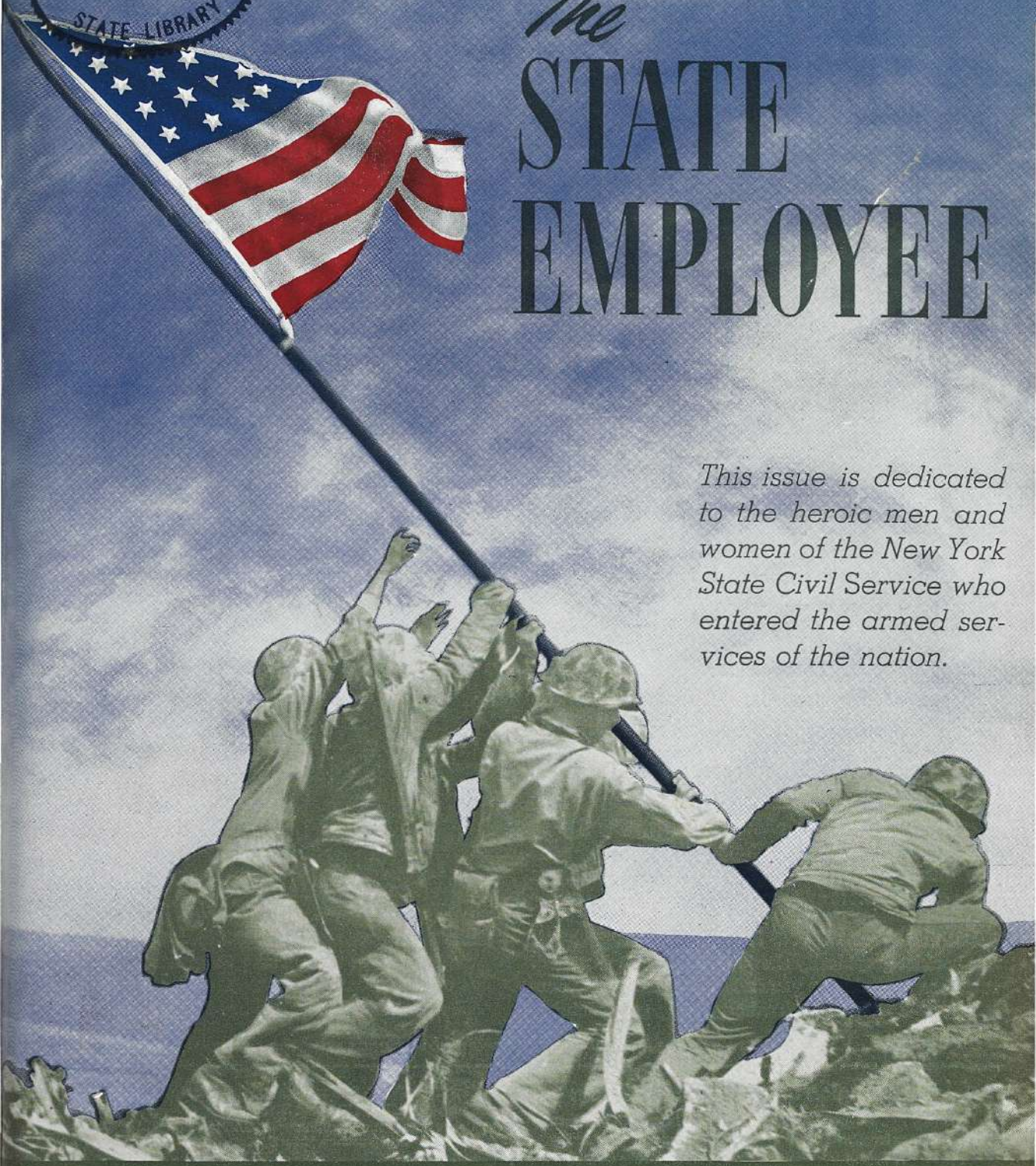


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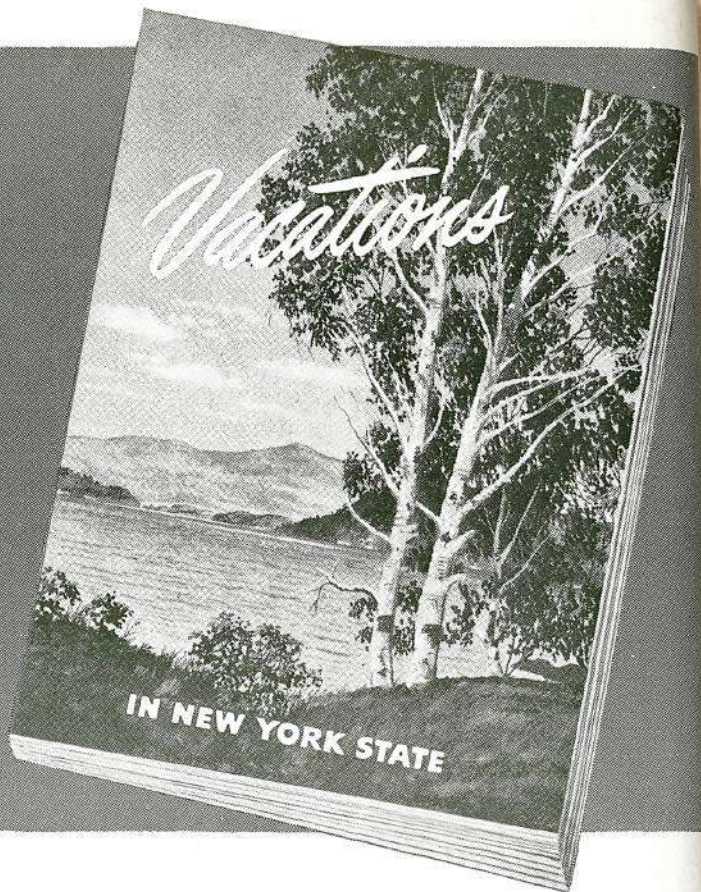


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# The State Employee

Vol. 14, Number 4

JUNE, 1945

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## Rights of Civil Service War Veterans

By

HON. J. EDWARD CONWAY  
President, New York State Civil  
Service Commission

If you have been discharged from military service and are interested in entering the civil service of the State of New York or in resuming your employment in such service, then you are probably concerned with the answers to these four questions:

1. What do I have to do to get back my civil service job?
2. How are my civil service rights affected by my absence?
3. What is my status on the civil service eligible lists upon which my name appeared when I left to go into military service?
4. What special rights, if any, do I have as a war veteran, in taking civil service examinations, or otherwise?

### HOW A VETERAN CAN GET BACK TO HIS STATE POSITION

If you left a State job to engage in military duty, either by draft or voluntary enlistment, then you have been on military leave of absence and your job has been filled, if at all, by the appointment of a temporary substitute, who must be discharged to make way for you if you make application for reinstatement within the proper period of time.

The time within which you must make application for reinstatement is ninety days from the termination of your military duty. If you fail to make such application, you may still be reinstated within one year after the termination of your military duty, but then only in the discretion of your appointing officer and not as a matter of right. Of course, if you fail to make application for reinstatement within the

ninety-day period then your appointing officer can appoint some one else to fill your position on a permanent basis.

The right of reinstatement is granted to you under the provisions of Section 246 of the New York State Military Law, known as the Page-Ostertag Law, which was enacted in 1941 to protect the rights of public employees engaged in military duty and of persons on eligible lists who engaged in military duty.

"Military duty" is defined by this law to cover the following services:

1. Military service in the military, naval, aviation, or marine service of the United States, from July 1, 1940 on.
2. Service with the American Red Cross while with the armed forces of the United States on foreign service, from April 7, 1943, to July 1, 1946.
3. Service as an officer or member of the crew of a United States vessel, or as an enrollee in the United States Maritime Service on active duty or in training for or awaiting assignment to such service, from April 28, 1941 on.
4. Service in work essential to the prosecution of the war engaged in by a public employee who has been discharged or relieved from military duty on condition that he engage in such work.

It should be noted that military service which is temporary, intermittent, or gratuitous, with any reserve or auxiliary force, is not considered "military duty."

Military duty, under the law, covers the time you spend reporting for and returning from military service and is deemed to begin when you leave your position and to end when you are reinstated to your position,

provided such reinstatement takes place within the prescribed ninety-day period.

The date of the termination of your military duty is the date of your certificate of honorable discharge. In case you suffered a temporary disability which arose out of and in the course of your military duty, then the date of the termination of such temporary disability is the date of the termination of your military duty.

When you report back for work, your appointing officer will, no doubt, ask to see your discharge papers, so that proper notation of your military record and honorable discharge can be made on the records kept by your department and by the Department of Civil Service.

It should be noted that although your military leave of absence continues until you actually are reinstated and covers time in traveling back to your job, nevertheless, your application for reinstatement must be made within ninety days after you are honorably discharged.

If you left a position in the exempt class to engage in military duty, your military leave continues until your return, unless, in the meantime, a permanent successor has been appointed to take your place. The appointment of a permanent successor (other than a substitute appointee) terminates the military leave of an exempt employee and his rights to reinstatement.

### RIGHTS OF VETERANS ON RESTORATION TO POSITION

Upon your restoration you are entitled to receive the salary you would have received had you remained in your position continuously during the period of your military duty and for this period of time you are

deemed to have rendered satisfactory and efficient service in your position. You cannot be deprived of any time service, increment or any other right or privilege or be prejudiced with reference to promotion, transfer, reinstatement, or continuance in office because of your military duty. While you were in military service, your service record rating or efficiency rating was based on the average of the ratings received for the three rating periods immediately prior to your absence on military duty, and such rating could not be less than a passing grade for the period of your absence or less than the rating which you received for the period immediately prior to your absence on military duty. In computing seniority and service requirements to determine your eligibility for promotion examinations held during your absence or upon your return, your military duty must be counted as satisfactory service in your position.

If you left your State job before the expiration of your probationary period, then the time you are absent on military duty must be credited as satisfactory service during such probationary period. Therefore, if your military duty continues beyond the expiration date of your probationary period, you will be deemed to have satisfactorily completed your probationary service.

#### RIGHTS TO PROMOTION

If a promotion examination was held in your department while you were away on military duty and you would have been eligible to take such examination if you had been on the job, then you are entitled, upon your return, to a comparable examination, provided you make request therefore within sixty days after restoration to your position. If you pass the examination, your name will be placed on the regular promotion list in the relative order of your rating and your name will remain on such list until it expires or is cancelled. If the list expires or is cancelled within two years after your name was placed thereon, and if you would have been reached for certification while you were in military duty, had your name been on the original eligible list with the rating you ultimately received, then your name will be placed on a special eligible list for the remainder of such two-year period. Such special

eligible list must be certified before certification can be made from a subsequent eligible list for the same position.

#### PENSION AND RETIREMENT RIGHTS

If you were a member of any pension or retirement system when you entered military service, you were given an option to contribute to such pension or retirement system the same amount you would have contributed had you remained on your job. This contribution could have been paid at any time or from time to time while you were in military duty or can be paid within five years after the date of restoration to your position.

#### WHAT HAPPENS IF YOUR POSITION WAS ABOLISHED

There is nothing in the law which prevents an appointing officer from abolishing the position of an employee who is in military service, if the work is unnecessary or if funds for the position run out. If your position is in the competitive class and you had the least seniority among employees holding the same title, then your name was placed upon a preferred eligible list at the time your position was abolished. This list must be used before any other eligible list may be certified for a vacancy in the same position.

If your position is in the non-competitive class and has been abolished, then your name will be placed on a military reemployment list for the position last held by you or for any similar position, provided you file with the Civil Service Department a written request within ninety days after the termination of your military duty. After this military reemployment list is established, it must be made available to appointing officers and under the law no position may be filled until an appointing officer certifies to the Civil Service Commission that no person on such military reemployment list who formerly held the same or similar position is qualified to fill and willing to accept appointment to such vacancy. It should be noted, however, that appointments can be made from a military reemployment list without regard to the order of standing on such list. Appointments from preferred lists for competitive class positions must be made in one, two, three order.

If you held an exempt position

and such position was abolished in your absence, then you are not entitled to military reemployment list status.

If you held a temporary or seasonal position, then you are also entitled to military employment list status and so far as practicable must be restored to a position similar to the one you held at the time you entered military duty.

#### STATUS OF VETERANS ON CIVIL SERVICE ELIGIBLE LISTS

When you entered military service your name was not removed from any open competitive or promotion eligible list upon which it appeared. Under the Military Law, you retained your eligibility for appointment from such lists.

If your name was reached for certification while you were in military service, your appointing officer was given discretion under the Military Law to appoint you or to skip over your name. If he appointed you, then, even though you were unable to report for duty, you were granted a military leave of absence with the right to return to the position after the termination of your military duty.

If you were reached for appointment while in military service and did not receive appointment, then, upon your return, or within ninety days after the termination of your military duty, you should request that your name be placed on a special eligible list. A special eligible list remains in existence for a period of two years from the date of termination of military duty and must be used before any similar eligible list established after the one upon which your name originally appeared may be used. Of course, if you were not reached for appointment from the eligible list while in military service, then you lost nothing by being away and are not granted any right to special eligible list status under the law.

(Continued on page 128)

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# Legislative Review - 1945

By

JOHN T. DEGRAFF

Counsel

## AMENDMENTS TO THE FELD-HAMILTON LAW

The legislation enacted at the past session of the legislature constitutes beyond question the greatest advance in the state service since the enactment of the Feld-Hamilton Law in 1937. It was indeed, a good year for state employees.

Many of the benefits are immediate. Some of them have already reflected in increased paychecks. Salary increases for the fiscal year commencing April 1, 1945 amounted to approximately \$9,000,000—undoubtedly the largest increase in a single year in the history of the State. These increases were as welcome as they were necessary for, during the past years, the rising cost of living has presented many difficult problems for public employees.

Of even greater importance however, are the many longrange benefits which will be reflected during the coming months and years. A sound foundation has been laid which cannot fail to bring about both immediate and prospective improvements in personnel administration and working conditions throughout the state service.

The Association's program was unusually ambitious—it consisted of more than sixty separate bills. It was also exceptionally successful, for more than forty bills passed both houses of the legislature and thirty were approved by the Governor. Of the bills finally enacted, over twenty were drafted by the Association, either alone or in cooperation with others, and the remainder were endorsed and supported by the Association.

As usual, many objectionable bills were introduced during the session. Most of them died in committee, but a dozen or more passed both houses, only to be vetoed by Governor Dewey. Of the bills which the Association opposed, only two were finally enacted and neither of these were of major importance.

The accomplishments of the past year were made possible by hard work on the part of Association

officers and representatives, combined with splendid cooperation from Governor Dewey, members of his official family and our many friends in the legislature. Association officers have been outspoken in their appreciation of the helpful spirit of assistance and cooperation shown by Charles D. Breitel, Counsel to the Governor, J. Edward Conway, President of the Civil Service Commission, Frank C. Moore, State Comptroller, John E. Burton, Director of the Budget, Charles L. Campbell, of the Department of Civil Service, Edwin B. Kenngott, of the Retirement System, and many others in the administration and in the legislature.

Although the session was relatively short, ending on March 24, a total of 4,337 bills were introduced—the largest number since 1941. 1,257 of these bills were passed, of which 346 were vetoed. A total of 911 new laws was finally enacted.

The most important measure before the legislature, from the standpoint of civil service employees, was the Downey-Sherman bill to amend the constitution to give drastic preference to all veterans in civil service appointments and promotions. This bill passed the legislature for the second successive year. Proposed constitutional amendments require no action by the Governor and are not submitted to him. After passage by two successive sessions of the legislature they go direct to the people for approval or rejection. The Association united with a score of civic and employee organizations in opposition to the Downey-Sherman bill and sponsored the alternative Wicks-Mitchell bill which would have provided a less drastic preference over a broader field. Both bills were favorably reported by the Assembly and Senate Judiciary Committees but when the Downey-Sherman bill came up for a vote it passed both houses with only three dissenting votes. The final test will come in November, this year, when it is submitted to the vote of the people.

The accomplishments of a legislative session are not measured solely by the number of bills finally enacted. Employees have learned that

it is sometimes necessary to introduce a measure several times before it is finally adopted. Several of our program bills, which failed to pass, or which were vetoed after passage, fall in that category. A foundation was laid however, which will unquestionably result in the adoption of several of these bills next year—in some cases with amendments, in other cases without change.

Civil Service employees, more than any other group, are vitally affected by legislation, both constructive and destructive. In private employment, changes in basic policy can be put into immediate effect by a simple order from the employer. In the public service however, even a minor change in policy often requires legislation before it can be made effective. The following summary will serve to indicate the multitude of problems that were considered by the legislature this year.

### Amendments to the Feld-Hamilton Law

When the Feld-Hamilton Law was adopted in 1937, it was a new and untried experiment. Many of its provisions were of a temporary nature. This year the law was not only improved in many important respects, but it was also made permanent. The most important amendments were made by the Erwin-Ostertag bill, Senate Intro 1696, Pr. 2323—Assembly Intro 1921, Pr. 2740, which became Chapter 302 of the Laws of 1945. Here is what this law does:

1. It creates a new division in the Civil Service Department headed by a permanent five-man Salary Standardization Board appointed by the Governor. Provision is made for the appointment of a Director and a Research Staff. Two of the Board members are to be employee representatives, and an appropriation of \$50,000 is provided for the coming year.

2. It establishes a permanent minimum salary of \$1200. All Feld-Hamilton grades below \$1200 are repealed. This provision does more than raise the minimum salary. It also raises the maximum salary for all employees in the first grade in every service. Employees whose for-



mer grades were \$700-\$1100, \$900-\$1300 and \$900-\$1400 will receive an increase in their maximum as well as in their minimum salaries. The lowest grade is now \$1200-\$1700 except in the Custodian Service where the lowest grade is \$1200-\$1600.

3. It empowers the Budget Director to pay additional compensation to employees whose duties are "more hazardous or arduous than those normally performed by an employee with the same title." This provision would permit payment of additional compensation, up to ten per cent, to Attendants and Nurses on disturbed wards and in other positions involving hazardous or arduous duties.

4. All the existing occupational services and grades are continued and some new grades are added to permit increases for certain groups of employees. Before the old Temporary Salary Standardization Board went out of existence on April 1, it reallocated 68 separate titles to higher salary grades and these increases were approved by the Budget Director to take effect on April 1.

5. It empowers the Budget Director, when he approves new salary allocations to make them effective immediately. Ordinarily, reallocations are effective on the first of the next ensuing fiscal year, but this discretionary power will enable the Budget Director to make an immediate correction of any salary grades that are found to be inequitable.

6. It empowers the Budget Director, when he approves new titles, to make them effective immediately. This discretionary power will help to speed up the reclassification of titles of employees in the Institutional Service. The supplemental budget contains a special appropriation of \$100,000, which is set aside to make reallocations and reclassifications immediately effective.

7. It extends the Feld-Hamilton Law to seasonal and labor positions which have heretofore been excluded. The Salary Board is now given discretionary power to cover in such positions under the Feld-Hamilton Law from time to time. A new salary schedule for the Labor service is included in the bill.

8. It protects every employee from a reduction in annual salary if his position is reallocated or reclassified in the future.

9. It authorizes the Board to in-

crease the minimum salary of any title by not more than two increments. When any such increase is made all incumbents will receive uniform increases to the new minimum and will be eligible for future increments in the same manner as if they had been originally appointed to the new minimum.

10. It extends until December 1, 1946, the power of the Classification Board to assign new titles without examination.

11. It incorporates in the permanent law the Feld-Hamilton statement of policy requiring equal pay for equal work.

12. It clarifies and improves the existing procedure for appeals from salary allocations and title classifications.

The Erwin-Ostertag bill, which enacted the foregoing advances, was supplemented by the Hammond-Lupton bill, Senate Intro 1846, Pr. 2055, Assembly Intro 2137, Pr. 2729, which became Chapter 413. Governor Dewey, in signing this bill, issued a special memorandum in which he said:

"This bill marks a major step in the improvement of the status and the protection of the salary schedules for State Civil Service employees. It gives full recognition to time served and equalizes the effects of changes in position.

Concerning this measure, The Association of State Civil Service Employees has written as follows:

"In our opinion, this is a bill of major importance which clarifies and liberalizes the provisions of the Feld-Hamilton law relating to appointments, transfers, reinstatements and demotions. The major benefits are as follows:

1. Persons employed under war duration and substitute appointments are given full increment credit for such service when they receive permanent appointments to the same or a similar position. At the present time, a war duration employee who receives three increments must take a salary reduction when he receives a permanent appointment to the same position. This is a particularly helpful provision which will prevent this group of employees

from receiving substantial salary reductions.

2. The provisions are liberalized for the benefit of employees who come under the Feld-Hamilton schedules for the first time. Under the present law, all such employees must start from the minimum of the grade. This, in many cases, results in salary reductions. Under this bill, all permanent employees will be enabled to come under the Feld-Hamilton schedules at the same salary they are receiving."

Chapter 161 amends subdivision 12 of section 40 of the Feld-Hamilton Law by increasing Grade b of the Prison Safety Service from \$1500-\$2000 to \$1600-\$2100.

When the Feld-Hamilton law was first adopted, it was applicable only to the departmental service. Each year it has been extended to other groups. This year, the Association sponsored the Mahoney-Ostertag bill to extend the Feld-Hamilton law to Parole Officers and the Burney-Morgan bill to extend it to employees of the Niagara Frontier Authority. Both bills passed the legislature but were vetoed by Governor Dewey. The Stokes-Lawrence bill to extend the Feld-Hamilton law to Forest Rangers, and the Erwin-Ostertag bill to extend it to employees of the Revolving Fund of the Public Service Commission, failed to pass the legislature, although both bills were advanced to third reading before they were recommitted. We believe that these bills will have a better prospect of adoption next year.

A bill which aroused widespread interest and discussion was the Duryea-Barrett bill which provided for a mandatory additional increment after ten, fifteen and twenty years of service. This bill passed the Assembly and was advanced to third reading in the Senate but died on third reading after strong opposition was manifested. State employees are enthusiastic about this bill and it has great merit, but some modifications will be necessary before we can be hopeful of its enactment.

#### WAR EMERGENCY COMPENSATION

One of the high spots of the session was the enactment of the War Emergency Compensation bill recommended by Governor Dewey in his budget message, which provided a graduated increase ranging from 20% in the lower brackets to 10%



in the higher brackets. This bill involved an appropriation of \$13,500,000 which was \$7,500,000 in excess of the cost of the war emergency bonus for the previous year. The budget bill was applicable only to departmental employees but, by separate bills introduced at the request of the Association, the same additional compensation was provided for employees of the Legislature and employees of the Judiciary. It is unnecessary to explain these bills at this time because employees have been receiving the benefits of these acts since April 1.

#### NEW SALARY SCHEDULES

For the past four years, the Association has been seeking a remedy for the chaotic salary conditions that prevailed at Cornell University. This year the legislature passed the Falk-Ives bill which provides salary schedules for this group of employees patterned after the Feld-Hamilton schedules. Assemblyman Stanley C. Shaw who, for the past four years, spearheaded the movement to improve conditions at Cornell, is entitled, along with the introducers of the bill, to a great deal of credit for the passage of this act, which became Chapter 376.

Also enacted were the Wicks-Stephens bill which provided for increases in the statutory salary schedules applicable to State Teachers Colleges, and the Falk-Ives bill which provided salary schedules for the State Forestry College at Syracuse. These bills became Chapters 666 and 328 respectively.

#### PERSONNEL COUNCIL

The delay in solving the multitude of personnel problems that arise from time to time has long been one of the sore spots in the state service. The difficulty has been largely due to the fact that there has been no central agency specifically charged with responsibility for the determination of these matters and, consequently, there has been no consistency in the practices of the various departments. To remedy this condition, a Personnel Council is to be established. The supplemental budget contains an appropriation of \$35,000 for the work of the Council. This is a long step forward and should have the effect of bringing about a prompt and equitable settlement of the problems and grievances of employees throughout the service.

The Association has long advocated the creation of such an agency and we believe that it will do much to improve morale. Appointments to the Council are expected momentarily.

#### OVERTIME COMPENSATION FOR UNUSED HOLIDAYS AND VACATIONS

Another extremely important Association bill was the Duryea-Barrett bill, Senate Intro 1829, Print 2038, Assembly Intro 2017, Print 2241, which became Chapter 765 of the Laws of 1945. This law is applicable to all institutional and canal employees now covered by the Overtime Law and provides for the payment of overtime compensation to all such employees who have failed to receive the holidays, pass days or vacation to which they were entitled during the past fiscal year. This is the first time that the state has ever authorized additional compensation for unused vacations or holidays. The bill was necessary because, due to the unprecedented man power shortage in our state institutions, many employees were unable to take the time off to which they were entitled by law or by departmental rule, and there is little prospect that they would be able to use, next year, the additional time off that accumulated to their credit. Under the terms of this bill, any employees who fail to receive their full time off during the fiscal year ending March 31, 1945, will either receive additional time off between April 1 and September 1 this year, or will be entitled to overtime compensation therefor, which must be paid on or before October 1, 1945.

#### HOURS OF WORK

The present temporary law authorizing overtime compensation for institutional and canal employees was renewed for another year. The Halpern bill, which would have authorized overtime compensation at time and one-half rates, passed the Senate in the closing hours of the session, but died in the Assembly Rules Committee.

The Cullen-Lawrence bill, which would have limited State Police to a six-day week, died in committee.

#### MILITARY SERVICE

The first civil service bill of general application to be enacted this year, was the Erwin-Ostertag bill, sponsored by the Association, which

extends to veterans of World War II the right to a hearing when disciplinary or removal charges are filed against them. This bill passed in the early days of the session and became Chapter 46 of the Laws of 1945. The provisions of section 22 of the Civil Service Law had previously accorded a hearing to volunteer firemen and veterans of all wars except World War II. It was obviously both necessary and proper to extend the same privilege to veterans of the present war.

By the Steingut bill, which became Chapter 397, a necessary amendment was made to the Military Law clarifying the definition of service in the Merchant Marine. By the terms of this bill, service in the Merchant Marine is considered as military service for the purpose of protecting the civil service and pension rights of public employees who have left their employment to join the Merchant Marine.

The Ostertag bill, which extended for another year the temporary provision that service with the American Red Cross while with the armed forces of the United States on foreign service, shall be considered as military service, became Chapter 137 of the Laws of 1945.

The Wicks bill, which became Chapter 79, extended for another year the provisions of the Civil Service Law which permits employees in military service to borrow all except one dollar of their funds in the Retirement System.

The Military Law provides that persons discharged from military service must make application for reinstatement to their civil service positions within 60 days after their discharge. By the Manning bill, which became Chapter 215, this period was extended to 90 days.

The Van Duzer bill, which became Chapter 493, provides that if a public employee, by reason of injuries sustained, or disease contracted while on military duty, is incapable of performing the duties of his position upon his return, he may, with the approval of the Civil Service Commission, be transferred to any vacant position for which he has been found qualified. Passage of this bill was essential to afford the returning veteran every opportunity to make a useful place for himself in the civil service. The Civil Ser-



vice Law limited transfers to "similar positions" and this act liberalizes the present law by authorizing the transfer of a veteran to any vacant position for which he may be found qualified.

Another important Association bill was the Manning bill, now Chapter 487, which accorded to members of the United States Coast Guard Temporary Reserve the same privileges that are now accorded to the New

members of the Coast Guard for combat service. This bill, however, is not applicable to members of the Coast Guard Auxiliary, which has been held by the Attorney General to be civilian service.

During the last week of the session, the Association was successful in obtaining the introduction and passage of the Rules Committee Bill, 2803, which corrected a defective and obviously unfair provision of the

bill, which provided that service as a commissioned officer in the U. S. Public Health Service would be considered as military service, was also vetoed.

The Governor also vetoed the Berge bill, which would have provided that a disabled veteran would not be required to disclose the fact that he is a disabled veteran until after the results of an examination were announced.



GOVERNOR DEWEY PRESENTS FIRST WAR EMERGENCY INCREASE CHECKS TO JOHN A. CROMIE AND JANET MACFARLANE, CHAIRMAN OF THE EXECUTIVE COMMITTEE AND SECRETARY RESPECTIVELY OF THE ASSOCIATION OF STATE CIVIL SERVICE EMPLOYEES

York State Guard, viz.—a leave of absence with pay, for a period not exceeding 30 days a year, while on ordered military duty, and full protection of pension rights and privileges while so engaged. Members of the Coast Guard Reserve have made an outstanding contribution to the war effort and they have been held by the Attorney General to be engaged in military service. Despite this fact, their civil service compensation has been suspended while they are on ordered military duty during working hours. They have all the power and authority and are subject to the same regulations, while on duty, as regular members of the U. S. Coast Guard and their contribution has released thousands of

Military Law relating to efficiency ratings of employees while they are in military service. The law prescribed that the rating of such employees must be the average of the efficiency ratings they received for three periods prior to their entry into military service. This was obviously unfair to employees whose ratings were getting progressively better. The law was amended to provide that an employee's efficiency rating during his absence on military service shall not be less than the last rating he received before he entered the service.

The Berge bill and the De Salvo bill, which would have accorded retirement credit for all military service, were vetoed. The Mailler

#### LIST EXTENSIONS

The Greenberg bill, extending preferred lists in New York City until June 1, 1946, was approved and became Chapter 32, but the Parisi bill, which made a similar extension for all preferred lists, was vetoed by the Governor.

Bills were passed and signed by the Governor approving the extension of two eligible lists. The Erwin-Ostertag bill extended the Prison Guard eligible list, which contains nearly 5,000 names, for a period of two years, and the Erwin-Sellmayer bill extends the eligible list for Title Examiner. A similar bill to extend the list for Supreme Court Clerks in Kings County was vetoed.

(Continued on page 120)



# Vacation Allowances

On May 1, 1945, the Civil Service Commission formally announced the official schedule for 1945 vacation allowances. These follow:

## FOR STATE SERVICE EXCLUSIVE OF INSTITUTIONAL SERVICE

Vacation allowance to employees, other than per diem employees, shall be three calendar weeks for one year of service.

Where the usual work week comprises 5½ full days of work, those departments in which vacation taken on Saturday is charged as one-half day, shall consider the three-week vacation plan as composed of 16½ working days; whereas those departments which charge Saturday as a full day of vacation, shall consider the plan as including 10 working days of vacation.

Vacation allowances for temporary employees who have served for six months may be at the same rate for each month served, as is provided for permanent employees.

War duration appointees shall be treated as permanent employees with regard to vacation.

## FOR INSTITUTIONAL SERVICE

Institutional employees (other than per diem employees) serving the equivalent of six full working days a week shall be allowed 18 working days of annual vacation for one year of service.

Those serving the equivalent of five and one-half full working days a week shall receive 16½ working days of annual vacation, Saturday being charged as one-half day of vacation.

Employees will also continue to have 52 days off each year as the equivalent of Sunday and in addition will have equivalent days for public holidays.

The foregoing allowances will, therefore, provide for three calendar weeks of vacation.

Vacation allowances for temporary employees who have served for six months may be at the same rate for each month served, as is provided for permanent employees.

War duration appointees shall be treated as permanent employees with regard to vacation.

The present war emergency conditions undoubtedly will, in certain cases, compel the deferment of vacation in whole or in part or require other adjustments.

We are confident that the employees will understand the difficulties involved and that the maintenance of essential governmental services is of paramount importance.

## FROM SOCIAL WELFARE

The Association is in receipt of a communication from the Department Social Welfare advising that departmental policy has been amended with respect to holidays, and that effective April 1, 1945, ten holidays will be observed.

There are 10 legal holidays in New York State and these are now observed in all departments.

## ON FIVE-DAY WEEK SCHEDULE

The D.P.U.I. will inaugurate a five day week summer schedule beginning on May 14, 1945. Employees of this division work 38 hours per week. The schedule for the summer will provide for working the same number of hours in five days as now worked in six. Earlier starting or later finishing, with decreased lunch time, as suits the locale and transportation service, will be utilized to make Saturday a free day. While no official word has been issued as this is written, it is the Association's understanding that the Civil Service Commission is leaving the matter of the five-day week schedule to the discretion of each department head.

## Memorial To Governor Smith

The Department of Public Works is advertising for bids on the job of relettering the name on the Governor Alfred E. Smith State Office Building. Simultaneously, last week it was announced that the fund for Governor Smith Memorial Fund, which will erect a memorial entrance at the Governor Smith Houses, a State housing project in New York City, has reached the \$85,000 mark. Park Commissioner Robert Moses, chairman of the fund, says contributions will be received until \$110,000 has been obtained.

The remaining \$30,000 could be raised within an hour merely by telephoning some of Al's friends in finance and industry. But the fund officials aren't doing it that way. They want all the public to have a part in the tribute.

"Any sum given for this purpose can be deducted on your income tax return as a contribution to the extent provided by law," said Mr. Pedrick—who ought to know, he being Internal Revenue Collector for the 2nd New York District.

Individual contributions may be mailed to the Gov. Smith Memorial Fund, 350 Fifth Ave., New York 1.

## Way Down In North Carolina

President Culyer of the New York Chapter reports an interesting happening on an out of the way chicken farm in North Carolina. His daughter, sojourning with her husband who was stationed at Camp Bragg, North Carolina, rented a cottage on the farm. Examining an accumulation of papers found on the premises, she discovered a copy of our own "State Employee!"

Congratulations to the North Carolinians—they know good reading!

ESTABLISHED 1898

**"Our Business Is Growing"**  
**UNUSUAL FLORAL ARRANGEMENTS**  
**We Grow Our Own**

**Danker**  
**FLORIST**  
121 NORTH PEARL STREET



# An Important Date

This magazine is the voice of the State employee. This magazine has recorded vital facts and historic events in the evolution of the merit system throughout the years. Its columns of print have been mighty supports to honest, faithful, efficient public service. It has upheld always the fine tradition of fearless expression of the truth.

It is not pleasant to take issue with ideas emanating from groups of fellow human beings for whom we have great respect and affection. Woodrow Wilson once remarked that there were battles which it was harder to go into than battles of arms. We as an Association pledged to maintain high quality State service and the welfare of State employees, are forced to seek the defeat of the Downey-Sherman unlimited veterans' preference constitutional proposal. We are forced to do this because it is as plain as the sunlight that this amendment to our State Constitution would destroy the merit system and destroy every vestige of a career system based upon open competition with the citizens standing the highest on accredited lists alone getting preference. We believe that every veteran who understands the facts will support the position taken by the Association.

## REASONABLE PREFERENCE

The Association realizes that even with the present preference for disabled veterans in public service, the number of disabled under the liberal interpretation mentioned, out of 1,500,000 present New York State veterans, will destroy the merit system and make promotions solely on merit impossible in the future. That is why we must not only defeat the Downey-Sherman proposal, but also revise the present preference for disabled veterans before the examinations for hundreds of State positions now held in abeyance are actually held. Such an amendment was before the Legislature in the Wicks-Mitchell Bill of this year favored by a substantial number of legislators. It will be sought by the Association at the next session of the Legislature; viz., an amendment to give in substance what the Federal Government and other progressive states now afford, giving A FIVE-POINT PREFERENCE CREDIT TO VETERANS AND A TEN-POINT CREDIT TO DISABLED VETERANS, TO BE ADDED TO EARNED RATINGS ABOVE A PASSING POINT, FOR ORIGINAL APPOINTMENT.

This proposed amendment could be adopted by the Legislature in 1947 and would care for all situations as to recruitment following the return of all members of the armed forces from all fields and the holding of examinations for competitive positions in the public service.

## DEFEAT UNLIMITED PREFERENCE

The defeat on next NOVEMBER 6th of the Downey-Sherman proposal calls for differing in opinion from certain of our fellow citizens. As a group that has the opportunity of knowing first hand of the importance of the merit system to good government, we cannot shirk the responsibility of speaking out against the Downey-Sherman unlimited veterans' preference amendment and urging upon every citizen of our acquaintance

from now until Election Day that they vote "NO" upon this proposal.

Let us inform ourselves fully as to just what the amendment proposes to do. To this end we repeat here the main provisions and suggest that you keep this copy of "The State Employee" at hand at all times.

## WHAT IT SEEKS TO DO

1. It gives absolute preference for all time to "disabled" veterans — regardless of extent of war service — regardless of nature or degree of injury or ailment — in civil service appointments and promotions in the State and all local governments.

2. It gives the same absolute preference to all other veterans — not for five years after the war, as claimed by sponsors of the proposal, but for an unlimited time — for ten years, twenty-five years or even forever, as the Legislature may provide.

3. It gives all veterans priority for all time in retention when positions are abolished, without regard to length of service or efficiency — and non-disabled veterans have the right to retention over disabled veterans — absurd as that may seem.

4. It would deprive the State and local authorities of the right to determine which veterans are entitled to disabled veterans' preference and vest this right exclusively in a federal agency — the U. S. Veterans' Administration. The Veterans' Administration is so liberal in its definition of "disability" that it certifies as "disabled" men with ailments so slight as to be barely discernible. Moreover, only where veterans receive compensation payments (those rated at least 10% disabled) is a check ever made to see if the original disability still exists — and it should be realized that even a 10% rating need not imply anything more serious than a common ailment.

## CAREER SERVICE IMPOSSIBLE UNDER DOWNEY BILL

The proposed preference would apply in every promotion test. This is particularly demoralizing. It makes a career in the service impossible. It will not only discourage talented employees from remaining in the service, but also discourage talented citizens from entering the service, thus materially weakening it.

## PREFERENCE IN RETENTION INDEFENSIBLE

A system whereby, years after the war, all veterans — disabled or not — will have absolute preference in retention in case of reduction of force, without regard to length or quality of service, will undermine morale and lower efficiency. It would be poor management to force out an efficient employee of twenty-five years' service to keep a veteran who has been employed only one year. It would be most unfair to give a non-disabled veteran the right to retention over a disabled veteran, as the amendment proposes.

## THE DOWNEY-SHERMAN PROPOSAL IS UNFAIR

1. It denies equal opportunity to all to compete for public positions on a basis of merit and fitness.

2. It discriminates particularly against most women seeking employment in the public service, including wives and widows of veterans.



The "Wac" or "Wave" whose war service was confined to a typist's desk in Washington is a "veteran," entitled to preference. Her sister working at the next desk, but not in uniform, is not; nor is the veterans' daughter who worked in a munition plant or a shipyard.

3. It shuts out the younger generation—boys and girls too young to enlist in the war, including sons and daughters of veterans.

4. It will have especially disastrous effects upon our health, police, fire and welfare services, where high physical or technical fitness is indispensable for efficient performance of duties, and where we must have the best qualified employees—not those who can barely meet minimum standards.

5. It will undermine our public school system, for the preference will apply equally to the appointment and promotion of school teachers.

6. It discriminates among veterans themselves—even among disabled veterans.

No distinction is made between a veteran suffering from malaria incurred in the South Pacific and one discharged for psychoneurosis a few weeks after induction. Likewise, the veteran of Guadalcanal, Normandy, China and North Africa who comes back unharmed must step aside for the man only slightly injured in home service who technically becomes a "disabled" veteran. It should not be overlooked that adoption now of the amendment will make it possible for veterans already discharged (not disabled or with overseas service) to monopolize appointments and promotions before most of the seriously disabled men are discharged from hospitals and most of these serving overseas come home.

#### FROM NOW UNTIL NOV. 6

The first thing to do is to defeat the Downey-Sherman proposal—the second to secure next year a preference that will be fair to all veterans.

The Association does not stand alone in this effort to maintain the merit system in New York State. The following groups of organizations have banded together in the CITIZENS' COMMITTEE ON VETERAN PREFERENCE, William Dean Embree, Chairman,

with headquarters at 73 West 44th Street, New York 18, N. Y. We suggest that you tell the chapters or individuals representing these groups in your community, that you too, are aware of the dangers inherent in unlimited veterans' preference, and that you will be glad to cooperate with them to see to it that all citizens are properly informed and vote "NO" on this proposal on Election Day.

#### COOPERATING ORGANIZATIONS

State Charities Aid Association  
American Association of University Women  
American Association of Social Workers, New York and Fort Orange Chapters  
American Federation of State, County and Municipal Employees (AFL), New York State  
City Club of New York  
Citizens Union  
New York Academy of Medicine  
New York City Nursing Council for War Service, Inc.  
Brooklyn Bureau of Charities  
Association of State Civil Service Employees  
Women's City Club of New York  
Civil Service Reform Association  
New York Counties Registered Nurses Association  
Prison Association of New York  
New York State Teachers Association  
Westchester County Competitive Civil Service Association  
New York Tuberculosis and Health Association  
National Child Labor Committee  
National Probation Association  
Council for Community Action  
New York State Nurses Association  
\*Public Education Association  
\*New York League of Women Voters  
\*The Legislative Clearing House, Volunteer Firemen of New York State  
\*New York State Association of Fire Chiefs

\* These organizations regard preference for any special class or group of citizens as incompatible with the merit principle.

## Looking Ahead

Action never ceases, is a slogan of the Association.

This Association year has yielded thus far much substantial good for State workers. The higher emergency pay, the adjustment of pay of many groups of institution workers and progress in classification, the establishment of the permanent Salary Standardization Board and Salary Standardization Division, and the new Personnel Council, constitute real advances.

The program of the Association from now on through 1945 and for 1946 is already clear in many particulars. The following will loom large:

Liberalization of the retirement system—

Proper classification and allocation of employees of Danemora and Matteawan—

Time and one-half for overtime—

Equality of pay for women workers—

Unemployment insurance for State workers—

Attention by Standardization Board to restudy of all salaries with reference to post-war salaries and wages generally—

Prompt settlement of pending cases of classification and allocation in Mental Hygiene and other institutions—

Appeals and salary adjustments for those workers performing hazardous or arduous duties be-

yond those common to like positions in State service—

Restudy of exempt positions in State service and the jurisdictional reclassification of such to assure complete compliance with a real career service and a truly progressive merit system—

Defeat of unlimited veterans' preference (Downey-Sherman proposal) at election November 6th and initiation of fair veterans' preference proposal in 1946 Legislature—

Bringing promptly to attention of Personnel Council pending instances of lack of fairness and uniformity in hours of work, allowances for travel and meals, travel time allowances, and other major problems.



## 1945 Legislative Report

(Continued from page 116)

### RETIREMENT LEGISLATION

Several important retirement bills were enacted but most of the major proposals for liberalization of the Retirement System were deferred for further consideration. The Retirement System introduced a complete recodification of the Retirement Law. The present law is obviously



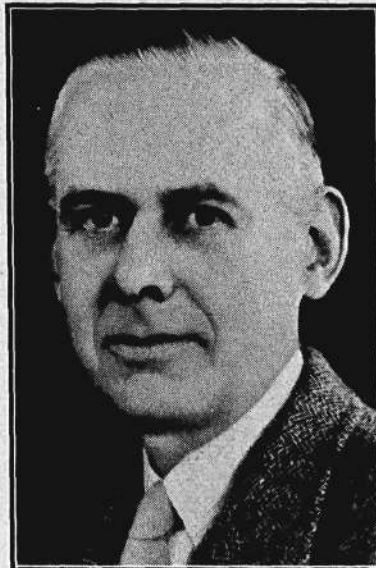
**HON. IRVING M. IVES**  
Majority Leader of Assembly, the author of the law creating labor relations school at Cornell, Anti-Discrimination Law, and other important measures

in need of clarification and recodification, but it is not an easy task to completely redraft a technical measure of this kind. Because of the magnitude and the inherent difficulties of the problem, action was deferred until next year. In the meantime however, several bills were passed revising and clarifying several sections of the Retirement Law.

One of the most important retirement bills, protecting the status of institution employees whose maintenance values were reduced when the Feld-Hamilton Law was adopted, was the Hatfield bill, Assembly Int. 888, Pr 2592, which was sponsored by the Association and became Chapter 784. Prior to October 1, 1943, when the Feld-Hamilton Law was extended to institution employees, the value of maintenance for retirement purposes was fixed at one-half the cash salary received by the member. Consequently, if an em-

ployee received a cash salary of \$2,000, his maintenance was arbitrarily valued at \$1,000, making a total gross salary of \$3,000 on which retirement contributions and privileges were based.

When accurate values for maintenance were established by the Budget Director, it was found in many cases that the employees' gross compensation for retirement purposes was substantially reduced. This bill was designed to protect the pension rights of employees who might be adversely affected by this reduction in their gross compensation. The bill permits them to continue their retirement contributions at the rates established prior to October 1,



**ASSEMBLYMAN ERNEST I. HATFIELD**  
Dutchess County, sponsor of protective pension measure and active on behalf of other employee legislation

1943 and to use the higher gross salary for retirement purposes. In order to take advantage of this law, the employee must file his election and pay the additional contributions before April 1, 1946.

Every employee, whose new maintenance value is lower than the amount established under the old system, should carefully study this law to determine whether he should take advantage of its provisions. The law reads as follows:

"A member of the New York state employees' retirement system whose retirement contributions prior to October first, nineteen hundred

forty-three, have been determined by the comptroller by fixing the value of his maintenance at one-half the cash compensation received by such member, may, if his contributions to such system have been reduced after October first, nineteen hundred forty-three by the fixing of a lower value for the same maintenance theretofore furnished, elect to have his contributions computed on the basis of his gross compensation established prior to October first, nineteen hundred forty-three. Such election shall be filed on or before April first, nineteen hundred forty-six with the comptroller and, upon filing such election and paying the additional contributions required thereby, from and after October first, nineteen hundred forty-three, such member shall be entitled to have his pension, retirement allowance or other rights and privileges in such retirement system, computed in accordance with the gross compensation upon which such contributions have been made. The gross compensation of such member shall be the amount established by the comptroller prior to October first, nineteen hundred forty-three and contributions based on such gross compensation shall continue to be made until such member retires or until such election is terminated as hereinafter provided. Said election shall be terminated if and when such member's compensation, including cash and the value of maintenance as determined by the director of the budget pursuant to section forty-two of the civil service law, shall equal the gross compensation of such member as fixed by the comptroller prior to October first, nineteen hundred forty-three."

The provisions of the Correction Retirement System were liberalized by the Erwin-Ryan bill sponsored by the Association, which became Chapter 663. This bill provides that any member of this system who becomes mentally or physically incapacitated after twenty years of service shall be eligible for retirement in an amount proportionate to his years of service. There had previously been no provision for disability retirement in this system.

The Hults-Sellmayer bill, Senate Int. 1310, Pr. 1804, which became Chapter 713, contains a new retirement option which should benefit many employees. A word of ex-



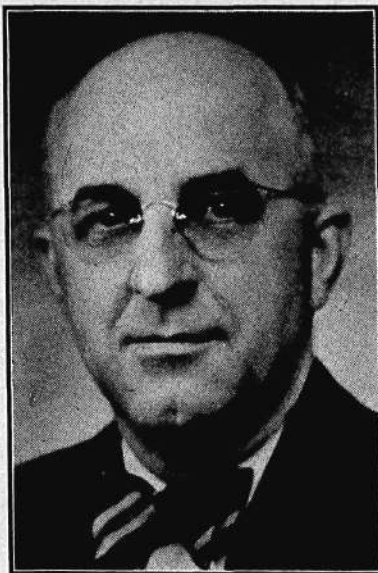
planation as to this option may be helpful. Under the present law, if an employee retires without selecting an option, his retirement allowance ceases with his death, even though he may die but a few months after retirement. Under Option 1, the Retirement System sets up a reserve equal to the present value of his retirement allowance, and if he dies before his monthly payments equal such reserve, the balance is paid to such person as he may designate. A person who selects Option 1 however, receives a smaller monthly retirement allowance than if he retired without option. In round figures, if a person is eligible to a retirement allowance of \$100 a month, without option, his allowance under Option 1 would be slightly more than \$80 per month.

The new Option 1/2, provides for a retirement allowance approximately midway between these two types of retirement. Under this new option, the amount of cash contributions of the member are set up as a reserve, and if he dies before his monthly retirement payments equal the reserve, the balance is paid to such person as he may designate. Under this form of option, in the example above set forth, the monthly retirement allowance would be slightly more than \$90 per month. Consequently, many employees who are unable to select Option 1 because of the reduction it entails in their monthly retirement checks, might find it to their advantage to select Option 1/2.

There has been considerable misunderstanding in relation to Rules Committee Bill, Assembly Intro 2352, which became Chapter 705. This bill has been widely interpreted as liberalizing the 55-year retirement option. As a matter of fact, the bill does very little. At the present time, an employee who wishes to retire at 55 must file his election and pay the additional contributions before he attains that age. All this bill does is to give the employee an additional year after he has reached 55, to make the required contributions, provided he has 20 years of service and has filed his election before he reaches 55.

Last year considerable interest was aroused by the Association bill which proposed to reduce interest on loans from the Retirement System from 6% to 5%. That bill passed the

Senate, but failed to pass the Assembly. During the past year the Association has discussed this proposal with Retirement System officers with the unique result that the Retirement System did even better than we had asked. They sponsored a bill providing that interest on loans would be 4%. This bill passed the legislature but was vetoed by the Governor solely because it was drafted in such a way that 4% rate was made permanent. The Governor felt that, while the objective of the bill was sound, it should be redrafted



**HON. WILSON C. VAN DUZER**  
Assemblyman, Orange County, gave active support to sound employment legislation

in such a way that the interest rate could be increased if a change in economic conditions resulted in generally higher interest rates. Although this bill failed of enactment, we have every reason to believe that the reduction in the interest rate to 4% will be made effective next year.

The Hulst bill, Senate Intro 1306, making a permanent provision for the allowance of "prior service" credit, became Chapter 706. This bill will make it unnecessary to re-pass every year the temporary bill permitting the allowance of credit for prior service for the benefit of new members of the Retirement System.

The Oliffe bill, increasing the death benefit to one year's salary, after ten years of service, was vetoed.

Also vetoed, was the Shaw bill, which provided that employees, who were suspended through no fault of

their own and placed on preferred lists, and employees on leave of absence without pay because of illness, could purchase pension credit for the period of their absence by paying their own normal contributions plus the share that would ordinarily be paid by the state.

The Ryan bill, providing for a pension for the widows of retired members of the Correction Retirement System, was likewise vetoed.

All bills attempting to liberalize the Retirement System to provide for retirement after 25 years, and retirement after 30 years were killed in committee, as were bills attempting to reduce the cost of the 55-year retirement option.

The Hulst-Sellmayer bill, which proposed to amend the Mental Hygiene Retirement System by providing for options, upon retirement, identical with those now set forth in the State Employees' Retirement System, passed both houses, but was vetoed by the Governor.

#### UNEMPLOYMENT INSURANCE

For the past three years, the Association has sponsored a bill to extend the unemployment insurance law to state employees. The bill introduced this year by Senator Halpern and Assemblyman Barrett failed to pass the legislature, although it received considerable support. We believe however, that a foundation has been laid for its adoption next year. State employees who lose their positions have the same need for unemployment insurance as do private employees, and there is no sound reason why they should be denied the benefits of unemployment insurance coverage. For the information of employees who assume that such coverage requires employee contributions, it should be explained that the employer pays the whole cost of unemployment insurance, both under this bill and in private employment.

Legislation was drafted to define the rights of employees of the U. S. Employment Service in the event that agency is transferred from Federal to State control, a possibility that seems likely to occur within the next year or two. A very sound bill to accomplish this objective was introduced by Senator Condon and Assemblyman Washburn, but at the last minute some technical difficulties arose with reference to the retirement features of the bill and its



passage was deferred until next year so that necessary amendments could be made in the meantime.

#### SENIORITY RIGHTS

Ever since the decision in *Doering v. Heinrichs*, 289 N. Y., 29, there has been uncertainty as to the seniority rights of an employee who resigns and is subsequently reinstated. The Lupton bill, which became Chapter 725, corrects and clarifies this situation by prescribing that if an employee is reinstated within one year after his resignation, his seniority rights remain the same as if he had not resigned.

#### SEX DISCRIMINATION

Last year, the Todd Law was enacted, prohibiting wage discrimination by reason of sex. Subsequently, the Attorney General rendered an opinion which raised some doubt as to whether this law was applicable to state or other public employees. The Condon-Fine bill, amended the Todd Law to provide specifically that it was applicable to public as well as private employees. This bill was vetoed by Governor Dewey in a memorandum which read, in part, as follows:

"Section 199-a of the Labor Law was enacted by Chapter 793 of the Laws of 1944. Long before its adoption, by statute and practice, under the Civil Service Law governmental employment has been governed by the rule of 'equal pay for equal work.' In the case of public employment there are many more remedies available for the enforcement of this principle than could ever be obtained under Section 199-a, which is designed to cover the field of private employment. In State employment there are the agencies of the Classification Board, the Salary Standardization Board, the Civil Service Commission itself, as well as legal remedies available to enforce this principle."

#### SICK LEAVE FOR PER DIEM EMPLOYEES

The Labor Law has heretofore prohibited per diem employees from receiving any sick leave whatsoever, until they have been employed for five years. This situation is corrected by the Association-sponsored Bainbridge-Bennison bill which became Chapter 577. This bill deletes this discriminatory five year clause in the present law and permits per diem

employees to receive sick leave under the same rules now in effect for per annum employees. This bill will be particularly helpful to many per diem workers in the Department of Public Works and elsewhere. Charles H. Sells, Superintendent of Public Works, has also announced that per diem workers in his department will receive vacations on the same basis as per annum employees.

#### EMPLOYEE CAFETERIAS

Throughout the years, employees of our state institutions have persistently complained about the quality



HON. STANLEY C. SHAW  
Tompkins County Assemblyman, is an  
active friend of State Employees

of the meals that are served to them. They have likewise complained about being compelled to pay for meals which they are unwilling to eat. While considerable improvement has been made, this criticism will probably persist until some system of employee-operated cafeterias is inaugurated. The foundation for employee-operated cafeterias and community stores is laid in the Hammer-Mailler bill which became Chapter 405. This bill authorizes the Department of Mental Hygiene to lease space for a community store or cafeteria. While present conditions make it impracticable to inaugurate the experiment immediately, this is the first step in that direction and employee-cafeterias will undoubtedly be established as soon as the necessary equipment can be procured.

#### MATTEAWAN AND DANNEMORA

Employees at Matteawan and Dannemora guarding and attending the criminal insane, have long contended that they should receive the same compensation as Prison Guards. The Bontecou-Ryan bill, which provided for their classification as competitive civil service employees and for compensation on the same basis as Prison Guards, passed the Assembly, but was killed in the Senate Finance Committee. A valiant effort, led by Assemblymen Hatfield, Ostertag and Ryan, was made to bring the bill out on the floor for a vote, but all efforts to move the bill from the Senate Committee were unsuccessful.

#### HOSPITAL NURSES

Hospital Nurses, in the Mental Hygiene institutions, have long been dissatisfied with their \$1400-\$1900 salary rate. The Halpern bill, which would have increased their compensation to \$1800-\$2300, passed both houses but was vetoed by Governor Dewey. The Temporary Salary Standardization Board, however, just before it went out of existence, reallocated Hospital Nurses to the salary grade of \$1600-\$2100 effective April 1, 1945.

#### MISCELLANEOUS BILLS

The Hammond bill, which became Chapter 292, prohibits discrimination in civil service appointments by reason of the national origin of the applicant. The Griffith bill, which became Chapter 888, similarly prohibits discrimination against handicapped persons.

The Fine bill, which became Chapter 671, provides that no credit in a promotion examination shall be granted to any person for time served as a provisional appointee.

Under the Condon bill, enacted early in the session, a Workmen's Compensation Board was created to assume the workmen's compensation functions of the Industrial Board. The Association opposed that part of the bill which provided that the seniority provisions of Section 31 of the Civil Service Law would not be applicable to employees of the Industrial Board, who are transferred to the new division, with respect to positions held by less than four employees. After the Condon bill was signed, the Association sponsored the Duryea-Barrett bill which would have amended the



Condon law by making the seniority provision of section 31 fully applicable to all positions involved in the reorganization. Although this bill passed the Legislature, it was vetoed by the Governor.

During the session, Congress was considering the passage of a civilian draft act. The Wicks bill was passed by both houses to protect the rights of public employees who might be drafted for defense work. The bill was patterned after section 246 of the Military Law which protects the rights of public employees who enter military service. The bill was subsequently vetoed by the Governor when it appeared that there was little likelihood that Congress would pass a civilian draft act.

The Crews bill, which prohibited educational qualifications upon promotional examinations, and the Austin bill, which similarly prohibited educational qualifications upon promotional examinations in the Social Welfare Department, were both vetoed.

The Wicks bill, which would have prescribed a statute of limitations in relation to disciplinary or removal proceedings by specifying that alleged misconduct that occurred more than two years before the charges were filed, could not be used as a basis for removal or discipline, passed both houses, but was vetoed by the Governor.

Also vetoed were two bills which would have provided that Confidential Attendants to certain judges,—positions in the exempt class,—should be made Court Attendants in the competitive class upon the death of the judge by whom they were employed.

A number of other bills of major and minor importance were killed in committee or passed only one house. Space does not permit a complete report of the action on the 300 or more bills which would have affected civil service employees in one way or another.

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**SUPPORT**

**7<sup>th</sup>**

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# The Editorial Page AMS

## THE STATE EMPLOYEE

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## Our Dedication

A thrill of pride sweeps through every American as he looks upon the scene depicted upon our cover page. The determination and the courage that won the height on Iwo Jima radiates from each of the figures in the picture as they spike their hard won gain with the placing of the Flag. It is just another job done, another advance, another day in the everlasting onward press of human beings filled with faith and hope. The Raising of the Flag on Mt. Surabachi, Iwo Jima, as Joe Rosenthal's camera immortalized it, will stir the imagination of countless youth and increase the faith and courage of men and women everywhere throughout the ages.

This issue of "The State Employee" is dedicated to the over 7,000 New York State civil service employees who have entered the armed services of the Nation. Our service flag shows that over sixty of our former fellow workers have died in the service. Scores of others have been wounded. The terrible natural ordeals of living in extremes of heat or cold, of exposure to fierce storms without shelter, of existing in jungles or swamps swarming with insects, reptiles and many

weakening diseases, the exhausting marches and the waiting under extreme stress of attack, are often more dreadful human experiences than the actual combat itself.

We know that the men and women who went forth from New York State service were of the highest type of citizenry recruited into war personnel. We know that each in his especial sphere is doing or has performed nobly and well on behalf of freedom and liberty.

We feel that on the war front and on the home front, State employees are and have been a credit to the merit system and to the State that was one of the first to adopt that system. We believe that one of the great American institutions which our Nation is seeking to preserve for the people of the United States as well as for the people of all of the World, is the merit system. We believe that loyalty to that system on the part of every officer and employee of the State, high or low, is a sacred responsibility and one for which he or she will be held accountable in the days to come.

It is in the great councils of men such as that at San Francisco that the things which make for peace or war, prosperity or poverty, progress or retrogression, freedom or serfdom are born. These councils will be successful only when the best by test among our people are met together. And, it is so with civil government on every level—the best must serve. The merit system of selection and promotion is the foundation stone of government, for civilization will never rise higher than the level of the best fitted among the world society. We at home have a solemn obligation to those in the armed services to urge upon our representatives at San Francisco that they follow the principles of justice and righteousness in setting up plans and mandates for future international guidance and that they approve a way in every land for the selection of those possessed of merit and fitness for the honor of leadership.

The Association is hopeful that the information covering return of State employees to their State duties as they are relieved from war duties as contained in this issue, together with the evidence of the Association's loyalty to maintaining New York State service on the high plane it has always enjoyed displayed in other features of the magazine, will be a help and an inspiration to returning veterans. The officers, committees and headquarters of the Association are ever open to our returning veterans to aid with information and otherwise to a successful return to civilian life.

## Some Veteran Aids

The 1945 Legislature established, and Governor Dewey signed a law creating a permanent Division of Veterans' Affairs in the Executive Department of New York State. The State Veterans' Service Agency, which was set up under a law of 1944, is brought into the new Division. \$2,825,000 is available for the operation of the new Division and for the establishment of a County Veterans Service agency in each county not wholly included within a city, and in each city.

The functions of the new Division are many but all are directed to the planning for, coordination of existing plans, and the execution of plans, providing services and facilities to members of the armed forces and to veterans who are residents of the State of New York and their families.

In 1941-42-43-44-45 various legislation relating to members of the armed forces has been enacted by the State Legislature. Legislation entitled New York State Soldiers' and Sailors' Relief Act offers certain legal protection to members of the armed forces. Other legislation grants certain extensions and exemptions from income taxes to members of the armed forces. In matters of licenses, members of the armed forces have certain privileges of renewal and extension; the rights of veterans as employees in matters of unemployment insurance and



workmen's compensation have been protected; twenty-four hundred State scholarships have been set up for veterans; the provisions of the Military Law have been amended to provide for veterans of World War II the same sickness and disability relief as is provided for veterans of World War I. Legislation has been passed freezing hundreds of millions of dollars of surplus to be made available for the construction of public works to create employment after the war.

#### FEDERAL GOVERNMENT

The Retraining and Reemployment Administration Office of War Mobilization, Washington 25, D. C., has published an invaluable booklet for veterans entitled "Your Rights and Benefits." This covers everything from facts about mustering out pay to hospitalization and pensions.

This book is available also through Various Veterans' Service Agency Headquarters. We reprint only two sections from this booklet:

#### LOANS FOR HOMES, FARMS, BUSINESS

These three types of loans including farm and business equipment, are available to veterans who served on or after September 16, 1940, and before the end of the present war, and who are discharged or released under conditions other than dishonorable, after active service of 90 days or more, or because of service-incurred injury or disability. Applications must be made within two years after discharge or separation, or two years after the end of the war (whichever is later), but in no event more than five years after the end of the war.

The Administrator of Veterans Affairs will guarantee up to 50% of any such loan or loans, provided the amount guaranteed does not exceed \$2,000. Loans guaranteed by the Administrator bear interest of not more than 4% per year and must be paid up within twenty years. The Administrator will pay the interest on the guaranteed amount for the first year.

Although the conditions vary somewhat for each type of loan, the general requirements are that the loan must be used for the purpose specified, that the terms of payment bear proper relationship to the veteran's anticipated income and expense, that the purchase price not

exceed a reasonable normal value, that the property be useful and reasonably necessary, and, for farms or business loans, that the veteran have such ability and experience as to provide a reasonable likelihood that he will be successful.

Detailed information concerning these loans is available at any facility of the Veterans' Administration.

Information concerning other opportunities in farming, including kinds of farms, cost of farms, sound farming methods and sources of credit can be obtained from your county agricultural agent. A booklet on this subject is also available upon request to the U. S. Department of Agriculture, Washington 25, D. C. Ask for "Shall I Be A Farmer?" (AWI-105)

If you had a business of your own before you went into service and had to close it up or turn it over to someone else when you left, you may be able to get a loan to reestablish your business or a similar one, through the small-business loan program of the Reconstruction Finance Corporation.

You must show prior business experience and have some capital to put into the business yourself, and there must be sound economic need for the business. Apply through a bank or other financial institution; if the bank cannot make the loan, file your application directly with the RFC through its loan agencies.

#### EDUCATION

Educational aid for veterans is available from the Veterans' Administration provided: (1) you were discharged under conditions other than dishonorable; (2) you were not over 25 at the time you entered service, or can demonstrate that your education or training was interrupted or interfered with by your service; or if you desire a refresher or retraining course; (3) you served 90 days or more (not counting the time in Army Specialized Training Program or Navy College Training Program, which course was a continuation of a civilian course and which was pursued to completion, or as a Cadet or Midshipman in a Service Academy) or were discharged or released from service because of an actual service-incurred injury or disability; and (4) you start such education not later than two years after discharge or end of war (whichever date is later.)

**Length of training:** One year (or its equivalent in part time study). If you complete these courses (except refresher or retraining courses) satisfactorily, you will be entitled to additional education or training not to exceed the length of time you spent in active service after September 16, 1940 and before the end of the present war (not including ASTP or Navy College program). No course of education or training shall exceed 4 years.

**Types of courses:** You may select your own course at any educational or training institution which accepts you as qualified to undertake them, provided the institution is on the list approved by the Veterans' Administration.

**Types of education institution:** Public or private, elementary, secondary and other schools furnishing education for adults; business schools and colleges; scientific and technical institutions; colleges, vocational schools, junior colleges, teachers' colleges, normal schools, profes-  
(Continued on page 141)



...we're glad to see you. But frankly, we can do a much better job of giving you the accommodations you want if you'll let us know as far ahead as you can when you are coming and how long you can stay. And please be sure to let us know if there is any change in your plans!

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# A Sportsman's Paradise

By appointing State Senator Perry B. Duryea, of Montauk, Long Island, a member of the Senate Conservation Committee, as Conservation Commissioner, Governor Dewey chose an administrator who long has been active in helping conserve the State's natural resources. He succeeds the late Commissioner John A. White.



PERRY B. DURYEA  
Conservation Commissioner

Judging by reports from upstate sportsmen, Commissioner Duryea's popularity already has taken root as a result of his announced determination, a few days after taking office, to provide better hunting and fishing and greater outdoors recreation facilities in general to meet the anticipated 50 per cent increased pressure in the outdoors after the war. At that time he obtained approval of nearly \$700,000 from the Post-war Reconstruction Fund to increase the capacity of the State's 27 fish hatcheries and game farms.

Coincident with his appointment by Governor Dewey, Commissioner Duryea announced the retention of J. Victor Skiff, a career man in the Department, as Deputy Conservation Commissioner.

Mr. Duryea, a veteran of the first World War, former President of the Middle Atlantic Fisheries Associa-

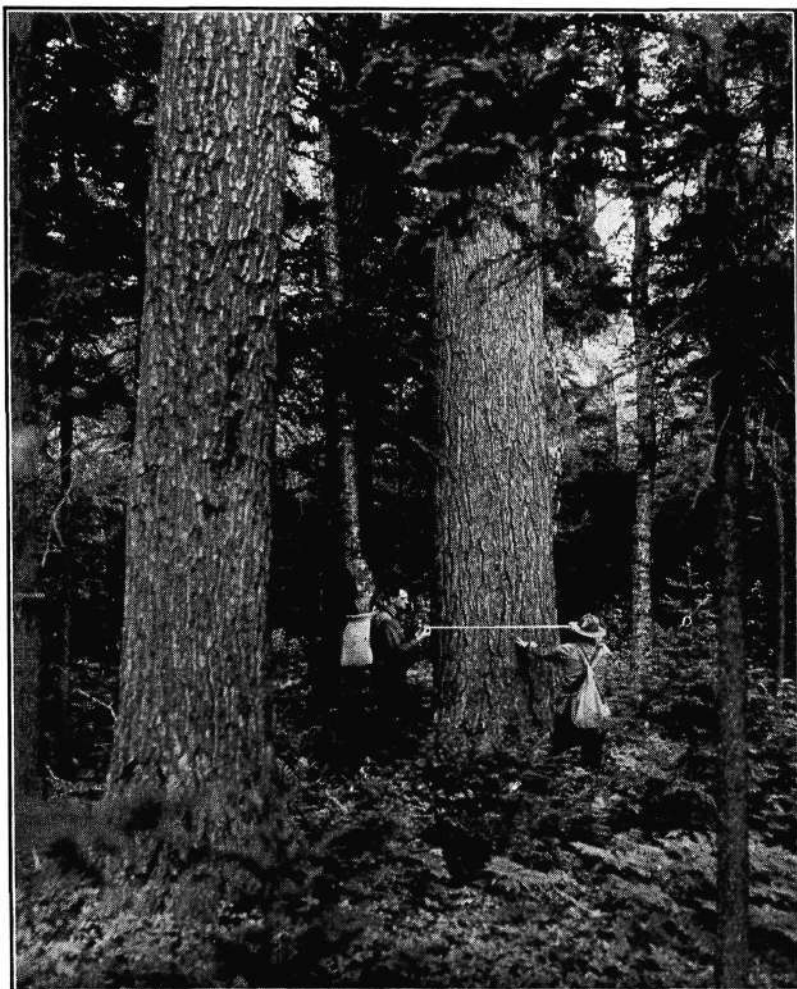
tion and a Director of the Long Island Fisheries Association, was chairman of the Joint Legislative Committee on Atlantic Shoreline Erosion and chairman of the Senate Public Service Committee. In addition, he also was a member of the following Senate Committees: Finance, Internal Affairs of Towns, Highways and Parkways, Labor and Industry, and Education.

Born in New York City June 9, 1891, Mr. Duryea received his education in the Amityville public schools and New York University, from which he was graduated in 1915 with an LL.B. degree. Upon graduation from the law school, he served with the 14th Infantry on the Mexican Border and, as a Lieu-

tenant, overseas, in the first World War.

After serving as Supervisor of East Hampton town from 1934 to 1940, he was elected, in 1941, as a member of the New York State Senate to fill the unexpired term of the late Senator George L. Thompson. He was reelected the following year.

In 1920, Mr. Duryea married the former Miss Jane Stewart of New York City. They have two children, a son, Perry B. Duryea, Jr., 23, a Lieutenant in the Naval Air Transport Corps, now serving in the Pacific Theater; and a daughter, Jane, 20. Mr. Duryea is a 32nd degree Mason and a member of the Elks and American Legion.



VIRGIN PINE — 75,000-ACRE STATE LAND TRACT, OSWEGATCHIE RIVER INLET  
— MEASURES 60 INCHES



The outlook for better hunting and fishing in New York was given the biggest boost in recent history when Conservation Commissioner Perry B. Duryea, recently appointed by Governor Dewey, announced that he had secured funds from the Postwar Planning Commission to plan the enlargement of the State game farms and fish hatcheries in order to double their capacities after the war. Postwar construction costs eventually will aggregate nearly \$700,000.

The securing of approval of the preliminary funds from the Planning Commission was one of Commissioner Duryea's first acts. In commenting on it he said, "The goal we're shooting for in our postwar fish and game program may seem overly ambitious to some—but I'm certain that all those who realize the vast area and potential resources of this State and the greatly increased postwar demand for outdoor recreation will rejoice that at last we're trying to cut the cloth to our needs. We no longer can expect to produce an adequate fish and game crop with broken tools and a nickel's worth of seed.

"The planning funds for which we have obtained approval will point the way for the enlargement of our six State game farms and 16 of the fish hatcheries. In addition, Governor Dewey already has approved the purchase of land for a new game farm in western New York as well as funds for the construction of a muskellunge hatchery on Chautauqua Lake."

Slated for enlargement in order to double the pre-war output of game, mostly pheasant, are the State game farms at Brownville, Ithaca, Sherburne, Delmar, Howland's Island (Cayuga County) and Middle Island, L. I.

State fish hatcheries to be increased in size in order to provide for redoubled fish production include the Adirondack Hatchery (near Saranac Inn), Bath, Caledonia, Chateaugay, Cold Spring Harbor (L. I.), Crown Point, Johnstown, Lake George (near Glens Falls), Lily Lake (near Binghamton), Oneida (Constantia), Randolph, Rome and South Otselic. In



CONSERVATION DEPARTMENT IMPRESSES ALL WITH SOUND ADVICE —  
"PREVENT FOREST FIRES! IT PAYS!"

addition new living facilities for workers are planned for the rearing stations at Summitville and Van Hornesville and for the Crown Point Hatchery.

Commissioner Duryea also point-

ed out that a refrigeration plant to shave fish food costs and an extensive fisheries laboratory are blue-printed for construction at the Rome Hatchery, center of New York's fresh water fisheries research.

## VACATIONS

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## Support the 7th War Loan

## Rights of Veterans

(Continued from page 112)

If you were on an eligible list for a position in a uniformed force of a Police Department, Fire Department, or a Department of Correction, and you were classified 1-A under the Federal Selective Service Act or were in any of the reserve military or naval forces of the United States, then your appointing officer was authorized to skip your name even though you were not yet in military service. If that happened, then you are considered to have been in military duty at the time you were so skipped, and, for a period of two years after the termination of hostilities, you are entitled to all the rights and privileges given to a person who was reached for certification while in military service but not appointed. If, after being skipped, you enter military service, then the two-year period of such rights and privileges will not commence to run until after the termination of your military duty. If you are appointed from a special eligible list after your return from military duty, then you are entitled to credit for seniority dating from the time when you would have been reached for appointment from the original eligible list. It should be noted that this special seniority right is not granted to persons who are skipped while in military duty, but only to those who were skipped because they were in classification 1-A under the Selective Service Act or in a reserve military or naval force.

### SPECIAL RIGHTS OF RETURNING WAR VETERANS

....If you receive a war-incurred disability which is recognized by the United States Veterans' Administration, then you may claim disabled veterans' preference on any eligible list upon which your name now appears or may appear in the future. If your claim for preference is allowed, then your name will be placed at the head of the eligible list and no eligible who is not a disabled war veteran can be appointed before you are appointed. If there are other disabled war veterans on the list, then you are ranked in accordance with your final average. Under the State's regulations where three or more disabled veterans head a list, an appointing officer may se-

lect any one of the first three.

In order to qualify for disabled veterans' preference you must show that you were a citizen and resident of this State at the time you entered the armed forces of the United States and are a citizen and resident of the State at the time you make application for disabled veterans' preference. This preference is given on open-competitive lists and on promotion lists and does not apply to preferred eligible lists containing the names of persons who were laid off because their positions were abolished.

Contrary to popular belief, war veterans (whether disabled or not) do not receive any special credit points on examinations. The preference rights granted under the Constitution are extended to disabled war veterans who are successful in passing the examination.

It should be noted that at the last legislative session, a resolution known as the Downey-Sherman resolution was adopted by the Legislature. This resolution called for a constitutional amendment which would grant all veterans, whether disabled or not, an absolute preference in appointment or promotion from eligible lists, with disabled veterans given priority over non-disabled veterans. There is no time limit for disabled veterans' preference in the resolution, but the non-disabled veteran's preference is not to continue beyond December 31, 1950, or for more than five years after honorable discharge, whichever period is the longer. The Downey-Sherman resolution will become effective only if approved by the People at the general election in November, 1945.

Veterans are given certain special privileges in connection with the termination of their services by dismissal or lay-off. In the event of a lay-off, a veteran is entitled to be transferred to a vacancy to any other position in the service that is similar to the one from which he is laid off. This right is not given to other civil service employees. In addition, veterans are entitled to a hearing on charges of incompetency and misconduct before they can be removed.

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**Buy Bonds Now!**

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## "Ask Less—Give More— It's War"

JULIETTE U. JACOBS

"What—no butter?" (They mumble and mutter)

"What—no sugar?" (They dumbly repeat)

LISTEN—DON'T YOU KNOW  
THERE'S A WAR ON?

"What—no butter, no sugar, no meat?

What's the world coming to?  
What can we eat?

What—no cigarettes, no matches either?

It's come to fine pass when we can have neither!"

LISTEN—DON'T YOU KNOW  
THERE'S A WAR ON?

You have clothes, and and have food—

You have heat, and you have shelter—

You don't have to freeze, and you don't have to swelter

But what of our boys who were thrown helter skelter

Into the fray, to fight and to suffer?  
Theirs is to do and, perhaps to die—

Theirs not to wonder or question why—

Yours is the path of least resistance—

So I repeat, with great insistence—

LISTEN—DON'T YOU KNOW  
THERE'S A WAR ON?

Stop your mumbling, and don't wail—

Stop all your grumbling—it's of no avail—

Give of your own free will

All that you can, until

At last you'll know there's NO  
WAR ON!





## Red Cross Thanks State Employees

Each year the Association through its thousands of members throughout the service, gives generous aid to financial and other support of the American Red Cross. Herewith we print a letter of thanks from the Chairman of the State Employees Division 1945 Red Cross War Fund Drive, Albany, addressed through the Association to State workers, and also a letter from the Governor to that Chairman. The individuals mentioned represented their respective departments or divisions of State service:

Mr. Clifford C. Shoro,  
President, Association of State

Civil Service Employees,  
Capitol, Albany, N. Y.

Dear Mr. Shoro:

Through the medium of "The State Employee," I wish to express my deep appreciation to the officers and employees of the State in the Albany area for the magnificent job they did in the 1945 American Red Cross Drive for Albany County.

I am proud to report the State Employees Division contributed more than \$26,000 to this great cause. This was done through personal solicitation, lunches held by departments, auctioning off of baskets of food, and many other devices. This figure represents more than a \$3,000 increase over our last year's total.

I am enclosing a copy of a letter I have received from Governor Thomas E. Dewey, expressing his thanks to all concerned.

To this, I should like to add my thanks to Mrs. Anne V. George, of the Department of Agriculture and Markets, who acted as Vice-Chairman, and to the following departmental chairmen for their magnificent work in the Drive:

Eugene F. Gorse  
Robert B. Haner  
Gerald Dorman  
Elizabeth Ostram  
Anne Lowry  
Arthur Hopkins  
Nora Kearney  
Lloyd L. Cheney  
Edmund Schreiner  
Raymond Harris  
Victor T. Holland  
George Loveys  
Elsie Bailey  
John T. Carroll  
M. G. Tanner  
Henry Cohen  
Walter J. Going  
Helen Chase

Norman Gallman  
Ann E. Hogan  
Frederck A. Thiessen  
Harold C. Green  
Eugene G. Ashe  
Samuel Viner  
Raymond Adams  
John Fardy  
Rose Marcus  
Clark Wilson  
Fred Forbes  
Robert E. Congdon  
Thomas Foley  
John A. Forrest  
Raymond Cannon  
John S. Herrick  
Frances Humphrey  
Catherine J. Crowe

Sincerely,

WILLIAM L. PFEIFFER,  
Chairman

## Governor Dewey To Mr. Pfeiffer

Mr. William L. Pfeiffer,  
Executive Assistant to the  
Comptroller,  
State Office Building  
Albany, New York  
Dear Bill:

That was a wonderful job you did for the Red Cross and I appreciate very much having your final report.

Will you not please extend to your associates in the State service who ran the campaign, my warm congratulations on their splendid public service.

With kindest regards,  
Sincerely yours,  
THOMAS E. DEWEY.

## Farm Wage Rates Continue to Rise

Farm wage rates in New York have risen above those of a year ago and on April 1, 1945, were at a new high level, about two and one-half times that of April 1, 1939. The State-wide average of \$83.25 per month for men receiving board and lodging in addition, is 12 per cent higher than a year ago, according to a Federal-State report issued from the New York State Department of Agriculture and Markets. The \$117 per month quoted as wages without board, but which is usually supplemented with the use of a house and of food and fuel items from the farm, is 11 per cent above last spring's rate. There are of course wide variations in wages paid to individual workers depending on locality, type of farming, ability and strength of the worker and many other considerations.

The report points out that monthly farm wages are difficult to compare with non-farm wages. Boarded month men receive their meals and lodgings and frequently laundry and mending in addition to the money paid them. To the men working by the month without board, the value of house rent and supplies furnished by the farm for their family living is of major importance.

Wages per day, without board, placed at \$5.10, are 5 per cent above those of a year ago and are more readily comparable with non-farm wages than are monthly wages.

The number of workers on farms both in New York and in the United States was at a new low level for the date on April 1, while the upward trend in wage rates was common to all states.

## Park Employees Install Harry Lemily

The Long Island Inter-County State Park Chapter of the Association of Civil Service Employees re-elected Harry Lemily for a third term at the April meeting held at the Wantagh Fire Hall.

Mr. Lemily has shown progressive and impartial leadership in the interest of the employees and taxpayers. During his two terms of office, he has attended all state conventions at Albany as the delegate of the Chapter, and was instrumental in introducing a resolution to the effect that all State Park employees and authorities throughout the State be included in the classification. This resolution was adopted by the Convention.

District Court Judge, George S. Johnson was the guest speaker of the evening, and he stated that Civil Service employees should keep a close watch on legislation which would affect their jobs. He acknowledged that more money could be made at some jobs in private industry, but pointed out, this advantage was offset by job security under Civil Service.

Officers installed were Harry Lemily of Inwood, third term President; Fred Kelly of Inwood, Vice-President; Fred Mott of East Rockaway, Secretary; Fred Keller of Ocean-side, Treasurer; Frank Keyser of Long Beach, Financial Secretary; Fred Pederson of Valley Stream, Sergeant-at-Arms.

## State Insurance Fund Soldier

Employees of the New York State Insurance Fund, particularly those in the Claim Department, are very proud of the honors recently bestowed on Colonel Solomon E. Senior, who was the Director of Claims before resuming his commission in the United States Army. He is an active member of the New York City Chapter of the ASCSE.

Colonel Senior who is a West Pointer was recently awarded the Croix de Guerre by the French Government for exceptional services rendered in the course of operations in the liberation of France. More recently he was awarded the Bronze Star Medal for meritorious service in military operations against the enemy as Assistant Adjutant General, Headquarters, First United States Army.

Colonel Senior who is an attorney has held various responsible positions in New York State service including Director of the Bureau of Workmen's Compensation of the Department of Labor.

He has been on active duty in the United States Army since early in 1941 when he was commissioned a captain. He has been overseas since October, 1943, when he was assigned to the First United States Army.

## New York Did It 62 Years Ago

### "Oregon Adopts Civil Service System and Employee Retirement Program"

Oregon became the twenty-first state to adopt a civil service law when a bill passed during the recent legislative session was signed by Governor Earl Snell on March 26. The law becomes effective June 16. Also passed during the legislative session was a bill providing for a comprehensive public employee retirement plan for state employees and for municipal employees within the state.

Provisions of the Oregon state civil service law are similar in many respects to those contained in the "Draft of a State Civil Service Law," prepared under the joint auspices of the National Civil Service League and the National Municipal League. The act calls for the appointment of



COLONEL SOLOMON E. SENIOR RECEIVING DECORATION FOR MERITORIOUS SERVICE FROM LT. GEN. COURTNEY H. HODGES

a three-member state civil service commission and the establishment of a department of civil service. A state civil service director, appointed by the commission on a competitive basis, is responsible for the direction of the program under the general supervision of the commission. Salaries of the director and members of the staff are to be fixed by the commission in accordance with the classification and pay plans adopted under the act.

Except for certain designated positions in the "unclassified service," all state employees are covered by the act. Among those listed in the unclassified service are elective and appointive officials and their principal assistants, employees of the courts, the legislature, the governor's office, and the secretary of state's office, faculty members in the state institutions of higher education, lawyers, and the state police.

The act provides that all employees holding positions in the classified service on September 14, 1940, receive permanent status automatically. Persons appointed after that date are designated as conditional employees, and must qualify for civil service status by passing competitive tests. The act provides that the holding of competitive tests for permanent appointments is not to

begin until at least one year after the termination of the war.

The retirement act passed during the same legislative session calls for the establishment of a comprehensive program covering state employees. The law also provides machinery whereby employees of municipalities within the state may be covered by the plan, as well as for the voluntary merging of existing retirement systems into the plan.

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# For Victory

Mr. Clifford C. Shoro, President,  
Association State-Civil Service  
Employees,

Room 156, State Capitol, Albany,  
N. Y.

Dear President Shoro:

Many times in the past, "The State Employee" has been kind enough to publish an appeal to State employees to participate in War Loan Drives. We should appreciate your assistance on another appeal for the Seventh Drive.

With victory in Europe a fact, too many of us are apt to forget that the Japanese war must be fought to a successful conclusion.

This year, the Government will hold only two War Loan Drives as against three last year, yet the needs for money are undiminished. There will be very little change in the expenditures of the Government for war until Japan is defeated.

Secondly, and perhaps more important at this moment, is the fact that goods are scarcer than ever and it is going to get worse. OPA, WPB, and all the other agencies who have anything to do with production and materials, tell us that we must expect less and less in clothing, food—all the ordinary everyday things we are used to—for some time to come. Thanks to Governor Dewey and the Legislature, our incomes are greater now than ever before but we will have to tighten our belts nevertheless. So, with better incomes on one hand, and goods scarce on the other, we are faced with a most dangerous threat of inflation.

It is up to us to see to it that, insofar as the State employee is concerned, this additional income is invested in bonds. Since it is deducted at the source there can't be any temptation to spend it, and you can't bid up prices with money you haven't got.

Our plan for this drive is, first, to concentrate on the employee who is not enrolled in the Comptroller's Payroll Deduction Plan, second, to encourage those presently subscribing to increase their subscriptions, and third, to sell that extra bond, during the drive, for cash.

With the cooperation of the various department heads, the following departmental chairmen have been named and, under their leadership, personal solicitation of every employee is now under way:

Department	Representative
Agriculture and Markets	Mr. Eugene Gorse
Banking	Mr. Peter N. Shippee
Civil Service	Miss Mary Salerno
Commerce	Miss Anne Lowry
Conservation	Mr. Edward Smith
Correction	Miss Nora A. Kearney
Education	Dr. Lloyd L. Cheney
Executive	Mr. David H. Walsh, Jr.
Health	Mr. Edmund Schreiner
Insurance	Mr. George H. Jamison
Labor	Mr. Victor T. Holland
Law	Mr. George Loveys
Mental Hygiene	Mr. Paul O. Komora
Public Service	Mr. Murray G. Tanner
Public Works	Mr. Henry A. Cohen
Social Welfare	Mrs. Helen Chase
State	Mr. Walter J. Going
Taxation and Finance	Mr. Norman Gallman
Division of Military and Naval Affairs	Col. Frederick A. Thiessen
Division of Alcoholic Beverage Control	Mr. Eugene G. Ashe
Division of the Budget	Mr. H. C. Greene
Court of Claims	Miss Catherine J. Crowe
Division of Housing	Mr. Joseph A. Urell
Postwar Public Works Planning Commission	Mr. Frank Curtis
The Power Authority of the State of New York	Mr. Ralph Gunn Sucher
Division of Standards and Purchase	Mr. John Fardy
New York State Bridge Authority	Mr. Francis M. Glynn
State Insurance Fund	Mr. John J. Marron
Division of State Police	Sgt. Raymond Adams
State War Council	Miss Rose Marcus
Division of Placement and Unemployment Ins.	Mr. Ralph C. Craig, Mr. Fritz Kaufmann

The State employees have contributed most generously toward the war effort in many ways. As an example, during the years 1942, 1943, and 1944, they have purchased \$11,439,975 worth of bonds through the Payroll Deduction Plan and thousands of dollars worth of bonds through cash sales.

On behalf of Comptroller Moore, I wish to take this opportunity to thank all bond purchasers, heads of departments, departmental chairmen and their associates who have given unstintingly of their time in these drives, and particularly "The State Employee" for its generous contribution of space.

Very sincerely yours,

WILLIAM L. PFEIFFER, Chairman,  
State Payroll Deduction Savings Plan.

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**SUPPORT THE**  
**7th WAR LOAN**

# Warwick

There are few jobs in public service which are more important or more rewarding than the work of helping children—especially children in trouble.

This is the kind of job that is done at Warwick, the New York State Training School for Boys. It is located in the Orange County foothills of the Ramapo Mountains, four miles from the Village of Warwick and some fifty miles from New York City. Embracing 800 acres of what was once an old colonial farm, the fields, woods, lake and the neighboring hills are a picturesque and impressive setting for the 30 red brick, tile-roofed buildings which make up Warwick plant. There are four recreation fields, a swimming beach, and an extensive school farm of 700 acres.

Warwick was founded in 1932 for the study and treatment of delinquent boys from New York City and suburban counties. The school has sometimes been called a social hospital where boys are observed, diagnosed, and their physical, mental, moral and social maladjustments treated in accordance with the best techniques that modern science has developed.

Commitment to a training school by a Children's Court is a shocking experience to virtually any boy. His mind, as he arrives at the school, is filled with misgivings about his immediate future. He is actually frightened, although his fear may be masked by bravado or an air of antagonism. The kind of reception he is given by the school is of major importance and may strongly influence the success of his adjustment and retraining.

The hundreds of boys who come to Warwick range between 12 and 16 years; the majority, at present, are 14 or 15 years old. They represent various kinds and degrees of social misconduct and personality deviations. While some of them are emotionally disturbed, the group as a whole divides into: boys who have been damaged by unfortunate experiences in human relationships—their families, teachers, neighbors; those who are going through adolescent rebellion against life, the loss

of a parent, bad company, and anxiety; and those whose loyalties have been misdirected toward unwholesome gangs.

The whole plan of treatment at Warwick is individualization, and necessarily, before any curative regime can be prescribed, the school must find the cause and nature of a boy's maladjustment. Sometimes cures are quickly effected, some maladjustments yield only after a protracted treatment, and others, unfortunately, resist all treatment processes that are possible at the training school. These are the boys who

ization, the boy goes next to the reception unit.

The clinic unit includes the medical, psychiatric, mental hygiene and psychological services of the school. The clinic staff has complete charge of the boy during the two weeks he spends in the reception unit. The clinic is under the general supervision of Columbia University which supplies a resident staff at the school with consultant services from the University Medical Center. It also provides diagnostic and treatment services at the Vanderbilt Clinic in New York City.



FARM WORK IS BIG BUSINESS FOR WARWICK BOYS

run away, again and again, and get into trouble in and out of the school.

As soon as a boy is registered in Warwick, he has a friendly interview with a clinic case worker and is encouraged to ask questions. He is given the school's Handbook for Students and by reading this and talking to the case worker, he learns what he will be expected to do and how to go about it. After this introduction, he goes to the medical unit for a complete physical examination by the school physician and the school dentist. Unless there is some condition requiring hospital-

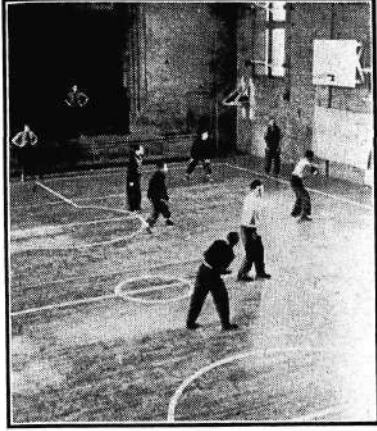
In the reception unit, the boy has his own room, which he cares for, and he does various light assignments of outside work. He is under close observation and is given various types of tests. At the end of the period, the unit supervisor prepares a statement regarding the boy's work habits, attitudes, and personality. This is used to make preliminary assignments in the academic school and in group work and is a factor in assigning him to a cottage.

When he leaves the reception center, the school staff is told all that could be learned about his problem,



his background, his personality, his education, his mental processes, his physical condition, his job interests and what the clinic recommended for him as treatment.

When he goes to his cottage, he becomes a member of a group of perhaps 30 boys similar in age and



THE SCHOOL GYM IS A POPULAR PLACE

experience. The cottage mother and father who preside over each cottage are actually of very great influence in the boy's daily life. Most of the boys sleep in cottage dormitories, but in each cottage there are also 12 single rooms assigned on a reward or social needs basis. A large and attractive living room equipped with books, games and facilities for writing letters offers some home life to each group in much the same way a living room at home is the family's gathering place. Meals prepared in the central kitchen are distributed to the cottages and served. Under supervision of the cottage parents the boys do much of the cottage work. The cottage is a boys' club house for games, hobbies, tournaments and entertainment and competition, cooperation and rivalry between the cottages are encouraged.

When he becomes a member of a cottage group the boy begins his re-education along academic, vocational, religious and recreational lines. In fact, everything in which the boy participates is looked upon as part of his education. Every adult, whether administration, professional, technical or labor staff, who contacts the boy, is in a real sense his teacher of the moment. Many boys have been very much retarded in their school progress, though their

intelligence as a group does not vary to any extent from the average intelligence quotient of the outside community.

Smaller boys have a whole day of classroom work and attention is given to bringing them up to grade in preparation for their return to public school. Those with ability to do so take the regular junior high school studies prescribed by the State Education Department. Full effort is directed toward equipping each boy with the means of earning his own living, whether with his hands or his head or both. Great effort is made to teach boys to read comprehensively, and much success has been made in the adjustment of some boys after they have learned to read.



RESIDENT CHAPLAINS CARE FOR RELIGIOUS GUIDANCE

At present seven trades are organized on a vocational high school level: carpentry, printing, painting, plumbing, auto mechanics, electric work, and sheet metal work. The training consists of five hours daily of practical shop work and two of instruction in related academic and technical subjects. It is organized and supervised by qualified vocational instructors; related subjects are taught through trade mathematics, trade English, trade drawing or design, trade information, and trade processes.

By acquainting the boy in his trade information classes with a trade and job analysis of his occupational area, he is given a broad, general background which will help him to fit himself into the level of industry for which he is qualified. He also receives training in a unit trade, on a vocational high school level, for about one year. This course is a prerequisite for admission to many vocational high schools and

for many industrial jobs. This program is curtailed somewhat at present because of wartime scarcities of material and staff.

Wartime staff shortages and material scarcities have seriously curtailed much of the leisure time program, but wholesome interest in sports is encouraged for the development of sportsmanship and hobby interests are developed which, it is hoped, will continue in the boy's later years.

Resident chaplains have charge of the religious training of the boys through regular chapel services and religious education classes. Personal and friendly conversations between chaplain and boy are considered very fruitful in the readjustment of boys. Sometimes it is the chaplain who discovers the basic cause of a boy's trouble, the reason he is at war with society.

In order to direct each boy's treatment and to check his progress, his case is periodically reviewed by a case conference committee, made up of the Assistant



THE PRINT SHOP AT WARWICK  
Boys often leave the training school for advanced printing instruction

Superintendent, the Director of Social Service, the Director of Home Life, a representative of the Clinic, the Director of Education, and the Chaplains. The first review is made six to eight weeks after his arrival and subsequently at such intervals as seem necessary. When a boy appears to the committee to have reached a stage of adjustment where a trial in his own community promises success, this is recommended to the Superintendent, whose approval makes it effective.

When he comes to Warwick a boy is assigned to a particular so-

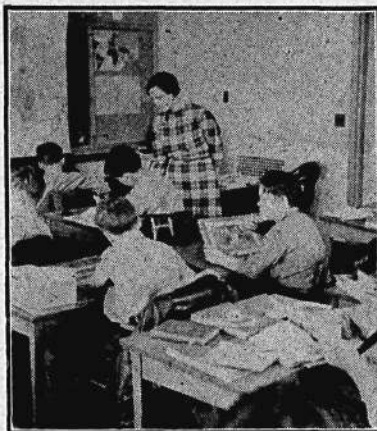
cial worker who becomes his confidant and the liaison between him and his family, explaining the school and the boy to his family, and the family to the boy, in preparation for the boy's return home. The social worker then keeps watch over his progress at home until it appears unnecessary to do so. Boys who have no suitable home are placed in foster homes by the school and their board is paid by the State while this is necessary.

Parents may go to Warwick at any time to see their boys and are encouraged to remain for the day. Boys go home on week-end visits, and for longer periods in the Christmas and Easter holidays. Such home-visits are a factor in the treatment plan and are used as rewards and incentives for better conduct, more effort. There are very few abuses of these privileges.

The program at Warwick is the result of much painstaking, conscientious thought and effort by the Superintendent, Dr. Herbert D. Williams, and the 201 men and women who make up the present staff. No one knows better, however, than Dr. Williams and staff that the results are far from perfect. There is no simple or general solution of the complicated human problems of a training school such as Warwick, but the results already achieved have encouraged the hope that year by year more will be learned about mal-adjusted children and better work accomplished for them before they become confirmed in their ways and outlooks.

Everything that the presently limited resources, including 23 staff vacancies, permit is done to send boys back to their communities with more adequate mental, moral and physical equipment for living than they had when they came to Warwick. Anyone who observes these 500 boys on the grounds, at their work or in their cottages can understand what diverse, myriad problems they present; how earlier unfortunate experiences have set their pace and direction. Each has his own strengths and weaknesses, his own aims and desires. It is the business of the school to help the boy discard or control his weaknesses, to develop his strengths and useful abilities.

Early identification and treatment of incipient delinquents can do much toward reducing the number of boys who are sent to Warwick and other similar places for adjustment. It is not, however, effective to treat a boy for delinquency for months and return him unprotected to the environment where he became delinquent. Most of the children who come to Warwick have been neglected and rejected by their parents and their communities. Serious neglect works indelible damage upon a child, controls his emotional and mental reactions, makes him difficult to reach and to re-educate.



A WARWICK SCHOOLROOM

The school at Warwick is a self-contained community with its own water supply, power plant, fire department and sewage disposal plant. The buildings fall into four groups, the school, vocational buildings and cottages; administration and quarantine buildings; staff residential groups; and farm buildings.

The school building contains 14 classrooms, an industrial arts shop, a studio of the creative arts, a library, a music room, the tailor and shoe repair shops, and the necessary offices. Attached is the gymnasium and auditorium, with modern moving picture apparatus and a stage for theatrical performances.

The vocational building contains the printing, carpentry, plumbing, sheet metal, auto mechanics and barber shops; two classrooms, offices, storerooms, refrigerating plant, the main kitchen, bakery and nine cold storage rooms. The laundry and power house buildings adjoin it.

The superintendent's office is in the Administration Building, where are also the business offices, the record department, the social service department; the offices, laboratory and examining rooms of the medical department, and the offices of the psychiatric and psychological staff. The hospital and the reception unit are on the second floor.

The hospital has accommodations for 26 boys and includes a play room, living room and a dining room for patients. There is also a small kitchen for the preparation of special diets and a well-equipped operating room.

The reception unit has individual rooms for 16 boys, a play room, a library, a dining room and a kitchen, and a two room-and-bath apartment for the couple in charge.

The staff residential group consists of: The superintendent's residence; a four-family staff building, a larger staff building of 48 rooms and the staff kitchen and dining building. The old "manor house" supplies two apartments for members of the administrative staff.

The average population for whom meals are provided is 600 and this includes some staff. All food is cooked in the central kitchen. Menus are planned to provide a balanced and adequate diet and great care is taken to keep meals varied and as attractive as possible. Milk, eggs, pork, poultry and vegetables are supplied by the farm to cover most of the school's needs.

Consistent with the school's efforts to minimize the distinction between its boys and those in outside community, the children are equipped, as far as possible, with clothing similar to that worn by boys everywhere. There is no uniform. On dress occasions, the boys wear ordinary civilian suits, oxfords and a variety of socks, shirts and neckties. Clothing is supplied by the school, but when a boy has suitable clothing of his own, he wears it.

This, then, is the background, the equipment, and the know-how of a public service which is quietly and devotedly carrying on the all-important task of rehabilitation of youngsters who have been damaged and distorted by the pressures of life. No job can be more satisfying than that of setting a child back on the road to a normal and happy life.



## Cost of Living Indexes (1935-30 — 100) In Large Cities Combined, New York and Buffalo

The figures below bring the Cost of Living Index to date; previous figures have appeared  
in earlier issues since November, 1943

	LARGE CITIES COMBINED		NEW YORK		BUFFALO	
	Feb. 1945	Mar. 1945	Feb. 1945	Mar. 1945	Feb. 1945	Mar. 1945
All Items.....	126.9	126.8	127.4	127.1	127.6	127.2
Food.....	136.5	135.9	137.3	136.4	136.3	135.2
Clothing.....	143.3	143.7	148.8	149.5	140.8	141.0
Rent.....	108.3	108.3	103.5	103.5	114.8	114.8
Fuel, electric and ice.....	110.0	110.0	114.3	114.1	107.1	107.2
House Furnishings.....	144.4	144.5	136.9	134.2	138.3	138.8
Miscellaneous.....	123.4	123.6	125.8	125.8	125.7	125.7

# Membership!

Everyone is doing a fine job on membership—but all State workers are not yet enrolled! The Association is at the peak of successful achievement on behalf of its members. No other union or association anywhere has won for its membership as good employment conditions as exist in New York State service. Much remains to be done. The Association is the only State-wide, all State-employee organization in New York State. The fly-by-night groups that accept large dues and make empty promises fade out one by one as the light of reason and the facts of organization and ability to serve employees through organization indicate clearly that a single, strong, democratic organization of all State employees such as employees have built up in THE ASSOCIATION OF STATE CIVIL SERVICE EMPLOYEES is all that it required.

Every employee should become a missionary on behalf of membership in THE ASSOCIATION. This issue of "THE STATE EMPLOYEE" alone is proof

of the character and fitness of THE ASSOCIATION to lead State employees in all employment matters. Show it to your fellow workers who are not members. As a special tribute to the employee who secures a new member for 1945, the Executive Committee has approved the presentation of a gift of a copy of "STORY OF STATE GOVERNMENT, STATE OF NEW YORK." Only a limited number of copies of this 300 page book containing a complete non-technical description of the organization, services and activities of the various departments of State government remain. ONE AWAITS YOU—AS LONG AS THE SUPPLY LASTS—FOR A NEW 1945 MEMBERSHIP IN THE ASSOCIATION OF STATE CIVIL SERVICE EMPLOYEES, USE MEMBERSHIP APPLICATION BELOW. SEND WITH COMPLETE YEARLY DUES OF \$1.50 TO HEADQUARTERS OF THE ASSOCIATION, STATE CAPITOL, ALBANY, OR HAND TO YOUR LOCAL CHAPTER REPRESENTATIVE.

## HERE'S A MEMBERSHIP RENEWAL BLANK!

Print Last Name Above	First Name	Initial	Date Recd. <small>DO NOT WRITE IN THIS SPACE</small>
RESIDENCE			
WORK ADDRESS			
DEPT. EMPLOYED		TITLE	
INSTITUTION OR DIVISION		CHAPTER	



### MEMBERSHIP APPLICATION

The Association of State Civil Service Employees  
of the State of New York, Inc.  
Room 156, State Capitol, Albany, New York

Renewal

New

(Dues to Dec. 31, 1945—\$1.50, \$1.00 of which is for a year's subscription to the Civil Service Leader and 30c for a year's subscription to The State Employee)

## Mental Hygiene Bowling League

The State-wide "Mail Order" League composed of employees of institutions in the Department of Mental Hygiene, closed a most successful season with a tournament, business meeting and dinner on May 19th, 1945, at the Menands Recreation Center, Menands, near Albany. Mr. Gerhard German, President of the American Bowling Congress and Mr. Les Buckley, member of the A. B. C. Executive Committee were among the speakers. Mr. Leo F. Gurry, of Marcy State Hospital, President of the Association of Employees of the Department of Mental Hygiene and Vice President of the Association of State Civil Service Employees of the State of New York, and President of the League was master of ceremonies. He received many compliments for his splendid work on behalf of the League and the success of the venture was credited to Mr. Gurry.

The following is final standing of the teams participating:

TEAM	Won	Lost	%	Hi-10	Hi-30
Willard .....	40	14	.741	1064	2984
Binghamton .....	36	18	.667	1096	3043
Wassaic .....	35	19	.648	1040	2970
Rockland .....	34	20	.630	1089	3190
Hudson River .....	29	25	.537	1028	2963
Marcy .....	26	28	.467	1054	2972
Utica .....	26	28	.467	1039	2976
Harlem Valley .....	26	28	.467	1076	3056
St. Lawrence .....	15	39	.278	1068	3055

Team		Individual		
Hi-10	Binghamton .....	1096	Hi-10 Barnes (B) .....	286
Hi-30	Rockland .....	3190	Hi-30 Thurston (H.V.) .....	722

## Willard Women Bowlers Finish Successful Season

Bowling is a popular pastime at Willard State Hospital. The scores below indicate that the women as well as the men are highly proficient.

### Final Report for 28 Weeks Bowling

TEAMS	Won	Lost	High	Totals	Average
No. 1 Team—OFFICE.....	57	27	1043	70243	836
Capt.—Eleanor L. Tharp					
No. 2 Team—ELLIOTT HALL .....	42	42	963	69584	828
Capt.—Shirley M. Thompson					
No. 3 Team—PINES .....	36	48	975	67962	809
Capt.—Elsie Woodington					
No. 4 Team—CHAPIN HOUSE.....	33	51	951	67276	801
Capt.—Florence L. Ganoung					
High Team Average—Three Games—OFFICE.....	2773				
2nd High Team Average—Three Games—OFFICE AND PINES.....	2758				
High Single Game—OFFICE.....	1043				
2nd High Single Game—OFFICE.....	985				
High Individual Average—Three Games—WILMA DENNISTON.....	482				
First High Single Game—WILMA DENNISTON.....	215				
Second High Single Game—DOROTHEA CONKLING.....	185				
Third High Single Game—LAURA KARLSEN.....	181				

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## WHAT HAPPENED TO THE LEGISLATIVE PROGRAM OF THE SCMWA (CIO)?

Last year and during the early days of the session the SCMWA (CIO) talked loudly about its Legislative Program and what it was going to do for State employees in the 1945 session. Its little brother, the Uniformed (uninformed) Prison Officers Association (CIO) also talked big about its Legislative program. Periodically, Legislative bulletins were issued telling about the bills that had been introduced, and the bills that were going to be introduced by these organizations.

The session is now over and the record is open for examination. It is interesting to read these CIO bulletins in the light of what actually happened. Surprisingly, many of the bills on their Legislative Program were never even introduced. Most of them died in committee. Not a single bill on the program of either of these organizations was enacted. Their Legislative Program turned out to be a total blank just as it has been ever since the CIO was organized.

State employees will be interested in contrasting this record with the Association's record of solid accomplishment set forth elsewhere in this issue.



ALBANY PHONES: 5-4574 and 5-4575

The State Employee



# Civil Service Notes

## By THEODORE BECKER HOW TO DETERMINE WHETHER AN EMPLOYEE MISSING IN ACTION IS DEAD OR ALIVE

One of the conditions under which a substitute appointment must terminate is the death of the former incumbent. It is not always easy for an appointing officer to determine when this event occurs, especially where the former incumbent is missing in action, or in the case of a member of the merchant marine, is missing at sea. Until the enactment of the Foy bill (Assembly Int. No. 1164, Pr. No. 2405) into law (chapter 645, Laws of 1945) on April 9, 1945, there was no statutory rule of evidence to follow in determining the fact of the death of the missing employee.

### Attorney General's Opinion

The Attorney-General was asked to rule on this question last year by a State department that wanted to know whether a finding of death under the Federal War Pay and Allowance Act was sufficient proof of death to justify terminating the employment of a substitute. That act authorized an appropriate federal agency to make a determination that a person missing for twelve months is presumed dead for the purpose of discontinuing pay allowances, providing death payments, and settling accounts. The Attorney-General held that certificates of death issued by the appropriate federal officers under such law may be accepted as satisfactory proof of death, even though such certificates are not binding on State officials. He concluded that the federal agencies are in the best position to determine the fact of death of persons in the armed forces and the date of such death and, therefore, in the absence of proof to the contrary, State officials should accept the findings of the appropriate federal agencies on these questions.

### Evidence Acceptable by Law

The Foy Law now makes mandatory the acceptance of the findings of appropriate federal agencies on these matters. It provides that a written finding of presumed death, or a certified copy thereof, made by the Secretary of War, the

Secretary of the Navy or other officer or employee of the United States authorized to make such a finding under the Federal Missing Persons Act, shall be received in any court, office or other place in this State as evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

### Application to Merchant Seamen

In the case of a merchant seaman, a similar finding made by the Maritime War Emergency Board or by the War Shipping Administration or their successors must be accepted as evidence of the same facts.

### Evidence That Employee Is Alive

The new law also makes provision for establishing the fact that an employee thought to be missing in action is a prisoner of war and alive. It states that an official report or record, or a duly certified copy thereof made by an officer or employee, under authority of the Federal Missing Persons Act, or any other law, to the effect that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, shall likewise be received in evidence in any court, offices or other place in this State as evidence of the facts stated in such finding.

### Applicable to Military Law

Although the new statute is part of the Civil Practice Act because it is general in its application, its provisions require acceptance of the authorized findings by any office in this State as well as any court. Accordingly, such finding would require acceptance by State departments as well as by State courts. Inasmuch as the purposes for which such evidence may be used are not limited by the law, the findings could be used to determine the date of death for the purpose of fixing rights under the military law.

### TEMPORARY AND GRATUITOUS SERVICE

If you have read carefully the provisions of the New York State Military Law which defines "military duty," you have noticed the exception made in the case of military service performed as "temporary and

intermittent gratuitous service in a reserve or auxiliary force."

Just what type of service is thus excluded has been the subject of an informal opinion of the Attorney-General. He has indicated that where such service is performed only on occasion, carries no compensation and does not interfere with attention to regular public duties, the public office occupied by the person performing such service is not deemed vacated during such service. Hence, he is not on military leave of absence.

An informal opinion rendered prior to the incorporation of the quoted language in the law had indicated that even intermittent military service caused a temporary vacating of public office even though the military service was of such character that the officer could also carry on the duties of his civil office.

The Attorney-General concluded his instant opinion as follows:

"While the . . . amendment has not yet been judicially construed, it seems quite clear that it relates only to such military service as is performed without compensation and requires only absence of such temporary intermittent character that a public officer is not prevented from devoting attention to his civil duties."

### CREDIT FOR PROVISIONAL SERVICE

Under the provisions of the recently enacted Fine Law (Chapter 671, Laws of 1945) no credit in a promotion examination may be granted to any person for any time served as a provisional appointee, except that credit shall be given such person for service in his permanent position for time spent as a provisional.

### State Practice Unchanged

This law makes no change in the practice followed in the State service, although it may result in changes in other jurisdictions. In State service, a provisional appointee is credited, for the period of provisional service, with service performed in the position held just before taking the provisional position. In cases of open competitive examinations, the provisional appointee is deemed to continue in his last job

for purposes of determining his eligibility to compete and for rating training and experience. Similarly, in the case of a promotion examination, the provisional promotee is deemed to continue in his regular permanent position for the same purposes. The instant law, therefore, requires no change in this practice.

#### NEW STATE PROMOTION OPPORTUNITIES

Employees of the State Tax Department who are employed in the several Surrogate's Courts throughout the State in connection with the determination of estate tax liability are granted an avenue of promotion from their hitherto deadend jobs under the provisions of the Barrett Law (Chapter 634, Laws of 1945).

This law provides that these clerks and assistants may compete in promotion examinations to other positions in the particular Surrogate's Court where they are employed. Provision is also made for the promotion of regular Surrogate's Court employees to the estate tax positions, in their respective courts, that are under the State Tax Department's power of appointment.

#### Attorney General Rules

(4/11/45) N. Y. Constitution, Art. XIII, § 12 and Art. VI, § 19; L. 1945, cc. 159, 303, 351—War Emergency Compensation — Right of State Officers and Judiciary to Receive.

The following State officers are not entitled to additional war emergency compensation by reason of the constitutional restriction against increasing their compensation during the terms for which they have been elected or appointed: Governor, Lieutenant-Governor, Members of the Legislature, Comptroller, Attorney-General, Regents of the University of the State of New York, Commissioner of Education, Adjutant General, Members of the State Board of Social Welfare.

Judges, justices and surrogates are entitled to such additional war emergency compensation inasmuch as the constitutional provision relating to them contains no restriction upon the increase of their compensation during their terms.

(4/12/45) Legislative Law § 43—Statutes—Effective Dates.

Unless a different time is prescribed, every law takes effect on the

twentieth day after it has become a law. Sundays, holidays and the adjournment day of the Legislature are counted the same as any other day. When a law is to take effect "immediately," it means immediately after approval by the Governor, and not immediately after the twenty-day period nor immediately after passage by the Legislature.

#### Canal Lands, Rent Free, For Victory Gardens

The Department of Public Works announced recently that unused land along the Barge Canal system may be used by victory gardeners, rent free, if the gardens can be cultivated without interfering with canal operations.



\$22<sup>25</sup>

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## Mobilization of Farm Labor for the Peak Seasons of 1945

T. N. HURD, *Director,*  
Farm Manpower Service

In 1945, as in the past two years, the New York State Farm Labor Program calls for the recruiting of thousands of workers to assist farmers and food processors to meet the shortage of farm and food processing labor. Through a cooperative agreement with the State Extension Service, the United States Employment Service of the War Manpower Commission has the actual responsibility of recruiting and placing both farm help and that used for food processing.

Despite the end of the recent war in Europe the food production goals set for farmers are approximately the same as those for 1944. Plans are already under way for the mobilization of sufficient help for farmers and food processors to meet what we believe will be an even more difficult problem than that which has been faced in the past. Food will be urgently needed to feed our armed forces, the liberated countries in Europe and our people here at home.

For the past two years New York State employees have rendered valuable assistance. Farmers and food processors again need your help. It is suggested that you will consult with the local offices of the United States Employment Service and your County Agricultural Agents in order that you may be informed how best to assist in the harvesting of crops, either as (1) a part time worker on week-ends or on days off, or (2) by adjusting your vacation to meet the peak harvest needs.

The following is a summary of the more important areas and crops and the periods for which help will be most needed:

Upstate New York

Haying—June 15-Aug. 1

Long Island

Vegetable harvest—June 15-Nov. 1

Hudson Valley

Small fruits and vegetables—June 10-Aug. 1

Apples and vegetables—August 25-Oct. 20

Central New York (Madison, Oneida, Chenango, Cortland, Cayuga)

Peas and beans—June 15-Sept. 20

Western New York (Counties from Cayuga west except the southern tier)

Small fruits—June 15-July 15

Vegetables—July 1-Nov. 15

Apples, peaches, grapes—August 25-Oct. 20

Numerous other areas will have peak short period demands for large numbers of local workers.

To give you some idea of our problems, we are presenting below an estimate of the local and intra-state help only which is needed for the months from June through October.

Month	Local and Intra-State Help
June .....	37,000
July .....	106,000
August .....	102,000
September .....	112,000
October .....	83,000

These estimates are in addition to the Jamaicans, prisoners of war and southern migrants.

## Heads New Division



HON. EDWARD J. NEARY  
Director, Division of Veterans' Affairs



THE ASSOCIATION'S POPULAR EXECUTIVE SECRETARY, SERGEANT JOE LOCHNER, LOWER RIGHT, IS SHOWN WITH AN ARMY AIR UNIT SOMEWHERE IN THE PHILIPPINES

**BUY MORE BONDS!**

# Recommended Reading

Prepared by

ANNA S. JENKS

Book Information Section, New York  
State Library

## FICTION

**Commodore Hornblower**, by C. S. Forester. Little. \$2.50.

The daring British Captain, Sir Horatio Hornblower, whose previous exploits in the war against the Corsican tyrant have appeared in a number of volumes, is at long last about to settle down to the life of a country squire when the Admiralty offers him a mission of international importance in the Baltic. His life, his reputation and his self-respect once more at stake, Hornblower, as Commodore of a flotilla, eagerly departs to play a brilliant part in thwarting Bonaparte's scheme to conquer the world.

**The Private Adventure of Captain Shaw**, by Edith Shay and Katharine Smith. Houghton. \$2.50.

Having set sail over the troubled seas of 1793, a young Cape Cod captain, Philander Shaw, is left to cool his heels at the port of Brest when the revolutionary French seize his valuable frigate and its cargo. Philander's journey to Paris to seek the help of Thomas Paine, his romance with an aristocratic French girl and how he happens to return to his childhood sweetheart, the parson's daughter, are described with humor and color in an entertaining historical novel.

**The Small Back Room**, by Nigel Balchin. Houghton. \$2.50.

A gripping and unusual tale, giving an ironic portrayal of political intrigue and jockeying for power among British government officials and their underlings as they hamper the vital war work of a research group, an unofficial outfit in a small back room. Sammy, an honest young scientist, tries to get on with the job in spite of the situation, and, as the exciting narrative mounts to its climax, undertakes to discover the mechanism of the Nazi booby bombs which have been blowing to bits anyone who comes near them.

**Two Solitudes**, by Hugh MacLennan. Duell. \$3.

What happens when, against the wishes of the villagers and the priest,

free-thinking, progressive Athanese Tallard, member of parliament from a small French-Canadian farming community in the Province of Quebec, arranges the sale of French land to an English-Canadian business is the core of a provocative story, throwing considerable light on various facets of the old racial enmities in Canada.

**A Woman in Sunshine**, by Frank Swinnerton. Doubleday. \$2.75.

Letitia, charming, attractive wife of an able English barrister, suddenly finds those nearest and dearest to her involved in a variety of crucial situations, and in this subtly-fashioned narrative is seen extricating one and then another from their dilemmas even as the pattern of their relationships shifts from day to day.

**Young Bess**, by Margaret Irwin. Harcourt. \$2.50.

On the death of her unpredictable father, Henry VIII, Bess, an odd and difficult girl in her teens, is whisked away from court by her step-mother, Catherine Parr. In a historical narrative, brilliantly etching character and the devious ways of political and romantic machinations, the baffling Princess Elizabeth is seen passionately drawn to Tom Seymour, the Lord High Admiral, and, as a result, coming under a cloud of scandal and opprobrium until at last, her life in danger, she awakens to the desire "to live and to be Queen."

## NON-FICTION

**An Intelligent American's Guide to the Peace**; ed. by Sumner Welles. Dryden. \$3.75.

The average citizen may obtain essential factual information on every independent nation and every major dependent people of the world in this timely reference volume. For each country a summary is given of the characteristics of the land and its people, its history between the two World Wars, its economy and stakes in the peace.

**Solution in Asia**, by Owen Lattimore. (Atlantic Monthly Press bk) Little. \$2.

Illuminating, forthright discussion of the peoples and the main contemporary problems of Asia by a

well-known authority on the Orient. Stressing the importance of political as well as military security, Owen Lattimore suggests specific measures for an effective American policy in Asia.

**South America Called Them**, by V. W. Von Hagen. Knopf. \$3.75.

Recreating the personalities, the lives, explorations and achievements of four naturalist-explorers of South America, and describing the grandeur and savagery of the country, this exhilarating, zestful volume catches the eager enthusiasm of La Condamine, Humboldt, Darwin and Richard Spruce as they penetrated the jungles, explored rivers and endured hardship and peril in various regions and at various times.

**Straw in the Sun**, by Charlie May Simon. Dutton. \$2.75.

In 1931 land was still free for homesteading in the Ozarks, and there in the forest wilderness the author, a city woman, built, with the aid of her kindly neighbors, a log cabin and plowed and fenced a garden patch. The customs and superstitions, the native wit and wisdom of the region are woven into this fascinating account of a valiant woman's friendships, of the pretty bare-foot mountain girl and the little runaway orphan boy who shared her home, of hard winters, of berrying and canning in summer, of night-long dances and "play parties."

**Tin Horns and Calico**, by Henry Christman. Holt. \$3.75.

Vivid, well-documented study, describing the dramatic, significant period in New York history which saw the Anti-Renters band together as "calico Indians," summoned by tin dinner horns to oppose the sheriff or rent collector and eventually to do away with undemocratic feudal land practices.

**Trampling Out the Vintage**, by J. A. Cocannouer. Univ. of Oklahoma Press. \$2.75.

An absorbing record of the teaching experiences of an agricultural missionary over a period of forty years from a back country log schoolhouse to the agricultural department of a large university and to experimental work in the Philippines, seeking to improve the native



vegetables on a demonstration farm in the hills of Cavite and starting cooperative farms under the direction of the school.

### War Criminals, Their Prosecution & Punishment, by Sheldon Glueck. Knopf. \$3.

In a brilliant, important and timely analysis of a highly complex and vital problem, the noted professor of criminal law and criminology at Harvard University examines "the alleged legal obstacles to the trial and punishment of war criminals" and develops a program of action that "accords with the spirit and manner of law and justice yet is not shackled by technicalities."

## But Not for State Employees!

The following news release by the Division of Placement and Unemployment Insurance emphasizes the strange situation which the Association attempted to overcome by legislation last year and this—discrimination which accords to workers in industry a benefit which is denied to State employees who lose their jobs and remain unemployed. How long, O State, how long?

Albany, April—New York State workers who lose their jobs and remain unemployed through no fault of their own will receive more unemployment insurance benefits after June 3 of this year as a result of an amendment to the Unemployment Insurance Law enacted by the 1945 Legislature and signed by Governor Dewey.

This amendment increases the maximum benefit rate from \$18.00 to \$21.00 and the maximum number of benefit payments in a "benefit year" from 20 to 26. It also shortens the waiting period from eight "effective days" to four. In the case of a person who is totally unemployed this is the same as a reduction from two "waiting" weeks to one week. The "waiting period" is the time that must elapse after losing employment before a person who has filed a claim for benefits begins to accumulate days of unemployment for which he can be paid.

"These changes in the law put New York State right up with the leaders in social legislation," said Milton O. Loysen, Executive Director of the Division of Placement and Unemployment Insurance. "Our

benefit payment pattern is now as liberal as that of any other State in the nation. In some respects it tops them all. Extension of the amount and duration of benefits and shortening of the waiting period is particularly timely right now on the eve of partial reconversion to a peacetime economy. These new provisions were enacted just when they were needed most."

The 1945-1946 "benefit year" begins June 4 and runs through June 2, 1946. During this period eligible claimants may receive up to 26 benefit payments, ranging from a minimum of \$10.00 to a maximum of \$21.00, depending on how much they earned in the calendar year 1944.

The amount of wages necessary to qualify for benefits has been slightly increased. In order to be eligible, claimants entitled to a benefit rate of \$10.00 must earn at least \$300 in the calendar year on which their claim for benefits is based instead of \$250, as at present. Corresponding adjustments are made in higher benefit rate. In short, the amount of qualifying wages required for eligibility is increased from the present twenty-five times the benefit rate to thirty times the benefit rate.

## Some Veteran Aids

(Continued from page 125)

sional schools, universities, and other educational and training institutions, including industrial establishments providing apprentices or other training on the job.

**Expenses paid:** The Veterans' Administration will pay to the educational or training institution the customary cost of tuition, and such laboratory, library, infirmary and similar payments as are customarily charged, and may pay for books, supplies, equipment and such other necessary expenses (exclusive of board, lodging, other living expenses and travel) as are required. Such payments shall not exceed \$500 for an ordinary school-year.

**Living allowance:** The Veterans' Administration will also provide a subsistence allowance of \$50 a month if you have no dependents, \$75 if you have. (This may be reduced, however, if you attend on a part-time basis or receive compensa-

tion for work done as part of your training).

You may also want to apply for school or college credit for what you learned in the service—or a record of it to show your prospective employer. For information on this subject and application blank, write to:

### ARMY

U. S. Armed Forces Institute,  
Madison 3, Wisconsin.

### NAVY

Bureau of Naval Personnel, Navy  
Department, Washington 25,  
D. C.

### MARINE CORPS

Marine Corps Institute, Marine  
Barracks, Washington 25,  
D. C.

### COAST GUARD

U. S. Coast Guard Headquarters,  
Washington 25, D. C.



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Wartime conditions tend to crowd transportation facilities on week-ends when soldiers and war workers travel. You can aid by going places during the mid-week when possible—and by getting tickets and information in advance to avoid delays at departure time.

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## NOTES ON THE PLAN OF ACCIDENT AND SICKNESS INSURANCE

Since 1936 employees of the State of New York have been able to buy broad coverage Accident and Sickness insurance through the sponsorship of the Association of State Civil Service Employees of the State of New York and written in the Commercial Casualty Insurance Company of Newark, New Jersey, through their General Agents, Ter Bush & Powell, Incorporated, Schenectady, New York.

The rates on this form of insurance have been low and the public employees of the State of New York have been paid over a million and a half since 1936.

Recently, a survey was made comparing the year 1943 to 1944 in the various departments in New York State, and it shows the following amount of claims paid in the various departments and institutions during these two years:

### CLAIMS PAID

DEPARTMENT	1943	1944		
Agriculture and Markets.....\$	558.64	\$ 1,484.11		
Audit and Control.....	5,397.14	4,523.27		
Banking .....	349.99	112.32		
Civil Service.....	1,173.30	76.65		
Conservation .....	2,013.25	3,852.70		
Correction — Administration..	571.66	385.66		
<b>Institutions:</b>				
Albion .....	3,699.76	2,402.54		
Attica .....	1,804.61	2,394.34		
Auburn .....	1,278.31	1,549.97		
Clinton .....	941.64	498.31		
Dannemora .....	196.66	215.00		
Great Meadow .....	879.96	599.99		
Elmira .....	416.65	1,068.15		
Matteawan .....	2,158.66	1,849.99		
Napanoch .....	233.33	93.32		
Wallkill .....	353.33	712.33		
Sing Sing .....	863.33	1,134.65		
Westfield .....	2,560.81	3,340.19		
W. Coxsackie .....	429.98	1,362.48		
Woodbourne .....	149.33	407.32		
Courts .....	67.33	343.33		
Education .....	4,598.64	4,712.99		
Executive .....	3,199.73	1,414.32		
Health — Administration.....	3,234.57	3,070.61		
<b>Institutions:</b>				
St. Institute .....	678.80	906.65		
H. M. Biggs.....	2,147.63	918.32		
Homer Folks .....	178.31	1,431.97		
Mt. Morris .....	222.50	588.00		
Ray Brook .....	1,077.00	1,432.33		
W. Haverstraw .....	1,011.65	793.61		
Insurance .....	2,148.91	1,613.31		
Labor .....	3,199.04	5,213.69		
D P U I.....	3,280.77	2,282.79		
Insurance Fund .....	856.13	533.81		
Law .....	443.32	1,235.29		
Mental Hygiene—Administ... ..	511.99	281.65		
<b>Institutions:</b>				
Binghamton .....	5,367.75	5,189.23		
Brooklyn .....	2,544.78	2,712.99		
Buffalo .....	3,273.65	2,510.39		
Central Islip .....	4,389.79	3,615.38		
Craig Colony .....	6,302.30	3,624.97		
Creedmoor .....	3,452.63	1,981.98		
Gowanda .....	3,669.09	2,813.48		
Harlem Valley .....	3,383.66	1,797.32		
Hudson River .....	5,042.91	5,561.62		
Kings Park .....	9,573.86	7,359.27		
Letchworth Village .....	3,695.33	2,849.62		
Manhattan .....	5,852.30	3,891.97		
Marcy .....	3,341.79	1,222.49		
Middletown .....	4,337.45	3,419.50		
Newark .....	4,778.60	4,709.66		
Psychiatric Inst. ....	331.32	238.66		
Pilgrim .....	13,783.46	9,015.28		
Rochester .....	8,806.47	4,025.61		
Rockland .....	8,622.94	7,498.09		
Rome .....	3,657.14	6,086.91		
Syracuse .....	3,452.19	3,104.98		
Psychopathic .....	636.33	215.99		
St. Lawrence .....	5,554.64	6,525.30		
Utica .....	4,471.64	3,231.82		
Wassaic .....	5,465.25	3,593.80		
Willard .....	4,097.23	3,121.78		
Public Service .....	1,195.60	1,891.25		
Public Works .....	11,593.95	17,410.29		
Social Welfare Administ. ....	1,359.64	1,263.96		
<b>Institutions:</b>				
Industry .....	1,826.81	2,589.30		
Thomas Indian .....	93.66	148.66		
W. R. C. Home .....	86.00	39.50		
Batavia .....	378.33	564.46		
Hudson .....	994.20	303.83		
Warwick .....	518.30	456.66		
State .....	429.66	696.14		
Tax .....	9,563.31	10,409.13		
Miscellaneous .....	7,709.93	9,961.85		
<b>Total .....</b>	<b>\$216,521.55</b>	<b>\$199,489.08</b>		

## On D.P.U.I. Roll of Honor

Payroll Examiner Alex Sherman, killed in action in France.

Payroll Examiner Julius Aronson, killed in action in Germany on December 3, 1944. The Purple Heart was awarded posthumously. Mr. Aronson was 25 years of age, and a graduate of the College of the City of New York.

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