinstatement be made?

Inasmuch as the law grants mandatory reinstatement if application is made within ninety days and the law does not fix any time within which to make

# HANDLING VETERANS' PREFERENCE APPLICATIONS

*(State Employees on the 23rd, 25th and 26th Floor of the Alfred E. Smith State Office Building are Handling Thousands of Applications)*



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---

**Mail Room  
(26th Floor)**

**Left to right: Edmund Thauer, Matthew Lavenia, Mary Devine, Joseph Tammany, Lee Kanigan, John O'Brien, William Bewsher, Vincent McKee**



the reinstatement, such reinstatement should be made immediately or at the earliest possible moment.

21. If a veteran claims the existence of a temporary war-incurred disability, must such disability be of such degree as to interfere with the competent performance of the duties of the position in order to permit extension of the mandatory ninety-day reinstatement period?

The law does not clearly indicate whether or not the temporary disability that permits postponement of reinstatement must be one that interferes with the duties of the position. Apparently, it was intended to give veterans who needed medical attention an opportunity for complete recovery before their restoration to their former positions. The degree of disability, the probable duration of such disability, the ultimate effect of such disability on the ability to perform efficiently the duties of the position are matters which will have to be given careful consideration by the civil service commission in examining such veteran.

22. If a veteran is reinstated after the ninety-day period, does he get military duty credit in his position for the period of time between the date of certificate of his discharge and the date of restoration?

No. The definition of military duty covers the period until reinstatement only where the reinstatement is had within ninety days from the date of discharge. Inasmuch as reinstatement after ninety days is purely permissive, the employee who is reinstated after ninety days should receive no military duty credit for the period between his discharge and the date of his restoration. He should receive such credit only for the time he was actually on military duty.

23. Is a returned veteran entitled to be credited with vacation or sick leave for time spent in military service?

No. The Attorney-General has ruled on this point. However, if the returned veteran has accrued vacation and sick leave

allowance prior to entrance into military service, he should be credited with such accrued vacation and sick leave.

## EXAMINATIONS

### Promotion Examinations

24. How soon after request is made by a veteran must a comparable promotion examination be given?

There is no provision in the law covering this point. Therefore it should be given within a reasonable time. It may be advisable to wait for a period of one month or two months if there is a possibility that similar requests for the same examination may come in during such period.

25. Should our present procedure in crediting military service in promotion examinations be modified or changed in view of the fact that many returning veterans will claim that Section 16-b of the Civil Service Law requires the granting of additional points or credits for their military service in rating the subject of Training and Experience in promotion examinations?

Under our present practice, military service is credited as service in the position held immediately prior to such military service unless such military service has a greater experience value for the particular position for which the examination is given. Many civil service jurisdictions give special points or credits for military service in promotion examination. It would be advisable to work out a uniform procedure on this subject so that inconsistent procedures will be eliminated.

### Open Competitive Examinations

26. If an open competitive examination has been held while a person eligible therefor was in military service, could such person claim that a comparable open competitive examination be given to him after his return from military service?

No. There is no provision in the Civil Service Law or Military Law giving such person the right to claim a comparable open competitive examination.

27. If a person has taken part of an open competitive examination prior to entrance into military service, should he be given the rest of the examination when he returns from military service?

Our Department has allowed returning veterans to complete any open competitive examination which they have taken, except where eligible list established as a result of such examination has expired.

28. Have disabled veterans any special rights in open competitive examinations?

Under Section 14-a of the Civil Service Law, veterans of World War I are entitled in the rating of Experience to special credit for vocational training. This law, which no doubt will be extended to disabled veterans of World War II, also provides that disabled veterans cannot be rejected on the ground of insufficient and unsatisfactory experience or training in any competitive examination for a position that is in the same vocation, trade, calling or line of work in which such disabled veteran has been so trained.

### Physical Examination.

29. Do veterans and persons who have engaged in military duty get any special rights in examinations where physical requirements are set?

Yes. Under subdivision 10 of Section 246, if a physical examination is required for employment in or promotion to any position in the public service, a war-incurred disability does not disqualify such person unless the disability is of such a nature as to prevent him from efficiently performing the duties of such position. A similar provision is contained in Section 21 in connection with disabled veterans.

### ELIGIBLE LISTS

30. Is a veteran entitled to special eligible list status if he does not make demand therefor?

No. Under the law he must make a demand and there is no obligation on the part of the civil service commission to give

(Continued on page 26)

# Employees' Wages Need Automatic Adjustment

By CHARLES W. ARMSTRONG and DAVIS S. SHULTES

The cost of living has advanced 33% since the beginning of the war, according to an announcement made by the U. S. Stabilization Administrator on December 5th. This figure will now be accepted in all wage and price negotiations before the Federal Government. It is generally accepted that wages and salaries in all industries should have been increased by this amount, at least, in order to maintain our standard of living. The Federal Government recognizes this fact and the Department of Labor is now making a study to determine which industries need to increase salaries in order to meet this increase in the cost of living. There is no question about the salaries of State Workers, which have been increased only from 10% to 20% on a temporary basis by the Wartime Emergency Bonus.

There is little prospect for a reduction in the cost of living for many years. The national debt of more than 250 billion dollars makes deflation undesirable and discourages further spending in the form of subsidies to control prices. News reports indicate that the government will try to keep prices from going up rapidly but has little hope of actually holding them at present levels.

Certain factors will tend to further increase the cost of living in the near future. Foremost among these is the housing situation. Building costs and real estate values have increased about 50%. The fact that houses are selling at such rapidly increasing prices is forecast, even more startling than the stock market boom, of catastrophic inflation. The removal of rent ceilings or at least their increase by 50% is necessary to encourage new building. The result of such a rise will be to further increase living costs about 10%. Another development threatening to increase prices is the demand of labor for further increases in wages. Straight time hourly wages in industry had increased 45% above pre-war levels by July, 1945, according to Labor De-

partment statistics. Some industries are paying such low wages that they are not obtaining needed workers and these must have an increase even if it raises the average. One reason for the shortage of shirts and shorts is unduly low wages in the textile industry. Some jobs have been re-graded downward since V-J day but it seems safe to assume that average straight time wages are still above pre-war levels by more than the increase in the cost of living. The settlement of current and threatened strikes will almost certainly raise industrial wages another 10 or 15%. These increases in wages will tend to increase the prices of manufactured goods—5% would be a low estimate.

## SALARY COMMITTEE

Here's the Committee of our Association which is studying this vital question affecting all State employees: Charles M. Armstrong, *Education, Chairman*; Mildred M. Lauder, *Labor*; Philip A. Cowen, *Education*; Charles H. Foster, *Budget*; Dr. Sylvia Parker, *Correction*; Edward J. Ramer, *Public Works*; Davis L. Schultes, *Insurance*.

Despite the fact that higher wages bring on higher prices and thus threaten to start a spiral of inflation, it is of the utmost importance that wages be raised in those industries and for those groups which have lagged behind the general trend. Otherwise, serious dislocations and hardships will strike certain groups of workers. As long as it is impossible to bring back to "normal" the high wages now assured in the large organized industrial groups, it is necessary to adjust the wages of other groups to maintain their standard of living. State workers are now paid 10 to 20% more, on a temporary basis, than before the war. Thus, state salaries are 13 to 23%

below the level of current living costs and 28 to 38% below the prospective cost including the expected rise in rents (10%) and prices of manufactured goods (5%). Food prices, especially milk and butter, may go higher but it is expected that there will be no substantial change in the overall prices of farm products in the next few years unless inflation gets out of bounds. Food prices can scarcely decline because the Federal Government has promised to maintain farm prices at almost current levels for two years after the war, which is not yet officially ended.

Adjustment of salaries to meet the full increase in the cost of living should be a minimum demand of state workers. Two factors have tended to make the basic salaries, as set forth in the Feld-Hamilton schedules, too low as the basis of a cost-of-living adjustment. One of these is that the Feld-Hamilton scales were established at a time when state workers were not subject to Federal income taxes. The subsequent decision forcing them to pay this tax caused, in effect, a lowering of their salaries. The other factor causing a relatively lower scale for state workers is the failure to compensate them for increased efficiency of production in our national economy. Such increase is due to improved machinery, better health, better training of workers and similar items. Estimates of the amount of increase in efficiency range from 1% to as high as 2.5%. This means that the average man in this interdependent system is producing more and can and must consume more if production and consumption are to remain in balance. Everyone should share in the benefits. This may not be a propitious time to seek adjustments of salary scales to reflect this increased production efficiency. However, this increase amounts to at least 10% since the establishment of our salary scales and is a fair reason for expecting an in-

(Continued on page 30)

# Shall State Pay Be Cut?

The most pessimistic prophets and at the same time the most optimistic sooth-sayers among economic prognosticators are found among the learned members of the Salary Committee of the Association of State Civil Service Employees.

The case for the pessimist is clear.

## RISE AND FALL OF THE SALARY DOLLAR

State salaries fall as prices rise and basic pay is now less than pre-war.

The temporary 10%-20% bonus (less than the rise in the cost of living 33%) ceases April 1, 1946 unless extended.

Take home pay in war industries was often twice as large as pre-war pay. Take home pay of salaried employees in war industries increased nearly as much.

Wage rates increased to the limit allowed by the War Labor Board. This 15% increase was increased in "distress" industries and in others after V-J day. The average increase in pay was from 45-60%. An adjustment of 33% is now recommended by the Government for everybody.

Labor is asking for a further increase of 30% to keep the take home pay at or above 200% of the pre-war level. It is expected that settlement of strikes will be made in industry at about 20% increase.

As against this 100% increase in pay, State employees face a possible decrease of 10-20% in wage cuts and a further 33% cut due to increase in the prices of essentials like food, housing and clothing.

How can the public servant live and carry on? Will he (or she) not become extinct like the household servant? Having lost his white collar, will he lose his shirt and pants?

## THE BRIGHT SIDE

The optimist views the future with some hope. He does not deny the facts presented by the pessimist. He looks them squarely in the face. However, he believes in the fairness and justice of the people and, therefore, of the administration and he expects State pay to be raised to about the same level as will obtain in private industry.

The optimist points out that the people demand a high level of public service and that this is possible only if the most competent people obtainable are employed. This quality of service is to be had only by paying fair salaries. He points out that the competitive wages re-

quired to maintain and to recruit qualified personnel must be sufficient to provide a decent family life including the education of his children and the paying of his taxes and his debts.

He reminds us that the State employee is at the same time an active participating citizen. He pays his share of the expenses of government (a non-profit enterprise), helps elect state officials and is interested in efficient operation of the business of the corporation (the State of New York).

He suggests the following as first essentials of a fair wage policy for the State employee and hopes all members of the big corporation (the State) will give the matter prayerful consideration.

## A FAIR WAGE POLICY

- (1) Maintain real salaries at their present level by increasing them to the extent that prices on life essentials have already risen.
- (2) Make provision for future decrease or increase of salaries as prices fall or rise.
- (3) Adjust State salaries from time to time to keep them in line with general levels of pay in private industry and in government.
- (4) Observe the principal of equal pay for equal work.
- (5) Cease paying women less than men for equal work.
- (6) Pay enough to secure the economy provided by the employment of highly competent men in key positions, and thus maintain a career service in government as in the best private industries.
- (7) Adopt the policies of full employment and of expanding industry.

"The Salary Committee," said Dr. Frank L. Tolman, President of the Association, "are live wire research specialists. They know their statistics and even more important they know the wide variety of special skills required in the government of the people of the State.

"Attendance at the many meetings of the Salaries Committee has been a real education to me. The members of the Committee put the interests of the taxpayer first. They insist only that true economy consists not so much in what you spend as in what you get for the money spent.

"Many will say 'that the Association asks too little.' I cannot see how anyone can show that it asks too much."



# LIVING TOGETHER in a DEMOCRACY

By GRACE A. MOORE

*Readers' Advisor,  
Albany Public Library*

Now that the democratic way of life has triumphed over fascism, the United States, by virtue of those principles embodied in our Declaration of Independence, becomes a proving ground for the four freedoms. The other nations of the world look hopefully to us to see how different races and nationalities live, work, and play together in a country which has always stood for freedom of opportunity.

This grave responsibility, unfortunately, finds us at a disadvantage. "Americans know better than most how much hard feeling there can be when people of different races or nationalities have to live together or be part of one community." Race riots, patterns of Negro segregation, anti-Semitism, and similar forms of intolerance headline our daily papers. Our enemies are quick to point out such inconsistencies, while the quiet work of the inter-cultural groups, race relation seminars, city programs such as the Springfield Plan, church activities, and other manifestations of democracy are overlooked.

Many Americans realize that our country has grave responsibilities for the future peace of the world and are working closely with educational, social, and religious groups, in an effort to overcome this rising tide of intolerance and prejudice. The Library as an Adult Education Center has unusual opportunities to cooperate with these agencies. Its staff members work closely with race relations and inter-cultural groups. Its collection includes many books on the subject; periodicals such as "Common Ground" and "Asia and the Americans" are on file; and the facilities of the Library are at the disposal of all creeds and races.

Aids to inter-cultural education, including lists of maps, films, slides, exhibits, recordings, and publications are on file in the Readers' Advisory Alcove. Outlines of community get-togethers, featuring national groups and their songs, dances, games, and food are there. Study groups interested in combating prejudice will find a wealth of material in discussion outlines, teachers' manuals, club programs, scripts, bibliographies, and reading courses. Four reading courses which may be used singly or together as study outlines are included in this issue of "The Bridge."

## "RACE AND RUMORS OF RACE"

The problem of race is a challenge which we cannot afford to ignore today. When H. W. Odum in 1943 published his book with the provocative title, "Race and Rumors of Race," he could include more than

two thousand rumors which he had gathered over a period of years, graphically portraying the grave situation in America. The book merits thoughtful reading by those who want to study at first hand our racial crisis.

It is necessary, however, for us to build a background of scientific facts regarding theories of race. An entertaining introduction to the subject is given in the Public Affairs Committee pamphlet, "The Races of Mankind," by Ruth Benedict and Gene Weltfish of the Department of Anthropology, Columbia University. Graphically illustrated, it offers a sound scientific exposition of the fallacy of the "superior of race myth."

Another book which will add to our scientific knowledge of this subject is "Mankind So Far," by W. H. Howell. This contribution from the American Museum of Natural History which is considered one of the best books to be issued on this subject, is devoted to "the nature and origin of races and their distribution over the world as we see them today."

To continue along the scientific pathway, Ruth Benedict has also

written "Race, Science and Politics" which reviews both the science of race and the history of racism, gives typical examples of racial intolerance from Cicero to the modern anthropologist, and includes as well the "maunderings of the Third Reich propaganda." A book which is interesting because it evaluates our present knowledge of race, "particularly in relation to the beliefs held by the Nazis concerning the superiority of the Aryan race," is "Race, Reason and Rubbish," by Gunnar Dahlberg, published just after the Nazis overran Denmark.

Scientists agree that intolerance and race discrimination are not inherent in children but are the result of adult pressure. "Race Attitudes in Children," by Bruno Lasker, is a classic in the field, for it is a "study of how race attitudes are developed, how they are expressed, and what may be done to modify existing attitudes among children to inculcate the right one." The greatest anthropologist, the late Franz Boas, in his "Anthropology and Modern Life," also urged us to great new effort if we wish to free a future generation of our traditional prejudice.

In "The Science of Man in the World Crisis," edited by Ralph Linton, Chapters two, three, and four deal with the problem of race. The book is an excellent study by twenty-two experts who "analyze culture processes and culture change; and consider the present state of world resources . . . the handling of minority groups, the possibilities for the acquisition of new ways of social behavior, and trends in nationalism and internationalism."

This picture should not be considered too discouraging. Pearl Buck, who is a "spokesman for global democracy," holds out the hope of a new Renaissance if we can accustom ourselves to the idea that freedom and equality are inherent rights of all people. In "What Amer-

ica Means to Me," she challenges us to accept her belief that we can make the coming Renaissance, the greatest in human history, for "this time all the peoples of the earth will share in it."

### LOYAL JAPANESE-AMERICANS

Someone has aptly said that "the minorities are the responsibilities of the majority." This is particularly true of the 10,000 persons of Japanese descent who were placed in "protective custody" in evacuation camps after the attack on Pearl Harbor. It is reported that two out of every three were American citizens by birth, and only one-third were aliens forbidden by law to be citizens.

The background for the mass removal of the Japanese-Americans from the west coast is briefly sketched by Carey McWilliams in "What About Our Japanese-Americans," a report of the Public Affairs Committee. The pamphlet is based on a comprehensive and fully documented study, published under the title, "Prejudice; Japanese - Americans: Symbol of Racial Intolerance," prepared for the American Council of the Institute of Pacific Relations.

Mr. McWilliams' frank report reflects little credit on the democratic majority in the United States. He calls attention to the important fact that "our relations with this small group of American citizens in miniature is a sketch or blue-print of our

relations with all the people in the Pacific area. It is the key to the complex problem of our relations with the people of a post-war Japan."

Bearing out this statement is a report of the Bureau of Sociological Research Colorado River War Relocation Center, included in the November 1943 issue of the Annals of the American Academy of Political and Social Science. Entitled, "The Japanese Family in America," this article points out that "relocation to war camps was interpreted by the Japanese as a wholesale rejection by their America, and was felt the more bitterly because it placed American citizens of Japanese ancestry in a position inferior to and more suspect than German or Italian aliens who were treated on an individual basis."

"The Moved-Outers," by Florence C. Means, visualizes for us the life and mental attitudes of Japanese-American evacuees. Young Sue Ohara and her family were moved to an evacuation camp, first at Santa Anita, then in Colorado. The bleak despair, humiliation, and anguish, caused by the uprooting and the loss of home and friends, are poignantly described in this novel.

Another book which helps us to understand their point of view is "Born Free and Equal," by Ansel Adams. Vivid photographs authorized by the War Relocation Authority were taken at Manzanar, one of the evacuation camps. Mr. Adams says in his foreword: "I believe the

acid splendor of the desert ringed with towering mountains has strengthened the spirit of a people; . . . out of the jostling, dusty confusion of the first bleak days in raw barracks, they have modulated a democratic internal society and a praiseworthy personal adjustment to conditions beyond their control." There is a plea here to make sure that "we will not allow passion, vengeance, hatred and racial antagonism to cloud the principles of universal justice and mercy."

A clear view of this problem is presented in "The Governing of Men," by Alexander H. Leighton. When the Japanese relocation center was set up in Oston, Arizona, Lieutenant Commander Leighton was psychiatrist in charge. He analyzes the situation as it developed there in terms of human behavior and has given us valuable principles to be followed in the field of race relations.

What is going to happen to our Japanese-Americans now that the war is over, and they are finding homes in various parts of the United States? That they themselves see the need for closer understanding and cooperation is shown in an editorial written by Mr. Takeno, editor of the Manzanar Free Press, published January 1, 1944. "We ask you, the American people, to try us out on our own merits. We are willing and ready to stand or fall by our records, realizing that it is one of the inherent characteristics of the country we love to appraise its people by the contribution they can make toward the total welfare of the nation."

### AGAINST THE ODDS

Thomas Jefferson received in 1791 the manuscript of an almanac from Benjamin Banneker, a Negro mathematician and astronomer. With it he sent a letter chiding Jefferson for possessing slaves and expressing the hope that he might "help change the general notions which the white people hold about my race. We are a race of beings who have long laboured under the abuse and censure of the world. Sir, I hope . . . that you are a man far less inflexible in

(Continued on page 33)



Miss Moore gives advisory service on reading list, to a library patron (Mrs. Bernard Brennan).

1946

Ring out  
the Old!

## HAPPY NEW YEAR TO EVERY READER!

Ring in  
the New!



**T**HIS is the New Year Season when some of us make high resolutions which we will soon break, others make reasonable resolutions which they may keep. Some have hopes. Others have only fears.

For myself, I have faith that 1946 will or rather may be a notable year for every member of the Association of State Civil Service Employees. My reasons for hope are chiefly the following:

**Your Association is potent.** Its membership is large. Twenty-six thousand servants of the people can't all be wrong or impotent, all of the time.

**Your Association has able leadership.** I do not speak of myself. I have in mind the many, living and dead, who have labored to consecrate this organization to the common welfare of the whole people—to consecrate us to entire devotion to our high tasks.

I have in mind our officers and committees, our busy and able headquarters staff, our legal advisors, our many department and chapter representatives and I think, particularly of the many volunteer workers who are the real strength of the organization.

**Your Association has high ideals.** The importance of government in the life of the people grows apace. Economists state we increase the production of the State by about 10 per cent. We operate the Educational system, we care for the needy, the sick, and the helpless. We aim to increase health, and to abolish disease, to promote the common welfare, to help children grow into real manhood and womanhood, to establish justice and mercy.

**Your Association has the necessary contacts** and good relations with the powers that be: the Governor, the members of the Legislature, the Department Heads. We do not seek special privilege or favors. We ask only a fair deal. In our requests for new laws or new regulations, we have in mind not only our just needs but the welfare of the State and all its citizens.

**Your Association has a practical and progressive program** for the welfare of each of its members.

This program is not born in the minds of the leaders of the Association. It springs from the grass roots of the entire membership. It requires the approval of the entire membership before efforts are made to achieve the program.

**Your Association is in a better position to represent you** than ever before. We have over sixty autonomous chapters under able elected leaders and more chapters are being founded every week. We have devoted field workers to reach every part of the State. We strive, at headquarters to give equal service to every member

wherever he lives and we expect in turn loyal support from every member wherever he works.

**Your Association is increasingly peripatetic**—it gets around.

I notice in the dictionary that peripatetic has two meanings. In addition to "getting around," it means that it follows the path of wisdom—the way of Aristotle. I accept both meanings. I hope and believe our field representatives get around wisely, and act with wisdom and understanding.

**Your Association has strong committees at work** on your major problems. This voluntary service is essential. It is the strong arm on which we at headquarters lean. Salaries, legislation, education, insurance, grievances, information—these are a few of the many major areas in which strong committees are active. Much of our success, as much of our failures, is attributable to our committees.

### THE WONDER YEAR

In a very true sense, the year 1946 is the first year of a new era of mankind, the era of wider opportunity.

It is the first post war year—the first year of peace. It is the beginning of new things, the birth of a new world of lasting peace, and of greater prosperity.

It is true that the exact opposite seems characteristic of the dying year 1945. New wars are being waged. Strikes are everywhere. Conversion lags. Our leaders seem impotent and without vision.

I do not discount these facts. I do not underrate the difficulties. The task of getting from where we are to where we would be is not easy. But it is not impossible. Indeed, it is easy, **IF** we give our best thoughts and efforts to the task.

The standard of living can be raised 100%. This, all authorities admit. If we do not achieve this, the standard of living will probably fall 50 per cent which will cut salaries in half.

The standards of Public Service must be raised at least as much as the living standard, and this can be done only if our Association does its job well. If living costs double, the State service will in all probability be wrecked unless the cost of living adjustment is in effect.

The New Year should see steady growth in Association achievements.

The salary problem should be solved by the principles inherent in the Career Law: Equal pay for equal work and creation of a career service. State service should be lifted from its present status as a depressed industry and salaries should be based on the two principles of

real dollars or purchasing power, and the highest possible standard of living.

I expect 1946 will see strong Association chapters in every State Department. Only by such chapters, can the Association serve efficiently every member.

The State Employee under its able Editorial Committee will, I believe become the voice and conscience of the employees of the State and possibly of public employees of every municipality and district of the State. May that voice be loud and clear. May that conscience be above criticism or reproach.

The order is: Forward!

FRANK L. TOLMAN,  
President.

## Official!

On Pages 14 and 15 of the December issue of "The State Employee" appeared the "Official Roster, 1946 Legislature." The Department of State has furnished us with changes made since the Official Roster was issued. Here they are:

### MEMBERS OF SENATE

#### 1st District:

Rep.—W. Kingsland Macy, Islip, N. Y.

#### 25th District :

Dem.—Arthur Wachtel, 818 Manida St., Bronx, N. Y.

#### 54th District:

Rep.—Edmund P. Radwan, 269 Herman St., Buffalo, N. Y.

#### 24th District:

Vacant.

### MEMBERS OF ASSEMBLY

#### Essex County:

Rep.—L. Judson Morhouse, Ticonderoga, N. Y.

#### Niagara County—2nd A. D.:

Rep. & Am. Lab.—Ernest Curto, 635 Sixteenth St., Niagara Falls, N. Y.

#### Queens County—12th A. D.:

Dem. & Am. Lab.—James J. Crisona, 577 Beach 69th St., Arverne, L. I., N. Y.

#### Saratoga County:

Rep.—John L. Ostrander, Schuylerville, N. Y.

#### Yates County:

Rep. Vernon W. Blodgett, Rushville, N. Y.

#### Onondaga County:

Special Election.

#### Bronx County—5th A. D.

Member Resigned.

## HOW'S YOUR HEALTH

*This corner is filled each month by Isabel Beardsley, Assistant in Health Education, Division of Public Health Education, Department of Health.*

The common cold is one of the most contagious of all known diseases and costs the nation hundreds of millions of dollars every year in lost wages, medical and hospital expenses, yet we continue to sneeze in crowded rooms, trains and buses, passing our cold germs on to persons around us. We blow our noses politely, then shake hands with a friend who later picks up a pencil with that hand, puts the pencil in his mouth and before long he too, has a cold. And so they spread through family and office, school and shop.

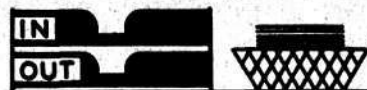
Colds are often the forerunners of serious illness such as pneumonia, mastoiditis, bronchitis and sinus trouble. These complications may be forestalled by proper care of a beginning cold. Stay as far away as possible from people who cough or sneeze carelessly, or who seem to have a cold; avoid crowds; eat nourishing food; get eight hours of sleep each night; take some form of outdoor exercise daily; dress according to the weather; wear enough clothing to be warm and comfortable on cold days. These simple precautions may save you a serious and expensive illness.

No real cure for the common cold has been discovered. So-called "cold cures" should be avoided. Most of them are merely a waste of money and, to the extent that they give reassurance and thus delay medical treatment in serious cases, are definitely harmful.

Colds become dangerous when accompanied by fever, chills, pain in chest, ears or face and should be treated by physicians who can recognize complications and relieve symptoms. Remember that transferring a cold to another person is the worst of bad manners.

The Health Department has published a folder on the Common Cold. It is free on request.

# What's Doing in the Departments



## Infausto Aide In Social Welfare

Felix Infausto, who as Assistant Attorney General, has been legal adviser to the State Department of Social Welfare for more than two years, has been appointed to the newly-created \$6,000 post of Counsel of the Department, Commissioner Robert T. Lansdale has announced. The appointment has been approved by the State Board of Social Welfare.

In the new unit headed by Mr. Infausto will be centered the legal aspects of a number of activities of the State Board of Social Welfare and the Department and the duties formerly performed by the secretary of the Department. The post of Secretary, vacant since the death of William C. Hinckley in October 1944, has been incorporated in the new position of counsel. Mr. Infausto has been designated by the State Board to act also as Secretary of the Board and of the Department. This realignment and consolidation of duties is part of the over-all administrative reorganization of the Department designed to cope more effectively with changing public welfare

## Governor Dewey Praises Employees

On December 7, in declaring the days before Christmas and New Years to be holidays for State employees, Governor Thomas E. Dewey said:

"Throughout the year 1945 employees of the State of New York have rendered invaluable service. Despite a serious shortage of manpower during the war period, the State employees have performed their duties in a splendid manner and contributed mightily to the war effort of our State."

needs and to strengthen State-local teamwork in providing social services to children, the needy, the sick, the aged, the blind and other handicapped persons, according to Commissioner Lansdale.

As Counsel of the Department, Mr. Infausto will be responsible for legal functions involving incorporation of charitable institutions and

health insurance groups, issuance of licenses for dispensaries and for boarding homes for children, permits for day care of children, matters relating to Indians living on New York State reservations, and other State charges. He will also act as legal adviser in other activities of the Department.

Mr. Infausto was graduated from the University of Buffalo Law School in 1932 and practiced civil law in Buffalo for eleven years. He is a member of the Blackstone Legal Society and the Erie County Bar Association. He was appointed Assistant Attorney General on July 7, 1943, by Attorney General Nathaniel L. Goldstein and was assigned to the State Department of Social Welfare. Previous to his appointment to State service, he was counsel for the New York Central Post, Veterans of Foreign Wars and chairman of the Advisory Selective Service Board No. 618, Buffalo.

Born in Huntington County, Pennsylvania, 36 years ago, Mr. Infausto was raised in Buffalo. While working during vacation from high school, he lost both of his hands in an industrial accident.

He is married to the former Clara A. Di Maria of Buffalo, where the Infaustos maintain their residence.



# VETERANS RECEIVE WORK TRAINING

The fullest possible resources of industry and business throughout New York State are being marshalled behind the program to help readjustment of veterans, Industrial Commissioner Edward Corsi, head of the State Labor Department, declared to a recent meeting of Assistant Commissioners and on-the-job training advisory councils.

With the cooperation of the state government, which has the responsibility of approving on-the-job training programs for veterans, opportunities for ex-servicemen in New York State to obtain training and experience in occupations of their choice will be extended to the widest limits, said the Commissioner.

On-the-job training programs, Mr. Corsi stressed, should not be confused with apprentice courses which also come under the supervision of the State Labor Department through its Apprenticeship Council. On-the-job training programs may be sponsored in trades and occupations not covered by apprentice courses and include the "white collar" occupations as well as others.

Any employer in the state who wishes to establish an on-the-job training program must meet certain standards in equipment, material and supervisory personnel to obtain official approval, said Mr. Corsi. Through a cooperative arrangement between the State Labor Department and the Division of Veterans' Affairs, the services of Veterans' Counsellors are available in all areas throughout the State for consultation by as well as checking on employers in regard to meeting and maintaining the necessary standards.

Under the Federal G.I. Bill of Rights, veterans eligible for the law's benefits will receive monthly allowances of \$50 if without dependents and \$75 if he has dependents, from the Federal Government to supplement his income during the training period, provided the training program has official approval. Under the law, official approval is left to each state. In New York, Governor Dewey has designated Commissioner Corsi as the official approving agency.

Under the procedure set up by Mr. Corsi, inquiries or applications for approval of programs may be accepted from any source. They are channelled to the Division of Veterans' Affairs of which Mr. Edward J. Neary is director. Each inquiry or application is referred then to the

Veterans' Counsellor servicing the area from which it originated. A thorough investigation is made and the report submitted to the Assistant Commissioner of the area.

With the aid of his Advisory Council—consisting of two representatives of labor, two of management and one veteran—the Assistant Commissioner then approves or disapproves the application and forwards the recommended decision to Commissioner Corsi. Mr. Corsi then certifies the program to the Veterans' Administration if approved, or, when disapproved, files the application for reference and closes the case.

In addition to the advisory Councils, each Assistant Commissioner, whenever necessary, may appoint special panels of persons familiar with the occupations or vocations involved in a particular application. These panels, created to supply needed advice, must include representatives of both labor and management wherever possible.

Members of the seven area Advisory Councils, whose appointments were officially announced at the meeting include the following:

Albany: Roy J. Dalamater, personnel director of Bigelow-Sanford Co.; Winthrop P. Stevens, industrial relations manager of F. C. Huyck and Sons (management); Frank J. Cummings, business manager of Local 724, IBEW-AFL; Milo Lathrop, educational director, Local 301, CIO (labor); and John H. Mooney, Knickerbocker News (veteran).

Binghamton: A. R. MacAlmon, training supervisor of International Business Machines; Victor Anderson, personnel director of Anso Di-

vision, General Aniline and Film Corp. (management); Charles Griswold; Arthur Ernst, business agent, Local 112, Plumbers and Steamfitters, AFL (labor); C. W. Clark, member, American Legion and VFW (veteran).

Buffalo: Ephraim M. Detwiler, assistant works manager of Worthington Pump and Machinery Co.; Charles J. Kolb, director of industrial relations of Colonial Radio Corp. (management); George Sturges, executive secretary, Buffalo Federation of Labor, AFL; James Miller, secretary-treasurer, Greater Buffalo Industrial Council of CIO (labor); Edward J. Zenger, Erie Company Service Officer for Veterans (veteran).

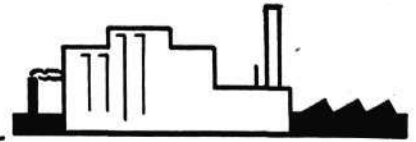
New York: W. B. Weber, American Machine and Foundry Co.; Burton A. Zorn, New York City Chamber of Commerce (management); Ralph Wright, secretary, Allied Printing Trades Council, AFL; Al Stearn, business manager, Local 40, UERMWA-CIO (labor). (Veterans' representatives appointment not yet announced).

Rochester: Frank J. Temmerman, treasurer of Bastian Brothers Co.; Raymond O. Brewer, secretary-treasurer of Symington Gould Corp. (management); John H. Cooper, president of CIO for Rochester and vicinity; James L. Burke, secretary, Allied Building and Construction Trades of Rochester, AFL (labor); George A. Fritchie, commander of Burton-Miller Post 238, American Legion (veteran).

Syracuse: Joseph Peritz, employment manager of Lamson Company; S. J. Palmer, employment manager of Porter-Cable Machine Co. (management); Edward J. Reardon, first vice-president, Syracuse Federation of Labor; John Maurillo, CIO Sub-Regional Director (labor); Rev. Calvin Thompson, pastor, Delaware Baptist Church (veteran).

Utica: James G. Capps, president, Utica Chamber of Commerce; F. Harold Miller, manager, Utica Tube Works (management); Rocco DePerno, president, Utica Trades Assembly, AFL; Albert R. Woodard, director, Utica Joint Board, Textile Workers of America-CIO (labor); Alan Stevenson, National Commandant of Marine Corps League (veteran).

# What's Doing in the Institutions



## Former Prison Guard Now Provost Marshal

Capt. Theodore Williams, commanding officer of Military Police Detachment 2 of the 1240th Service Command unit with headquarters at Union Station, has been assigned additional duties as provost marshal, it has been announced.

Col. Thomas C. McCormick, acting chief of staff, in announcing the appointment of Capt. Williams as provost marshal, said his jurisdiction

would include the 19 counties in the Albany district.

Previously Capt. Williams commanded the 1243rd MP Detachment stationed at Steamboat Square. This unit was inactivated on November 15.

Capt. Williams is a veteran of both World Wars, was wounded twice during the first conflict.

*Before entering the military, Capt. Williams was a Sergeant of the Guard at Sing Sing Prison, Ossining. In 1940 he was the founder and first president of the Sing Sing Chapter of the Association.*

Andrew T. Kelly, Clerk, Special Term, Part VII, Supreme Court, Kings County, devoted his Armistice day holiday to drawing this cartoon for "the benefit of my co-workers" in State Civil Service.



# PERSONNEL FROM AUBURN WELCOMES GEN. WAINWRIGHT


**Uniformed Staff at Auburn, Headed by Warden Foster,  
Turns Out To Greet Hero**

On October 16, 1945, General Jonathan A. Wainwright came back—back from Corregidor—back, practically, from the grave—to the home of his wife in the village of Skaneateles.

Twenty-five thousand men, women and children turned out to welcome the gaunt hero—25,000 persons in a village of about 2,000 population.

There was a parade. Twenty-five hundred persons marched. Among them were 138 of the uniformed personnel of Auburn Prison, a few miles away. You can see them in the accompanying photograph, marching through Skaneateles's main street. At their head, in civics, is Warden John F. Foster. By his side is Principal Keeper Floyd E. Whipple. Right behind them is Capt. James McDonald. And State Service may well be proud of the uniformed staff following their leaders in excellent military formation.

No kick coming



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### TROOP K CHAPTER

President: Sgt. George Corsilia  
 Vice President: Trooper Philip S. Howe  
 Secretary-Treasurer: Sergeant Conrad B. VanAlen

# ATTENDANCE RULES SET FOR ALL INSTITUTIONS

## NEW REGULATIONS AFFECT INSTITUTIONAL EMPLOYEES IN NEW YORK STATE DEPARTMENTS OF CORRECTION, HEALTH, MENTAL HYGIENE AND SOCIAL WELFARE

### FOREWORD

In promulgating the Attendance Rules for institutional employees, the State Civil Service Commission is mindful of the existence of special laws, such as the Mental Hygiene Law, Correction Law, and others, which give definite powers to administrative officers and certain rights and privileges to the institutional employees. Correspondingly, there is no intention on the part of the Civil Service Commission to include in the rules any provisions which may be in contravention of existing statutes.

The State Labor Law places definite restrictions upon the maximum number of days each week and of hours each day that persons may work in the ward, guard, and similar services in the institutions covered by these rules. That law, however, does permit of exception under specified emergencies, and, because of the shortage of personnel, many of such employees are working hours in excess of the usual allowable maximum pursuant to that authority.

In view of the present unusual conditions bearing on recruitment, the Civil Service Commission has concluded that it is impracticable at this time to incorporate in the rules the hours of work week, particularly in regard to employees not covered by the special provisions of the Labor Law. The adoption of a fixed schedule, at this unfavorable time, which precludes the exercise of sound discretion, could only result in depriving employees of advantages now properly granted where conditions permit. The Commission has, therefore, left to each department head the responsibility of establishing, subject to such laws as are controlling, the hours of the

The long awaited rules of attendance, or rules governing leaves, of state employees, were promulgated in part by the Civil Service Commission on December 6, 1945. The rules thus far announced apply only to institutional employees in the Departments of Correction, Health, Mental Hygiene and Social Welfare. No rules have as yet been promulgated covering departmental employees generally. In the case of the latter employees, the sick leave rules of 1933 still apply, and the vacation and holiday rules are as issued periodically by the Civil Service Commission.

The rules for institutional employees as printed herewith are important. They cover many points that are arising continuously throughout institutional employment. They clarify as to many situations. They should bring desirable uniformity in others.

The Association, reflecting the feelings of its many members in the institutions, urged upon the Civil Service Commission that the rules settle the question of hours of work in cases where the number of hours per week are not established by statute. Many employees in the offices of institutions work six to eight hours per week longer than those in departmental service although they have the same civil service title and receive the same pay. The workers in state institutions perform as vital service as do the workers elsewhere, and they do it usually in an environment that is often distressing and difficult. The lack of correction of the situation as to hours of work in institutions is apparently related to the long reluctance on the part of the State to evaluate honestly the services of institutional workers—a relic of the old twelve-hour day attitude. Very many and very substantial improvements have been brought about in institutional employment policies through organized employee interest in programs and suggestions initiated by the Association.

The officers of the Association must, in view of the limitations of the new rules, continue efforts with the Civil Service Commission and department heads concerned to bring about a correction of the matter of hours of work or extra pay for overtime and also as to other features of the rules which give too great a margin for error through the permission of individual discretion on the part of various appointing officers.

The state service will be greatly improved by the incorporation of sound, progressive principles into all definite rules. Only thus can the laudable objective of uniformly fair treatment of workers wherever such workers may be located, be achieved.

The official rules here printed should be retained permanently by members as a help in their individual questioning and may well be discussed by Chapter groups and clarifications sought locally with appointing officers where the application is not entirely clear.

work week in the institutions under his control, during this emergency period.

### PREAMBLE

In any continuing emergency, the following rules may be suspended in whole or in part by the head of the department in which the emergency exists, provided that written notice of such suspension is sent promptly to the State Civil Service Commission, by the department head.

#### Rule I—Attendance

##### 1. Employment Year:

The employment year for which vacation allowance, time credits and time deductions are calculated is the fiscal year April 1st through March 31st.

##### 2. Working Week:

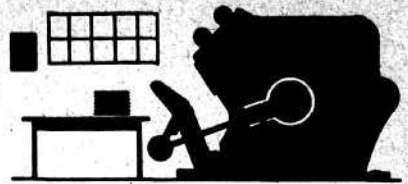
The department head, subject to such labor laws as are controlling, shall establish the working week. The time of beginning and ending of working hours, and the time off for meals, shall be determined by the institution head, subject to approval by the department head. Copies of such schedules and such modifications thereof shall be filed with the State Civil Service Commission.

##### 3. Overtime: (applies only to overtime for which no additional compensation is provided by law).

So far as practicable, the necessity for overtime work shall be approved in advance by the employee's immediate supervisor before any credits

(Continued on page 30)

# New State Publications



**"Fees and Taxes Charged Insurance Companies Under the Laws of New York."** Insurance Department 1945. 82 pp.

**"The Fox in New York State."** Clayton B. Seagars. Conservation Department. Second printing, November, 1945. 85 pp.

An authoritative treatise on the life history, range and habitat, food habits, legal status and economic importance of the fox. In addition there are chapters on hunting, trapping and handling the fox pelt.

**"Instructions and Data for Applicants for Licenses to Act as Life Insurance Agents or Accident and Health Insurance Agents"** or both under Sec. 113 of the Insurance Law, Insurance Department, 1945. 54 pp.

**"Instructions and Data for Applicants for Licenses to Act as Insurance Agents"** under Sec. 115 of the Insurance Law, Insurance Department, 1945. 32 pp.

**"Instructions and Data for Applicants for Licenses to Act as Insurance Brokers"** under Sec. 119 of the Insurance Law, Insurance Department, 1945. 32 pp.

**"Is Someone Sick in Your Home?"** Department of Health, 1945, 10 pp.

Home care for the patient with a communicable disease.

**"List of Securities Considered Legal Investments for Savings Banks,"** July 1, 1945. State Banking Department. 34 pp.

Has mimeographed supplements as of July 11, September 12 and November 14, 1945.

**"Local Planning and Zoning."** A manual of Powers and Procedures for Citizens and Government Officials, Bureau of Planning, Department of Commerce, July, 1945. 67 pp.

Outlines and explains the authority under which planning and zoning agencies are created, their organization and their powers, duties and responsibilities.

**"Migration of College Students to and From New York State."** John Dale Russell and John W. Paige. Education Department, Nov. 1, 1945. 120 pp.

Deals with the number of New York State residents who go to other states for higher education, the location, nature and cost of the institutions they attend, and the extent to which this migration from New York is balanced by migration to New York from other states.

**"Nutrition in Review."** Report of the New York State Joint Legislative Committee on Nutrition. Senator Thomas C. Desmond, Chairman Committee on Nutrition. Legislative Document (1945). No. 49. 191 pp. The Commission:

A comprehensive report on and treatment of the "more important aspects of food and nutrition with an eye on world events and the part the nation and New York State eventually must play in those events." Has twenty-five articles by authorities in their field besides other related material.

**"Starting Your Own Small Business in New York State."** Small Business Series—No. 1. Department of Commerce. 19 pp.

Designed to help prospective entrepreneur judge his own qualifications—first of a series dealing with practical problems of small business operation.

**"Vocational Training Opportunities in New York State,"** by R. D. Fleming and G. A. Gilger. Education Department, 1945. 131 pp.

A counselors handbook of private trade schools, business schools and business institutes, schools of nursing, state agricultural and technical institutes, public vocational schools, and establishments with apprenticeship programs.

**"Financial Services for a Small Business,"** Small Business Series—No. 2, Department of Commerce, 12 pp.

**"Undulant Fever."** Division of Communicable Diseases, Department of Health, 1945. 2 pp.

A brief description of the disease and its symptoms; also diagnosis, transmission and prevention.

**"The Financing of Higher Education in New York State."** John Dale Russell, Philip A. Cowen and John W. Paige. The State Education Dept. December 15, 1945. 91 pp.

One of a series of reports on a study of the resources and needs of the State of New York for higher education. Discusses funds, income and expenditures of higher education; trends in the support of higher education; scholarships, student assistance and costs.

**"The New York State Training School for Boys,"** Warwick, New York, Department of Social Welfare. 1945. 3 pp.

A reprint from the June, 1945, State Employee describing the work and training of boys at Warwick.

**"Happiness in Little Things: The County Home Can Be a Home,"** C. Randolph Wilson. Department of Social Welfare. 1945. 3 pp.

A reprint from the August, 1954, "Public Welfare" on the bright side of "County Home" Life.

**"Recommended Policies and Practices for Detention Care of Children in New York State (exclusive of New York City)"** Department of Social Welfare, 1945.

A mimeographed statement of suggested policies and practices, the meaning of detention, and outline of facilities.

**"Social Welfare Manual,"** Department of Social Welfare, October 20, 1945. 101 pp.

A mimeographed manual on Part III, "Manual of Child Welfare."



# The Letter Box



Every reputable magazine insists that, in order to be published, any communication must bear the worker's true name and address. ANONYMOUS LETTERS WILL NOT BE PUBLISHED. You can use a fictitious name for publication purposes, provided you let us know who and where you are, and we'll be glad to print your letter—provided its printable!

This month we received a communication having something to say about Association dues, "the State Employee," "The Leader," insurance, membership, and suggesting we print it in "The Letter Box" and invite comment. We should have been delighted to comply had you signed your communication. If you haven't the stamina to stand behind your own ideas, don't expect us to furnish it.

Let's get it straight right now—we will not publish anonymous communications, but we will protect your identity, if you wish it protected, provided you let us know who you are. That is the policy of any reputable magazine—and we hope we are reputable!

ED.

Delmar, N. Y.  
December 12, 1945

Dear Sir:

This is mainly to congratulate you and your Editorial Board for the very considerable improvement you are bringing about in "The State Employee." It is also to express appreciation as a member of the Association for the good work you are doing.

It has always seemed to me that this publication should perform a much more valuable function than it has in the past. Judging by the last two issues you are well started in the direction of bringing this about. In fact, you have done more than make a good start—and in the right direction.

So keep up the good work!

Very truly yours,

H. D. Phillips.

Addenda:

On the question of publishing July and August issues, concerning which you asked for specific comment: My suggestion would be that you do not try to do this during the coming summer, since someone is now plainly burdened with much extra work in this process of "revitalization" of the magazine which is going on. Concentrate on that. Set the other as a goal to be reached later.

H. D. P.

Poughkeepsie, N. Y.  
December 10, 1945

My dear Former Fellow Workers:

Congratulations on the new magazine! There may be a million excuses why there is no magazine, but there is not one valid reason why the magazine does not appear in July and August.

Best wishes.

Chas. P. Wiweke  
Retired Right-of-Way Engineer,  
Dept. Pub. Works, Dist. 8.

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# In Memoriam

The Association notes with sorrow, and with sincere sympathy for the relatives and friends, the death of the following members, as reported from June 1 to November 17, 1945:

Name	Department	Title
Ruth W. Taylor	Mental Hygiene	Attendant
Nicholas Komar	" "	Attendant
Thomas McDermott	" "	Attendant
Pearl D. Hart	" "	Attendant
Charles Buckley	" "	Attendant
Joseph W. Cornell	" "	Carpenter
Edwin Wood	" "	Truck Driver
John Butterly	" "	Attendant
Charles Cullen	" "	Attendant
Roy I. Boughton	" "	Assistant Supervisor
Jessie B. Nicholls	" "	Housekeeper
Dr. Clifford E. Howard	" "	Senior Assistant Physician
Ralph A. Hamilton	" "	Assistant Civil Engineer
Andrew Augustine	" "	Chief Transfer Agent
Mae Ackerson	" "	Nurse
Robert P. Rickards	" "	Special Agent
Robert E. Griffin	" "	Attendant
Frank Little	" "	Asst. Storekeeper
Rev. John M. Sellinger	" "	Chaplain
Mary Fitzsimmons	" "	Superintendent
Grover Brown	" "	Charge Attendant
John K. Reuther	Public Works	Foreman
Leonard D. Brownell	" "	District Engineer
Francis M. Glynn	" "	Executive Officer
Albert A. O'Donnell	" "	Foreman
John M. Folts	" "	Foreman
Samuel Chapin	" "	Foreman
Oscar S. Davis	" "	Laborer
Clarence Kelsey	" "	Driver
Michael Goodman	Public Service	Accountant
Guy H. Angst	Correction	Guard
John J. Cahill	"	Guard
Louis E. Tyler	"	Guard
Mary G. Kluss	Conservation	Assistant Stenographer
August W. Rath	"	Superintendent
Charles Archer	"	Laborer
Minnie E. White	"	Sr. Typist
John Kusky	"	Laborer
Julius C. Cavazzi	Agriculture-Markets	Veterinarian
Benjamin Friedman	Courts	Special Deputy Clerk
Geo. H. Jamison	Insurance	Deputy Superintendent
Roger Williams	Insurance Fund	Safety Director
Kenneth B. Knapp	Executive	Trooper
Carl Pack	Legislative	Senator
Dr. Hiram A. Jones	Education	Director
Charles J. Ricke	"	Operator
Roland T. Frost	Tax	Clerk
Lawrence A. Barrett	Labor	Inspector
Elbert L. Benton	"	Safety Organizer
Marcella A. Lithgow	Audit & Control	Clerk
Carrie B. Unger	"	Interviewer
Bartley McGovern	Social Welfare	Supervisor
Ernest A. Maynard	Executive—State Police	Inspector

All of the deceased were members of the Association's Group Life Insurance.

## EMPLOYMENT IN FACTORIES SHOWS SLIGHT GAIN

The downward trend in factory employment in New York State which had persisted for eight months was reversed in November with a gain of 1 per cent over the October level, according to Industrial Commissioner Edward Corsi, head of the State Labor Department. Employment increase in the State's manufacturing industries was accompanied by a similar gain in payrolls. Average weekly earnings advanced 13 cents from the October figure of \$46.22 to \$46.35.

Increases were widespread throughout the various industries with noteworthy gains in furniture, chemicals, iron and steel, nonferrous metals, machinery, and automotive equipment. Seasonal losses in canning, dairy products, and some of the clothing industries, and continued lay-offs in electrical machinery, aircraft and shipbuilding only partially counterbalanced gains in other groups.

Despite gains between October and November, factory employment and payrolls were still considerably lower than they were a year ago. Compared with November 1944, employment had dropped 18.8 per cent and payrolls, 23.1 per cent while average weekly earnings were \$2.57 less. These figures are based on preliminary tabulations of reports from 2,837 factories throughout the State collected and analyzed by the Division of Research and Statistics under the direction of Meredith B. Givens.

Locality	Percentage Change			
	Oct. '45 to Empl.	Nov. '45 Payr.	Nov. '44 to Empl.	Nov. '45 Payr.
New York State.....	+ 1.0	+ 1.4	-18.8	-23.1
New York City.....	-0.5	- 0.5	-13.7	-15.1
Remainder of State.....	+ 2.0	+ 2.8	-22.3	-28.9
Kingston-Newburgh-Poughkeepsie .....	+10.9	+15.3	-12.8	-15.5
Utica .....	+ 3.7	+ 3.4	-20.7	-33.2
Syracuse .....	+ 3.4	+ 4.4	-20.8	-25.4
Binghamton-Endicott-Johnson City.....	+ 3.2	+ 1.5	-13.0	-21.1
Rochester .....	+ 2.7	+ 3.9	-15.4	-16.7
Buffalo .....	+ 2.5	+ 3.2	-35.9	-42.9
Elmira .....	+ 0.8	+ 1.1	-26.2	-30.3
Albany-Schenectady-Troy .....	- 1.1	+ 2.2	-20.2	-23.7

Form 2550—24, 1945

### STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACTS OF CONGRESS OF AUGUST 24, 1912, AND MARCH 3, 1933

Of THE STATE EMPLOYEE Sept. and Dec. published SIX TIMES YEARLY  
No. except March, May, July, Aug.  
(Name of publication.) (State frequency of issue.)

at ALBANY, NEW YORK for October 1, 1945  
(Name of post office and State where publication is entered.)

STATE OF NEW YORK  
COUNTY OF ALBANY

Before me, a Notary Public in and for the State and county aforesaid, personally appeared

the Publisher, Circulation Mgr., The State Employee who, having been duly sworn according to law, deposes and says that he is  
(State whether editor, publisher, business manager, or owner.) (Insert title of publication.)

and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:  
 Name of— Post office address— Albany  
 Publisher W.F. Mc Donough 449 Western Avenue  
 Editor Clifford C. Shero 219 New Scotland Avenue, Albany  
 Managing Editor W.F. Mc Donough 449 Western Ave., Albany  
 Business Managers

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the name and address of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

Association of State Civil Service Employees  
of the State of N.Y. Inc. Room 156, State Capitol, Albany, NY

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)  
NONE

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is: 29,000  
(This information is required from daily publications only.)

Sworn to and subscribed before me this 30 day of October 19 45  
Signature of editor, publisher, business manager, or owner: William F. Mc Donough

(My commission expires March 31 1946)  
Signature: Hilton Crouse

NOTE—This statement must be made in duplicate and both copies delivered by the publisher to the postmaster, who shall send one copy to the Third Assistant Postmaster General (Division of Classification), Washington, D. C., and retain the other in the file of the post office. The publisher must submit a copy of this statement in the second issue printed next after its filing.

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## UNEMPLOYMENT INCREASES IN NOVEMBER

The total of New York State's unemployed workers claiming unemployment insurance benefits or veterans' readjustment allowance mounted to 315,266 during the week ending December 7, according to an announcement by Industrial Commissioner Edward Corsi.

The total of 239,730 unemployment insurance benefit claims marked an increase of 5,147 over the previous week's total. The number of unemployed ex-servicemen seeking a veteran's readjustment allowance, 75,536, was 5,689 higher than the total for the previous week.

Of those claiming jobless benefits, 110,459 were from New York City; 120,743 were from the remainder of

the State; and 8,528 were from former residents of the State.

The totals for insurance areas outside the Metropolitan region were: Buffalo, 48,249; Syracuse, 14,412; Rochester, 11,616; Albany, 7,542; Utica, 7,338; Long Island, 16,775; and Westchester, 14,811.

The State Unemployment Insurance Fund, as of the end of the week totaled \$993,256,775.70.

• • •

## Veterans Seek Higher Training

New York State's returning World War II veterans are showing an increasing interest in higher education and vocational school training, with more than 65 per cent of the veterans making inquiries following through with specific courses, Edward J. Neary, Director of the Division of Veterans' Affairs reports.

Mr. Neary revealed that progress reports of the 116 state veterans' counselors during the month of November showed more than 4,100 inquiries concerning higher education were received from veterans, and arrangements were made for approximately 2,392 to attend a school of their choice. This compared with 2,927 inquiries and 1,503 enrollments for the month of October.

Veterans' interest ranged in a wide variety of subjects, Mr. Neary said, including accounting, business administration, journalism, medicine, law, physical education, photography and various agricultural specialized lines such as veterinary work, while others were interested in trade schools which prepare for employment in radio, auto mechanics, watchmaking and aviation.

Mr. Neary urges all veterans who are interested in further education to consult their local state veterans' counselor and make application at once, as many of the schools and colleges are filling up rapidly while some are deferring applications from three to six months.

(Continued on page 29)

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## VETERAN'S PREFERENCE

(Continued from page 7)

him special eligible list status, unless he makes demand therefor during the ninety-day period following his discharge.

31. If the veteran makes demand after the termination of the ninety-day period, should it be given consideration?

No. The law sets a definite time limit.

32. Must the name of every veteran on an eligible list be placed upon a special eligible list when demand is made for same?

No. Only those names which have been reached for certification during military duty should be placed on a special eligible list.

33. What is meant by "reached for certification?"

To be reached for certification a military eligible must have attained a place on the certification list high enough to be eligible for appointment (i.e., he must be one of the three highest eligibles who are willing to accept appointment). In some cases it may be difficult to determine whether a military eligible was reached for certification and appointment during the life of the list. When no report of canvass has been received or can be obtained, only military eligibles standing 1, 2, or 3 on the certification may be considered reached for certification if the request for certification stated that there was one vacancy in existence or was silent as to the number of vacancies then in existence. Of course, if there were two vacancies in existence, then eligible No. 4 is reachable for certification, etc.

34. Where a military eligible was reached for certification, but no appointment was made from such certification, does the military eligible get special eligible list status?

Yes. If the appointment could have been made, but was not made, he gets special eligible list status. Under the law special eligible list status must be given to all persons who are reached for certification while

in military duty. However, where there is definite proof that there was no vacancy in existence when the certification was made or that the vacancy could not have been filled because of failure to get budget approval or other conditions, then the certification should be regarded as a nullity and no eligible reachable on such certification is entitled to special eligible list status.

35. Where a military eligible is reached for certification for a Junior Clerk position from an Assistant File Clerk list, what special eligible list status does he get?

He is entitled to special eligible list status for Junior Clerk only. The purpose of the law is to give military eligibles protection against the loss of any rights while they are in military duty. Inasmuch as the military eligible could only have been ap-

pointed to the Junior Clerk position, he is entitled to special eligible list status for that position alone.

36. Does a special eligible list receive preference over all other lists?

No. A special eligible list containing names of persons originally on an open competitive list does not receive preference over promotion lists or preferred lists. However, a special eligible list does receive priority over a subsequent eligible list of the same type (open competitive or promotion) for the same position. The lists should be certified in the following order of priority: (a) preferred list, (b) special eligible promotion list, (c) promotion eligible list, (d) special eligible open competitive list, (e) open competitive list.

37. Where eligibles standing high on

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a list decline temporarily, and "military duty" eligibles at the bottom of the list thereby become reachable for certification and entitled to special eligible list status, do such "military duty" eligibles get priority in appointment over those standing higher on the regular eligible list who declined such appointments temporarily?

No. Eligibles on a special eligible list get preference only over eligibles on a subsequent list and not over eligibles on the regular list.

38. Must appointments from a special eligible list be made in 1, 2, 3 order?

No. Appointments are made in the regular manner (i.e., one out of the highest three) subject to the preference rights of veterans and disabled veterans. If a special eligible list contains fewer than three names, none of whom are veterans, the appointing officer may consider the names of the special eligibles together with enough additional names from a subsequent list in order to give him a choice of one out of three.

39. If there are several eligibles on a special eligible list for the same position, who were originally certified from different lists, in what relative order should they be certified from the special eligible list?

In the order of the dates of their certifications from the regular eligible lists.

40. For what period of time may an eligible on a special eligible list be certified?

Eligibles on such list are entitled to be certified for the period of two years from the dates of termination of their military duty.

41. On and after January 1, 1946, may an eligible list be deemed

exhausted if it contains less than three eligibles, if one of such eligibles is a veteran?

No. The veteran is entitled to preference in appointment on any list.

42. On and after January 1, 1946, must veterans be appointed in the order of standing on the eligible list or may the appointing officer select any one of three veterans standing highest on the eligible list?

The appointing officer may select any one of the three highest veterans on an eligible list. If there are only two veterans, he may select any one of the two. If there is one veteran, he must appoint such veteran before he can consider non-veterans.

#### APPOINTMENT WHILE ON MILITARY DUTY

43. Where a military eligible is appointed while on military duty, what are his rights?

He is entitled to a mandatory leave of absence for the duration of his military duty and must be restored at the termination of his military duty with all the rights and privileges given to public employees on military duty.

44. Where a military eligible is appointed from an open competitive list while on military duty, must he serve a probationary term?

If he continues on military duty for a period longer than the duration of the probationary term, he is deemed to have satisfactorily completed his probationary service. If his military duty covers a shorter period than his probationary term, he must serve the balance of his probationary term after restoration to his position.

45. Where one appointment is to be made and one of the three highest eligibles is on military duty,

is the appointing officer's selection limited to the two remaining eligibles or should the name of another eligible be added to the certification?

Inasmuch as an appointing officer is entitled to select any one out of the three highest eligibles available for appointment, another name should be added to the certification. The law gives an appointing officer the discretionary right to skip over eligibles on military duty and does not limit his prerogative of selecting one out of the three highest eligibles who are available for service.

#### SERVICE AND EFFICIENCY RATINGS

46. Where an employee enters military service shortly before the service record rating is due, and his work was unsatisfactory, may he be given an unsatisfactory service record rating?

No. The law requires that a passing grade be given to a public employee who is absent on military duty. Therefore, if the rating was not due prior to the entrance of the employee into military service, he must be given a satisfactory rating regardless of the quality of his work for the service record rating period. The rating of such employee must be the average of the efficiency ratings which he received for the three periods immediately prior to his absence on military duty or his last service record rating, whichever is the higher.

#### ABOLITION OF POSITIONS

##### Preferred Lists

47. How soon after abolition of the competitive position of a military employee must his name be placed on a preferred list?

Immediately upon the abolition of his position. The four-year  
(Continued on page 28)

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## VETERAN'S PREFERENCE

(Continued from page 27)

period of preferred list status runs from the date of abolition of position and not from the date of termination of military duty.

48. Must a competitive employee on military duty whose position is abolished make written request after termination of military duty to have his name certified from a preferred list?

No. His name must be certified from such preferred list whether he makes demand or not.

## MILITARY RE-EMPLOYMENT LISTS

49. Where a non-competitive class or labor class position is abolished, must the incumbent be placed immediately upon a military re-employment list?

No. In order to be entitled to be placed upon such list he must file a written request within ninety days after termination of his military duty.

50. Does an exempt employee get military re-employment list rights?

No. The law specifically excludes exempt employees from such rights.

51. Must appointments from a military re-employment list be made in the same manner as from a special eligible list?

No. Appointments from a military re-employment list may be made without regard to the order of standing on such list.

52. How is certification made from a military re-employment list?

After the establishment of a military re-employment list, the entire list must be made available to appointing officers.

53. Under what conditions may an appointing officer refuse to use a military re-employment list?

When he certifies that no person on such military re-employment list who formerly held the same or a similar position is qualified to fill the position or is willing to accept appointment. If no such certificate is filed, the civil service commission must refuse to approve the payroll for such position until it is filed.

54. If an eligible on a military re-employment list refuses to accept an offer of appointment to a position similar to that last held by him, does he still remain on such list?

No. His name must be removed from the list.

55. Should the military re-employment list be set up separately for positions in the non-competitive and labor classes?

Yes. The law requires that separate list shall be established for positions in the non-competitive and labor classes of the classified civil service.

56. In the State, counties, towns, villages, school districts, special districts, or cities under our jurisdiction, which have no labor class, is it necessary to give military re-employment list status to laborers and labor positions placed in the exempt class?

No. The law refers to the labor class of the classified civil service and specifically excludes positions in the exempt class of the classified civil service and spe-

cifically excludes positions in the exempt class of the classified civil service.

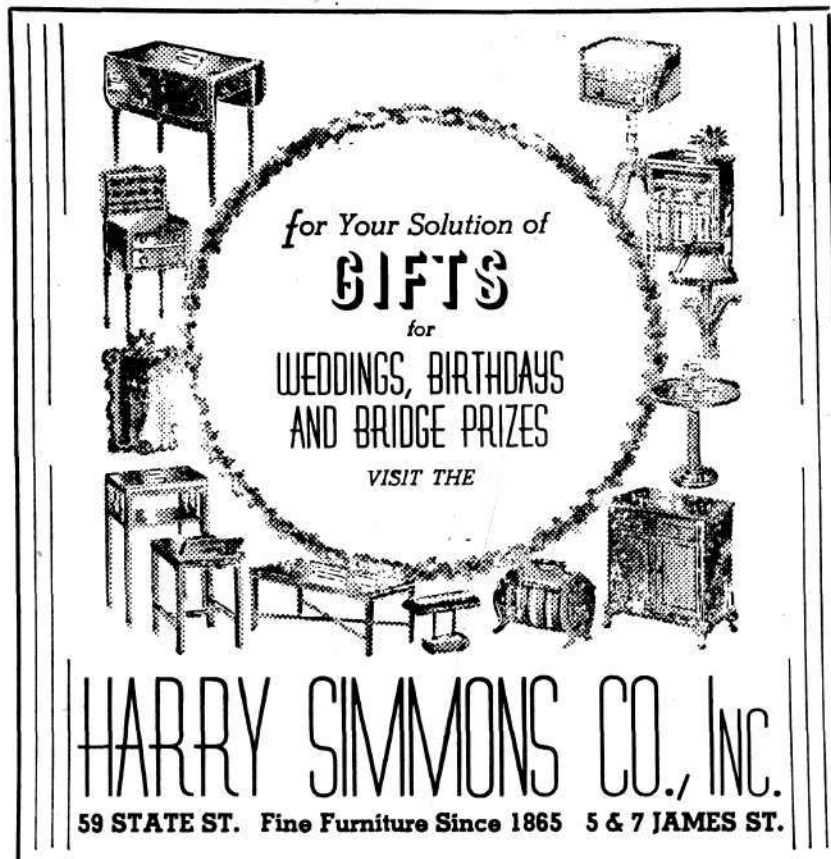
57. Do the provisions relating to military re-employment lists apply to temporary and seasonal positions?

Yes. Subdivision 13 of Section 246 provides that employees who have held such positions shall, nevertheless, be placed upon military re-employment lists, and so far as practicable, shall be restored to a position similar to that held at the time such employee entered military duty.

## MISCELLANEOUS PROBLEMS

58. Where a veteran's position has been reclassified while he is in military service, what are his rights?

If he were eligible to be retained in such position without examination had he not been in military duty, he will be entitled to be restored to such position without examination at the termination of his military duty. In other words, he should get all the rights to which he



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would have been entitled had he not been in military service. If the reclassification requires qualification by examination, such examination should be deferred until the veteran returns from military service and if he qualifies for the position, he is entitled to all rights in the new position from date of reclassification.

59. Where an eligible is appointed from a special eligible list, does he get seniority, dating back to the time he was reached for certification from the original eligible list?

No. Except in the case of an eligible on a list for the uniformed force of a police department, a fire department, or a department of correction who was skipped over under Section 246, subdivision 7-a, because he was in classification 1A under the Federal Selective Service Act, or in the reserve military or naval forces. Such eligible is deemed to be on military duty and is entitled to special eligible list status for a period of two years from the date of termination of hostilities (and if ordered into active military duty prior to such termination, then for the period ending two years after the termination of such military duty), and is further entitled to credit for seniority dating from the time when he would have been reached for appointment from the original eligible list?

60. Where a public employee on military duty is released or discharged, on condition that he engage in essential war work, what are his rights?

Under subdivision 18 of Section 246, he is deemed to be on military duty as long as he is engaged in essential war work. In order to confer upon such employee the rights and privileges of a public employee on military duty, such employee must submit a certificate of the War Manpower Commission or the United States Employment Service or the proper authorities in the armed forces of the United States that he has been engaged in essential war work

for the period stated in such certificate.

61. Where a returning veteran wishes to take education courses under the G.I. Bill of Rights, is he entitled to be continued on military leave?

No. There is nothing in the Military Law covering leaves of absence for this purpose. At the present time it is discretionary with appointing officers to grant such leave, and under our present rule such leaves are limited to one year.

### Post-War Trends

(Continued from page 25)

## Saratoga Spa World Leader

Saratoga Springs, December 13—Opportunity for world-wide recognition as a leading health center is brought to the Saratoga Spa by the selection of its medical director as president of the American Congress of Physical Medicine, according to an announcement by Cyris B. Elmore, Superintendent.

Dr. Walter S. McCellan, the medical director of the Saratoga Spa, has just returned from Chicago where he attended the 1945 annual meeting of the Board of Governors of the Congress. He will be inducted into office as president of the Congress at the next annual meeting in Hotel Pennsylvania, New York City, September 4-7, 1946. It is expected that about 800 physicians and

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others interested in physical medicine will attend.

The Congress promotes the distribution of information regarding the treatment of certain diseases by the use of waters, electricity, heat, light, radiant energy, massage and exercise. More widespread use of mineral water such as those found at the Saratoga Spa is developing, particularly in connection with the treatment of returning veterans as well as others.

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## EMPLOYEES' WAGES

(Continued from page 8)

crease in salaries beyond a cost of living adjustment. The combination of the two factors would raise state salaries to levels comparable with industrial wages and the Federal scale recently proposed by President Truman.

One further point must be discussed to complete the analysis of the State salary and wage problem. The war-time adjustments have been graduated starting at 20% for the low paid worker and dropping to 10% or less for the higher paid workers. This was done on the theory that in war-time, adjustments should only be made for absolute necessities, and that all possible production should be diverted to the war. The same theory was applied to the income tax so that the higher paid employees had a two way cut in their real incomes, a less than average cost-of-living adjustment and more than average increase in taxes. The war is actually over now and wage and salary differentials must be faced in the same terms that they were faced in the 1930's when the Salary Standardization Board did its work. To say that the percentage change in the cost-of-living adjustment should vary from salary grade to salary grade is to say that the salary differentials established by the Salary Standardization Board are wrong. No evidence has been advanced to show that these general relationships are wrong, and

the logic of the situation therefore points to a flat percentage increase at all salary and wage levels. The present difficulty in securing competent workers for the State at many different salary levels supports the view that a general adjustment is needed.

The salary problem in New York State can be briefly summarized as follows:

1. New York State employees can only purchase 90% as much with their salaries now as before the war; the rising cost of living has taken 10% or more out of every pay check even after adjustment for the 20% increase.
2. The pre-war salary scale was fair in comparative rates except for the minimum entrance salary and the effect of Federal taxes. These were both underpayments and therefore, the real purchasing power of all pre-war salaries should at least be maintained.
3. The national efficiency is advancing and state employees should share in the resulting higher standard of living.

Thus the proper legislation to give the New York State Employees fair treatment would appear to be:

1. Automatic cost of living adjustment to be based on the official studies of the United States Government.
2. Some recognition of the increase in national efficiency.

## ATTENDANCE RULES

(Continued from page 20)

for overtime work shall be allowed. Overtime credit shall be granted, where earned, to all employees except where the department head designates certain executives, officers and employees who shall not earn overtime credits because of the nature of their work and responsibilities. Employees, so designated, may be granted time off as a discretionary matter.

No credit shall be given overtime of less than one-half hour in each day. Overtime shall be credited only in one-half hour units and no fractional part of such a unit shall receive credit.

Time in traveling in excess of the regular working hours shall receive no credit as overtime, except as required and approved.

Overtime credits shall be used within 9 months from the time they are earned, provided that such time off from regular working hours shall first be approved by the proper administrative officer.

Overtime credits shall not be transferable from one department to another, or from one institution to another.

### 4. Tardiness:

Penalties for unexcused tardiness shall be imposed by the head of each institution in conformance with established rules of the respective departments.

### 5. Record of Attendance:

Daily time records shall be maintained showing the actual hours worked by each employee. The department head may designate certain executives, officers and employees who, because of the nature of their work and responsibilities, shall not be required to report their time.

### Rule II—Absence With Pay

#### 1. Sundays and Holidays:

For time off for Sundays and legal holidays occurring during the year, or days in lieu thereof, each employee, except those on a per diem basis, shall be allowed a total of 62 days leave with pay.

#### 2. Vacation—Permanent Employees:

In addition to time off for Sundays and holidays, permanent employees and those appointed for the war duration, other than per diem em-



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ployees, will be granted annual vacation of 18 working days with pay if serving the equivalent of six full working days a week. Vacation on this basis shall be earned at the rate of 1½ days per month of service.

Employees of this type who serve the equivalent of 5½ full working days a week shall receive 16½ working days of annual vacation, Saturday being charged as one-half day of vacation. The rate of vacation earned per month will be adjusted accordingly.

Vacation is to be taken at any time requested by the employee and convenient to the institution, with the approval of the institution head, but it can be drawn only by an employee who has completed six months of service.

Vacation earned but not used may not be carried over from one year to another except with the approval of the department head and only when consistent with provisions of law.

**3. Vacation—Temporary Employees:**

Temporary and provisional employees, except those on a per diem basis, who have served six months may receive vacation credits for each month served and subsequently

served, at the same rate as established for permanent employees. As previously stated, war duration appointees shall be treated as permanent employees with regard to vacation.

**4. Vacation—Transfer of Credits:**

Credits shall be transferred from one institution to another in those cases where the transfer of the employee is ordered by the institution or department head. Otherwise, the transfer of credits from institution to institution or department to department shall be discretionary. Earned vacation should, if possible, be used by an employee prior to transfer.

**5. Sick Leave:**

Each permanent, war duration, provisional or temporary employee, other than per diem employees, shall be allowed sick leave credits at the rate of one working day per month in service, after the date that these rules take effect. These credits, together with any previous sick leave credits which would have been usable on that date, shall become cumulative, up to 150 days maximum.

Calculations of sick leave shall be based on a year beginning April first.

The unit for computation of sick leave shall not be less than one-half

day. Credits cannot be earned for the period an employee is on leave of absence without pay.

Sick leave cannot be drawn until the employee has served six months in the State service.

In order that absence because of personal illness may be charged to accumulated sick leave, it must be reported by the employee on the first working day of such absence, and where the work is such that, in the judgment of the institution head a substitute would be required, absence for disability shall be reported not later than two hours prior to the tour of duty. Absence for illness on Saturday shall be charged a full day.

**6. Sick Leave—Extension After All Credits Used:**

At the discretion of the head of the institution and with the approval of the department head, permanent employees may also be granted sick leave with one-half pay for three months after three years of State service, after all credits have been used. An additional period of three months of leave at half pay may be granted with the approval of the department head. In special instances, sick leave with pay may be further

(Continued on page 32)

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## ATTENDANCE RULES

(Continued from page 31)

extended with the approval of the department head. Leave, not exceeding eleven months without pay, may be granted in the case of employees who have served continuously for at least one year in the State service. No sick leave without pay in excess of eleven months shall be granted unless the department head has obtained from the State Civil Service Commissioner prior approval of such an extension. (See Civil Service Rule XVI).

### 7. Sick Leave—Proof of Illness:

In order to qualify for sick leave, proof of disability must be provided by the employee, satisfactory to the institution head. Presentation of a physician's certificate in the prescribed form may be waived for absence up to one week. Such certificate is mandatory for absences over one week, and in protracted disability should be presented to the institution head at the end of each month of continued absence.

### 8. Sick Leave—Transfer of Credits:

Credits may be transferred from one institution to another and from one department to another.

### 9. Leave Due to Death or Serious Illness in Immediate Family of Employee:

Permanent, temporary, provisional or war duration employees who have served over 6 months in the department may be granted 4 working days with pay in any year beginning April 1st, on account of death or serious illness in the employee's immediate family, upon satisfactory evidence of such. Such absence may be extended to a maximum of 10 days and the excess above 4 days shall be charged to sick leave, vacation or overtime credits. The immediate family of an employee shall include grandparents, father, mother, brother, sister, spouse, or child, of the employee or of his spouse.

### 10. Leave Due to Injury or Disease Incurred in the Performance of Duty:

Any officer or employee who is necessarily absent from duty because of injury or disease presumably incurred in the performance of duty may, pending adjudication of his case, be granted leave with full pay for a period not to exceed 6 months

(exclusive of accumulated sick leave credits), on approval of the department head, after full consideration of all the facts involved and the length of service of the employee. Should the disability persist beyond this period and the accumulated sick leave credits, said employee may be placed on leave without pay for a period not to exceed 11 months. When an employee accidentally injured or deceased presumably in performance of duty receives an allowance from the Compensation Board from which has been deducted the amount of salary paid by the State, then such employee on return to active duty shall be recredited with the number of days of earned sick leave consumed during his period of absence. Sick leave credits shall not be earned under these circumstances for periods that an employee is on such leave without pay.

### 11. Leave for Jury and Court

#### Attendance:

On proof of the necessity of jury service or attending court for other

than personal matters, leave of absence shall be granted with pay to all employees.

### 12. Leave for Civil Service

#### Examinations:

Permanent and war duration employees shall be allowed time with pay to take open competitive and promotional State examinations at the appropriate center. Provisional employees may be permitted time with pay to take the State examination in connection with the position in which they are serving provisionally. Other temporary employees may utilize earned credits for overtime or vacation for the taking of examinations.

### 13. Leave for Dental or

#### Medical Visits:

Discretionary with the head of the institution, occasionally required medical or dental visits may be allowed permanent and war duration employees without loss of pay. Any such absence in excess of 2 hours shall be charged to earned sick leave credits in one-half day units.

### 14. Leave for Quarantine:

Employees required to remain absent because of quarantine shall present a medical certificate proving the necessity thereof. Under these circumstances they shall be granted leave with pay and no charge shall be made against sick leave credits, if the appointing officer is satisfied that the conditions warrant such action. Prior to return to duty a medical certificate may be required.

### 15. Leaves Required By Law:

Heads of institutions shall grant any leave of absence, with pay, required by law.

#### Rule III—Leaves Without Pay

##### 1. Maternity Leave:

Existence of pregnancy must be reported in writing to the head of the institution not later than the fourth month and employment shall be discontinued when, in his judgment, further service would be detrimental to health. In such circumstances, maternity leave of 6 months duration without pay may be granted. This may be extended by the appointing officer to a total not exceeding 11 months without pay. The employee may be permitted to reduce such leave without pay by the use of any or all earned credits. A doctor's certificate may be required



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at the time leave is requested, and prior to return to duty.

#### Rule IV—Leaves for Other Reasons

##### 1. Leave for Educational Purposes:

On recommendation of the institution head, with the approval of the department head, permanent employees may be granted a leave of absence for the purpose of acquiring educational training which will increase the efficiency and usefulness of the employee to the department. No leave of absence may be granted to pursue courses of study which may be acquired on an in-service basis.

2. Leaves of absence without pay up to 1 month may be granted by the institution head to any employee for reasons not covered above. Any leaves of absence with pay, or leaves of absence without pay, beyond one month, may be granted permanent and war duration employees under extenuating circumstances by the institution head, subject to approval by the department head.

#### Rule V—Drawing of Earned Credits Upon Resignation

1. At the time of resignation and upon at least two weeks' notice, drawing of any accrued credits for vacation or overtime shall be allowed to an amount not to exceed 21 working days, less the total number of such credits earned during the current employment year and already drawn.



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## LIVING TOGETHER IN A DEMOCRACY

(Continued from page 11)

sentiments of this nature than many others, that you are measurably friendly and well disposed toward us."

Too many people are not "friendly and well disposed" toward the Negro. Readers who feel the need of reliable information will find "The American Race Problem," by E. B. Reuter, an excellent book to begin their study and "a clear and interesting interpretation of social statistics." Dr. Reuter analyzes important aspects of the Negro-white relationship in the United States and criticizes some of the solutions that have been proposed.

It may be a revelation to readers to discover that many Negroes see their difficulty in the broad perspective of an international problem. Dr. DuBois, long a leader of his people, emphasized this in "Dust to Dawn," which has been called "a picture of a dark man of genius with a tough mind and a tender skin, in a white world." Another important work by Dr. DuBois is "Blackfolk, Then and Now," in which he traces the historical background of the Negro in an attempt to show how important it is for us to familiarize ourselves with the Negro's cultural past.

That our attitude toward the Negro is influenced by our misconceptions about his origin is the thesis of Dr. W. J. Herskovits, noted anthropologist, in his provocative book, "Myth of the Negro Past." A sympathetic and genuine appreciation of the Negro character is reflected in his treatment of their folklore and history.

"What the Negro Wants" is a thoughtfully presented symposium by Negro leaders in different fields of endeavor. It is noteworthy not only for the apparent agreement among them that what the Negro is looking for is to be accepted as a citizen with all rights and privileges, but for the calmness and objectivity with which they state their cases and present working plans based on each writer's experiences.

Dr. A. Clayton Powell, the leader and builder of the Baptist Abyssinian Church in America, believes that equality of opportunity is the only goal which the Negro seeks. In "Riots and Ruins," this venerable

pastor emeritus warns us that the race relations in this country are at a high tension. But he believes that "the grounds for a mutual working out of the differences between races can be laid—if either race has a mind to work." Fiercely and uncompromisingly, he denounces both Negro and white for certain practices and customs which have aggravated the tensions between them.

Hope that the younger generation of all races will find a solution to this grave problem is inherent in "Thus Be Their Destiny," published in 1941 by the American Youth Commission. Individual cases are presented in sufficient detail to throw interesting light on the problem of personality development as it is manifested among Negro girls and boys in widely separated communities.

Characterized as "a shocking and terrible book," "In a Minor Key; Negro Youth in Story and Fact" was prepared for the American Youth Commission by Ira D. Reid. "The Simple, straightforward stories the author tells make a cumulative picture which should shock and shame all decent Americans into action to remedy these conditions which handicap one-tenth of our population directly and indirectly damage the other nine-tenths."

"Thirteen Against the Odds," by E. R. Embree, includes biographies of Mary McLeod Bethune, Richard Wright, Marian Anderson, Paul Robeson, and Dr. W. E. DuBois. The book is a valuable addition to our study, for it proves that these people did not allow their color to prevent them from making outstanding contributions to our cultural life.

A young Negro poet speaks for her race in a book which has attracted wide attention. "For My People," a collection of lyrics by Margaret Walker, is noteworthy for the beauty of its poetry and the vividness of its portraiture.

### WORK TOGETHER, AMERICANS

It is from the many nationalities in the United States that we draw much of the strength of our nation. Sociologists point out that unless a plan is worked out for our varied population to get along together, the future peace and progress of the world will be affected. A compre-

(Continued on page 34)



## LIVING TOGETHER IN A DEMOCRACY

(Continued from page 33)

hensive study of this subject has just been issued in the symposium, "Approaches to National Unity," edited by Lyman Bryson, which warns us of the great dangers from these cultural tensions.

An enlightening view of the "real America and all our citizens" is presented by Louis Adamic in "A Nation of Nations." Colorful stories of diverse groups in the American population are told, and the contributions each makes to our country emphasized.

Another picture of our so-called national melting pot which does not hesitate to expose our failures in the treatment of the minorities is "One Nation," by Wallace Stegner and the editors of "Look." Similar to the book by Adamic in its revealing panorama of the many nationalities which make up our country, it goes further and graphically portrays the evils of Negro housing, race riots, working conditions of Mexicans, and the treatment of loyal Japanese-Americans in relocation camps.

How shall we solve this problem? "The melting-pot theory is now in disrepute," according to sociologists who point to the fact that cultural democracy, in which individuals take pride in their inheritance, supplants the earlier theory.

Its leading exponent, Dr. Rachel DuBois, has published two valuable manuals to be used by individuals or groups interested in furthering inter-cultural education. The first, "Get Together Americans," is a workable tool, giving information on how to organize cultural groups, start discussion classes, put on folk festivals, and including a handy list of references with dates of national folk festivals and books on the subject. The book is also valuable for its statement of Dr. DuBois' philosophy and a record of her pioneer work in the field of inter-cultural relations.

"Fear and hatred are spreading menacingly today . . . because such states of mind are contagious," says Dr. DuBois, who believes that inter-cultural education for secondary schools is of prime importance. In

"Build Together Americans," which contains programs for group leaders and teachers, she has outlined a work sheet which can be put to immediate practice by those who are trying to create better understanding for other races and creeds. Some of the chapter headings reflect the practical side of her book: "First Aid to Wounded Personalities," "The Role of the School and the Teachers' Own Attitude," "Discussion Periods As an Aid to Inter-Cultural Education."

A companion volume, "Probing Our Prejudices," by Hortense Powdermaker, will be of value to anyone who wishes to understand the nature, origin, and effect of prejudice and how to combat it.

What one community has done to better inter-cultural understanding is presented in "The Springfield Plan," by L. C. Chatto. The story of its inception is described by officials of the Springfield public schools who report on the first five years of a ten-year plan to teach citizens the meaning of true democracy. The official record of a bold attempt to solve the race problem is stirring reading, and the photographs heighten its interest.

What our minorities themselves expect of America is described in "I Am An American," edited by Robert S. Benjamin, in which distinguished, naturalized Americans tell simply and movingly why they wanted to become citizens of the United States. The book had its origin in broadcasts by Dr. Walter Damrosh, William Knudsen, Dr. Albert Einstein, Louis Adamic, Dr. Thomas Mann, Dr. Anton Lang,

Luis Rainer, Dr. Stephen Wise, Igor Sikorsky and others. Some of the noteworthy sentences from their broadcasts follow: "This country needs and uses the cultural characteristics of all the newcomers." "There isn't another country in the world where there is as much tolerance . . . and where merit is the only standard by which man is measured." "I think we should have more tolerance here right now than elsewhere in the world; the safety of democracy demands the American spirit."

The true American spirit is strikingly shown in "American Counterpoint," edited by Alexander Alland. This "text-and-picture family album" demonstrates the differences and similarities of many national and racial backgrounds as photographed in homes. And Bonaro Overstreet in "Freedom's People" tells us concisely how we may qualify for a residence in a democratic society. She urges us as citizens in a democracy to cultivate an even broader understanding toward every race and creed.

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