

# The State Employee



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NEVER BEFORE IN THE HISTORY OF NEW YORK STATE  
SERVICE HAS THERE BEEN SUCH A DEFINITE NEED FOR  
STATE EMPLOYEES TO  
ORGANIZE COMPLETELY IN ONE ASSOCIATION

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- Nineteen Hundred Forty-four and Nineteen Hundred Forty-five will be outstanding milestones in the progress of civilization in the world at large, in the United States, and in our own State of New York.
  - Forty thousand New York State Civil Service Employees owe it to themselves, their fellow-workers, and to their State to band themselves together as a solid unit in their own organization to defend and to advance merit system principles and sound employment practices throughout every office and institution in the State.
  - Twenty-two thousand workers have already enrolled in the Association of State Civil Service Employees thus far in 1944. Are you among this number? If not, enroll today and have a part in constructive achievement.
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**THE ASSOCIATION OF  
STATE CIVIL SERVICE EMPLOYEES  
OF THE STATE OF NEW YORK, INC.  
HEADQUARTERS, STATE CAPITOL, ALBANY, N. Y.**

Organized in 1910 — Present membership 27,000 (the largest all-State employee organization in the United States) — Located at seat of State Government — Dues \$1.50 per year — less than 1/2 cent a day.

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# The State Employee

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APRIL, 1944

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## "Rights, Interests and Dangers"

When our Nation was young, the people had very limited means of communication. But they responded quickly to the printed words that did reach them from informed, liberty loving sources. John Dickinson, a lawyer of Philadelphia, published in the pre-revolutionary period what he called, "Letters of a Farmer." Among other profound observations of the trend of the colonists toward freedom, he referred to a new nation "bound together by the same rights, interests and dangers."

A brief survey of the present status of civil service employees and the merit system indicates that these three great unifying considerations must be taken to heart today. And all State civil service employees and workers generally will do well to ponder upon the meaning of present political trends. The early colonists did not like the arbitrary, dictatorial policy of the English Parliament. No people who have respect for themselves or sympathy with the wholesome ideals of good men and women as exemplified in the struggles for decent standards of living by the millions of home loving Americans, can long condone without protest selfish, discriminatory or non-cooperative policies.

The Association of State Civil Service Employees set forth in its progressive program for 1944, the blue print of a fair labor policy for the State of New York. It naturally expected that the executive and legislative branches of government would cooperate with employees to make the blue print its own insofar as it was possible to do during the year.

The history of the 1944 Legislature and of executive budgeting, insofar as it relates to civil service matters, has been reported in detail in the weekly issues of The Civil Service Leader. The June issue of

**"The State Employee" will contain a comprehensive survey and at that time the action of the Governor on the various bills will be known and reported.**

Keen disappointment with administration failure to recognize the 25% increase in living costs, or the fact that State salaries have never been adjusted to the new requirement in 1939 that they pay a Federal income tax, except to the extent of the hastily formulated plan of last year providing 10% on salaries up to \$2,000 and 7½% on salaries of \$2,000 to \$3,975, with no recognition for those drawing more than \$4,000, was expressed by employees from Niagara Falls to Montauk Point.

The threat to the very existence of the merit system inherent in the Hampton-Devany constitutional amendment proposal was the unexplainable act of the Legislature. We can only conclude that they felt it was so wholly unfair to the soldier and to his son, daughter, brother, sister, father, mother, all his relations and to his neighbor, that it would be beaten soundly at the polls should it ever survive another Legislature.

The provision in certain Public Works legislation for setting aside the merit system in connection with the employment of many workers, is properly condemned on grounds well set forth in the following editorial from the New York Times of March 30th:

### "Jobs for the Boys"

"Among the bills now on Governor Dewey's desk there are at least three on which he could use the pocket veto to good advantage. One permits the Superintendent of Public Works to 'retain and employ private engineers, architects and consultants,' not only for preparing designs and giving advice on projects but also for 'services \* \* \* in the administration of the Departments.' The Superintendent under

these provisions could just about eliminate the civil service in the upper ranks of his establishment. A second measure purports to promote 'the prompt reemployment of citizens discharged from the armed forces and war industries prior to or upon the termination of the war.' What it does is to eliminate civil service requirements on public works projects during a 'transition period' running until the end of 1945. A third measure amends the pari-mutuel revenue law to give a 'license director' appointed by the Secretary of State power to collect fees and issue licenses to persons qualified by citizenship for employment in operating the pari-mutuel systems.

One of the stated objects of the pari-mutuel revenue law is 'the improvement of the breeding of horses.' The real object of the amended law seems rather to provide wages for somebody's deserving camp followers. The same thought of distributing patronage for political reasons is evident in the two bills affecting the Department of Public Works. The idea of jobs for the boys runs through the lot. We think it is clear that these three bills do not deserve approval."

The Association has every confidence in the integrity of the present Superintendent of Public Works; it condemns as unfair to the people of the State the breaking down of their will as to the selection of civil employees as contained in the Constitution. There is and can be no crisis demanding such action.

A pleasing feature of the year was the activity of the Civil Service Commission in proposals intended to clarify and streamline civil service procedure. A number of constructive measures were proposed by the Commission. However, through ap-

(Continued on page 91)

# New Maintenance Values

On March 1, 1944, the Director of the Budget sent to all State institutions the maintenance charge schedule shown below, with the statement that this is to supersede all previous instructions or memoranda.

The Association carried in "The State Employee" of September, 1943, the original maintenance charge schedule as issued by the Director of the Budget on September 3, 1943. In view of the fact that these maintenance values are of great interest to thousands of employees in the institutions, we carry the revised schedule in full:

## MAINTENANCE CHARGE SCHEDULE

Pursuant to the responsibility imposed by Section 42 of the Civil Service Law, the Director of the Budget has determined the fair value of food, lodging and other types of maintenance provided by the State to its institutional employees.

These values have been arrived at after an exhaustive study of the types and qualities of maintenance now being furnished in the several institutions of the State, the costs to the State of providing these facilities, the charges made for comparable services in the communities adjoining the institutions, and the maintenance plans and values in effect in the institutions of the Federal Government and other states and in municipal and private hospitals.

Values arrived at by these price schedules are to be used by the institutions in the computation of the existing gross salary of their employees, where such gross salary consists of cash and various items of maintenance. The values also are to be used by the institutions in making deductions from the gross salaries of the employees as fixed by the Salary Standardization Law. These maintenance charges become effective for mental hygiene institutions on October 1, 1943, and for all other institutions on April 1, 1944.

NOTE—Wherever the dates September 30, 1943, and October 1, 1943, appear, all institutions, other than mental hygiene institutions, should read these dates as March 31, 1944, and April 1, 1944.

### Gross Salaries as of September 30, 1943

All officers and employees of institutions in service on September 30, 1943, receiving food, lodging and other maintenance, pursuant to law, shall have their gross salary computed by adding to their cash compensation the value of their maintenance as determined in the following schedules:

NOTE—Throughout this memorandum the word "credit" means the amount for maintenance that was added to net salary as of September 30, 1943, to translate the same into a gross salary. "Charge" means in all cases what the employee or officer has to pay for maintenance after September 30, 1943.

#### I. Living Quarters Rates

Fair values of living quarters are established according to location of the institution and type, size and quality of the accommodations.

A complete physical inventory and classification has been made of all living quarters in State institutions. This inventory and classification has been prepared in cooperation with the officials of the institutions. Each

institution is furnished with a list of all of its accommodations, classified according to quality. The institutions have transcribed on this list the semi-monthly and annual charge for each unit pursuant to the schedule of charges for various types of accommodations, a copy of which accompanies these instructions.

#### A. Locational Classification

The State institutions have been classified according to location as follows:

Urban	Semi-Rural	Rural
Binghamton	Central Islip	Craig
Brooklyn	Hudson River	Gowanda
Buffalo	Kings Park	Harlem Valley
Creedmoor	Marcy	Letchworth
Manhattan	Middletown	Rome (colonies)
N. Y. Psychiatric	Newark	St. Lawrence
Rochester	Pilgrim	Syracuse School
Syracuse Psychopathic	Rockland	(colonies)
Syracuse School	Rome	Wassaic
Utica		Willard
Buffalo Cancer	Ithaca	Mt. Morris
	Oneonta	Ray Brook
	Hudson	West Haverstraw
		Hudson (farm)
		Industry
		Iroquois
		Oxford
		Warwick
	Auburn	Albion
	Elmira	Attica
	Matteawan	Clinton
	Sing Sing	Coxsackie
	Westfield	Dannemora
		Great Meadow
		Napanoch
		Wallkill
		Woodbourne
Fort Schuyler (effective postwar)	Batavia	

#### B. Basic Room Rates

The basic room rates used in the final determination of the value of a living unit which is furnished, heated and lighted are as follows:

##### BASIC MONTHLY ROOM RATES

Location of Institution	Room Quality			
	1	2	3	4
Urban	\$14.00	\$12.00	\$10.00	\$8.00
Semi-rural	12.60	10.80	9.00	7.20
Rural	11.20	9.60	8.00	6.40

#### C. Additions for Sanitary Facilities

The rate for a living unit containing special sanitary facilities is increased as follows:

Wash basin in room, add.... 10% of basic one room rate  
Private toilet, add..... 10% of basic one room rate  
Private bathroom, add..... 50% of basic one room rate

#### D. Multiple-room units

The rates for suites, apartments and houses are built up as follows:

First room ..... 100% of basic one room rate  
Second room, add..... 75% of basic one room rate  
Third to tenth rooms inclusive, for  
1st quality residences..... 50% per room  
Third to seventh rooms inclusive, for 2nd,  
3rd and 4th quality residences..... 50% per room

(No rates are to be made for rooms over the above seven and ten rooms).

**Kitchen**—compute as 100% of the basic room rate and count the kitchen as the second room.

**Bathroom**—compute only for one bathroom and at 50% of the basic first room rate. Do not count as a room.

This schedule is exemplified as follows:

Suites (no kitchen)		Apartments or Houses	
First room .....	100%	First room .....	100%
Second room .....	75%	Kitchen .....	100%
Third and over..	50% ea.	Third and over..	50% ea.
Bathroom .....	50%	Bathroom .....	50%

#### E. Shared Quarters

Rates for quarters shared with other employees shall be adjusted as follows:

##### 1. Rates for Two Employees

For all units shared by two employees add 50% of the basic one-room rate to the total rate for all rooms in the unit and divide the total equally between the two employees.

For example:

Rooms	Total rate to be divided equally between the two occupants
1 .....	150% of basic one-room rate
2 .....	225% of basic one-room rate
3 .....	275% of basic one-room rate
4 .....	325% of basic one-room rate

The facility surcharge shown in "C" above shall be divided equally between the sharing employees.

NOTE—(1) For officer's quarters occupied in part by an employed family member, cf. VI, B.

(2) For officer's quarters occupied in part by an assigned State employee, cf. V, A.

##### 2. Rates for Dormitories

The rate for three or more employees living in a dormitory shall be for each 60% of the basic one-room rate irrespective of any special facilities.

#### F. Special Rate Adjustments for Suites and Rooms

##### 1. Housekeeper's and Dormitory Supervisor's Suites.

For a two-room suite occupied privately by a housekeeper, housemother, dormitory supervisor, etc., and where the suite is assigned to the employee because of duties in the building and the lack of other smaller adequate quarters, there shall be no credit or charge for the second room. The facility surcharge shall be unaffected.

##### 2. Colony and Cottage Quarters

Living quarters occupied by colony and cottage couples and single employees who periodically vacate their quarters during a portion of the month for use by relief couples and other employees shall be credited and charged at three-quarters of the regular rental rate. Relief couples and single relief employees moving from colony to colony, or from cottage to cottage, periodically, shall be credited and charged one-half of the rental rate of the average quarters occupied.

#### G. Allowable Facility and Utility Adjustments for Apartments and Houses

In apartments or houses, where furniture and other basic facilities and utilities are not provided, the following reductions shall be made in the rates set forth above:

Unfurnished, subtract .....	15% of full quarters rate
Heat or fuel for heat not provided, subtract .....	15% of full quarters rate
Electricity not provided, subtract .....	5% of full quarters rate
Gas or cooking fuel not provided, subtract .....	5% of full quarters rate

Stoves and refrigerators not provided, subtract .....	5% of full quarters rate
Water, interior running supply not provided, subtract .....	5% of full quarters rate

NOTE—Living quarters shall be deemed to be furnished, if at the time they are turned over to the occupant they contain most of the essential furniture and are officially designated as being furnished. No reduction shall be made in the rate for any supplementation or substitution of furniture by the occupant either at the time of occupancy or subsequently.

#### H. General Rate Adjustments for Apartments and Houses

##### 1. Quarters Rented to Employees in Lieu of Commutation for Living Quarters and Head of Family Allowance.

Occupants of quarters by the above-described arrangement on September 30, 1943, shall be credited and charged for their value at the living quarter rates of this schedule.

Any employee receiving cash (indirectly through commutation for living quarters and head of family allowance) for heat, light, cooking and refrigeration on September 30, 1943, will be credited with that amount for his gross salary on October 1, 1943.

##### 2. Quarters Rented to Employees Not as a Part of their Maintenance.

In above circumstances, rental rates in effect on September 30, 1943, shall remain unchanged during the occupancy of the particular quarters by the then resident employees. New occupants and employees moving to different quarters shall be charged according to the living quarter rates of this schedule.

##### 3. Houses Rented for Officers from Private Parties.

Officers occupying such houses on September 30, 1943, shall be credited and charged for their rental value at their actual cost to the State. This procedure shall also apply to any facilities and utilities for those living quarters provided or paid for by the State.

At the expiration of State leases on such houses, the occupying officers shall make personal arrangements to assume responsibility for their living quarters. The gross salary of the officer shall remain unchanged.

##### 4. Quarters Erected on Institution Grounds by Private Organizations.

No credit or charge shall be made for living quarters erected and furnished by private organizations, such as churches, with the approval of the proper State authorities. If the State furnishes any utilities or facilities in connection therewith, such as heat, light, laundry, garage, etc., credits and charges shall be made for them in accordance with the discount percentage rates in "G" above and with the regular rates for other maintenance items in "II, III and IV" following.

NOTE—The basis for the percentage computation of the value of utilities and facilities shall be the full quarters rate for the type, size and quality of the accommodations as determined in the institution's classified inventory.

#### II. Food Rates

##### A. Meals

Rates for meals are varied as to type. The rates are fixed as nearly as possible at cost, as determined in a recent survey. In the computation, allowance has been made for more than a normal number of absences from meals. The monthly rates for each type and kind of meal are as follows:

### Monthly Meal Rates

Type of Meal	Breakfast	Lunch or Supper	Dinner	Total for Three Meals
Staff	\$9.00	\$12.00	\$15.00	\$36.00
Employee	6.00	8.00	10.00	24.00

NOTE—Staff type meals are distinguished from Employee type meals in the following respects:

1. A more varied and expensive menu.
2. More individualized preparation.
3. Service in smaller, and more private and attractive dining rooms; and
4. More personal service including waitress service, table linen, etc.

A preponderance, rather than equal presence, of these factors establishes the Staff type of a meal. The institution shall designate which meals, if any, are of the Staff type. These designations shall be subject to review by the department and by the Director of the Budget. No person not entitled by position to Staff type meals shall be credited with the value of the same.

#### 1. Special Meal Adjustments.

##### a. For Employees on Rotating Tours of Duty

Non-resident employees taking one or two meals on tour of duty and whose tours of duty rotate through the three meals or who are subject to periodic shifts of tours of duty shall be credited and charged the average rate of \$8.00 per meal per month.

##### b. For Hospitalized Non-resident Employees

Non-resident officers and employees hospitalized at the institution for a period of seven consecutive days or longer shall be charged for three meals a day at the employee rate for the period of their hospitalization.

##### c. For Official Absences from Duty

An employee, resident or non-resident, absent from all meals for a period of seven or more consecutive days during vacation, accumulated pass days and other protracted absence from duty shall not be charged for meals during that period of official absence.

#### 2. Children's Meals.

Meals served in or provided from institutional dining rooms and kitchens for minor children shall be at the following monthly rates for each type of meal and each age group:

##### Children's Monthly Rates for Three Meals

	Under 2 yrs.	2-5 yrs.	Over 6 yrs.
Staff type meals .....	\$9.00	\$18.00	\$36.00
Employee type meals ...	6.00	12.00	24.00

NOTE—These rates are at the same proportion for the same age groups as the table of values established for food from stores credit for minor members of officers' families in "B" below.

An officer entitled by his position to family maintenance with children eating in or from institutional dining rooms and kitchens on September 30, 1943, shall be credited with the schedule value of their meals according to their age at that time. After October 1, 1943, the officer shall be charged for their meals according to the above schedule, the rate progressing with the advancing ages of the children.

#### B. Food from Stores

Authorized withdrawals of food from stores shall be charged at cost to the institution plus a 10% service fee, or, in the case of institution home-produce, at prices determined by the most recent departmental food pricing conference plus a 10% service fee.

##### 1. Schedule of Cost Rates for Various Cuts of Carcass Meats.

This schedule is to be used for the calculation of cost rates for the meats cut from carcasses either purchased or home-produced. See meat cuts table on page 80

#### 2. Food from Stores Credit-Account.

An officer entitled by his position to family maintenance, resident in institutional living quarters with housekeeping facilities and desirous of the privilege of withdrawing food from stores for his family use shall establish his personal food from stores credit-account for all members of his family, according to the following schedule:

##### Food from Stores Schedule

Adults .....	\$20 per month
Minors over 6 years.....	20 per month
Minors, 2-5 years .....	10 per month
Under 2 years .....	5 per month

An officer entitled by his position to family maintenance and on September 30, 1943, keeping house in institutional living quarters and drawing institutional food from stores shall be credited in his gross salary according to the above schedule. The credit for the officer's children shall be according to their ages as of September 30, 1943.

#### 3. Special Food from Stores Adjustments.

##### a. For Officer's Family

The officer's gross salary, as of September 30, 1943, shall not later be increased for any additions to the number of his family members, or for the maturing of his children after September 30, 1943. However, if his privilege of withdrawing food from stores is to continue, full appropriate payroll deduction shall be made for each member of his family.

The officer's gross salary shall not be reduced by any decrease in the number of his family members after October 1, 1943. Further, only the proper payroll deduction shall be made for each member of his family.

Officers are permitted to take food from stores credit for absent minor members of their families whose legal residence is the officer's home and for whom they continue to provide maintenance. Minor children in the armed services are not to be included.

##### b. For Officer's Assigned Patients and State Employees

If a patient or a State employee is assigned to an officer, his household food from stores credit-account shall be increased appropriately. In the case of a patient, there shall be no charge to anyone, only a proper increase for the officer's credit-account. In the case of a personally assigned State employee, she shall have charged against her gross salary the amount added for her to the household food from stores credit-account. Cf. V, B. These amounts shall be at the adult rate (\$20.00 per month), if the officer is responsible for all their three meals. If the assigned State employee or patient is not on duty through three meals, the following is the monthly schedule for each meal:

##### Partial Food from Stores Schedule

	Breakfast	Lunch or Supper	Dinner
Patient or assigned			
State employee.....	\$5.00	\$6.67	\$8.33

NOTE—These rates are at the same proportion for the same meals as the table of values established for meals in II.A.

SPECIAL NOTE—(1).—The amounts in the above patient and assigned State employee food from stores schedule added to the officer's credit-account are not to be considered an additional part of the gross salary of the officer. But, the whole household food from stores credit-account is the officer's responsibility.

(2).—Unused balances of the household food from stores credit-account shall be paid to the officer on a special quarterly payroll. Excess charges above the household food from stores credit-account shall be paid by the officer quarterly.

#### c. For Officer's Official Guests

Official guests of officers shall be maintained at State expense.

### III. Laundry Rates

In institutions equipped to render laundry service, duty laundry shall be done without charge for all officers and employees.

Resident officers and employees in such institutions shall also have personal and household laundry done without charge, unless there are family members residing with them. If there are family members residing with them, no personal or household laundry shall be done unless a payroll deduction of \$2.50 per month is made for each family member other than such officer or employee.

The officer or employee shall receive credit for September 30, 1943, according to the laundry arrangement then existing. Thereafter, he may continue the laundry arrangement if the charge is made as above.

#### Special Laundry Adjustment

No resident employee not entitled to family maintenance shall have his gross salary on September 30, 1943, increased by the value of personal and household laundry done for him and his family prior to that date. Any such laundry done after September 30, 1943, shall be charged for at the rate of \$2.50 per month for each family member other than such officer or employee.

### IV. Garage Rates

The rates for storing automobiles irrespective of the geographical location of the institution are fixed at \$1.00 per month for a shelter; \$2.00 for an unheated garage; and \$3.00 for a heated garage.

#### Special Garage Adjustments

No credit or charge shall be made for garaging any privately-owned vehicle of a Director or Steward of an institution which is officially accepted as being used mostly in State service.

Any garages on insitutional grounds erected or acquired by an employee prior to September 30, 1943, may, with the approval of the head of the institution, be used personally by that employee without charge during his service to the institution. When the employee leaves the institution's service, he shall abandon it to the State.

All garages "owned" by individuals, community stores or other institutional organizations, together with their appurtenances, driveways and approaches, shall not be maintained at State expense.

### V. Officer's Personally Assigned State Employees

An officer entitled by his position to the services of one or more State employees in his household shall have included in his gross salary on September 30, 1943, \$1,200 for each such State employee, even though the position may be vacant on that date.

On and after October 1, 1943, a charge equal to the exact gross annual salary or \$1,200 per year, whichever is less, shall be made for each employee furnished by the State. No charge in excess of \$1,200 per year per employee shall be made, even though the employee's gross annual salary should exceed that amount.

No charge shall be made for the services of a State employee during the time the officer is without such services.

NOTE—In the case of an officer officially receiving the services of a personally assigned employee on a part-time basis, the credit and the charge to and from the officer's gross salary shall be computed at a corresponding proportion of the employee's gross salary, such gross salary not to exceed \$1,200 per year.

#### A. Living Quarters

Officers shall not be charged for rooms in their residences actually occupied by personally assigned State employees. Charge shall be made up to the maximum, according to the limits of the quality grades of the quarters, for all rooms not occupied by personally assigned State employees.

All personally assigned State employees resident in officers' homes shall be credited as of September 30, 1943, with one room private, common sanitary facilities of second quality, except where the actual accommodations are inferior thereto, and after October 1, 1943, they shall be charged at the same rate unless they transfer to other quarters outside the officer's home.

#### B. Food

A personally assigned State employee shall be appropriately credited for her gross salary according to the adult food from stores schedule. Cf. II, B, 3, b. After October 1, 1943, she shall be charged appropriately for food from stores, which amount shall be added to the officer's household food from stores credit-account.

NOTE—It shall be presumed that the personally assigned State employee will be adequately fed either from institutional stores or from privately purchased provisions. Thus, her food from stores charge will justly revert to the officer who has substituted for institution stores, other provisions purchased privately out of his own funds.

### VI. Special General Maintenance Adjustments

#### A. Maintenance of Employees in Military Service

The gross salary of an officer or employee, absent on military service, shall be computed as of October 1, 1943, as though the employee was then on duty at the institution.

This means that his maintenance value shall reflect the privileges of his title and his family composition as of that date:

(1) The credit for living quarters shall be for those quarters last occupied at the institution before entering military service.

NOTE—An exception to the above shall be made, where the employee is an officer of the institution entitled to family maintenance and since his entry into military service became married prior to October 1, 1943. In this instance, his living quarter credit shall be the average of that which married officers of the same rank in the same institution had on September 30, 1943.

(2) The meals or food from stores and laundry credits shall be computed on the basis of the employee's family composition as of September 30, 1943, and, of course, on his eligibility for these privileges.

(3) Credit for garage, if any, shall be for that last used.

(4) Credit for an assigned State employee, if any, shall depend on the officer being entitled thereto.

The payment of differential pay shall be according to State law. The net payment to the officer shall be an amount minus the charge for the maintenance items, if any, actually furnished by the State to the officer's family.

**B. Officer's Employed Family Members, Residing in Officer's Home and Partaking of Meals There Prepared from Food from Stores.**

The officer shall be credited and charged for the employed family member's maintenance as though

the family member were not employed. The employed family member shall be credited and charged for only that maintenance actually received outside of the officer's home, e.g., meals taken in institutional dining rooms during tour of duty.

	Choice cuts 40% above carcass price	Second cuts 20% above carcass price	Third cuts at carcass price	Fourth cuts 40% below carcass price
<b>Beef</b> .....	Porterhouse, T-bone, club and boneless sirloin steaks	Sirloin steak (bone-in); roast ribs of beef; round steak and roast	Pot roasts (chuck and rump)	Stew and ground beef (fore and hind shanks, plate, brisket, flank, navel and neck)
<b>Veal</b> .....	Cutlets, loin chops	Rib chops; roasts from boneless sirloin and boneless rump, loin and leg	Shoulder chops; roasts from shoulder rump (bone-in) and sirloin (bone-in)	Stew and patties and coarser roasts, (breast of veal, flank, neck and shanks)
<b>Lamb and Mutton</b> .....	Chops and roasts—loin	Rib, leg or sirloin chops and rib roast	Leg roast, shoulder chops and roast and chuck	Stew and patties (breast, flank, neck and shanks)
<b>Pork</b> .....	Chops and roasts—loin and rib	Fresh ham, cured ham and bacon	Shoulder roasts	Sausage (home product) and spare ribs

NOTE—All meats not purchased in whole carcass form, such as smoked hams, bacons, sausages, and special cuts, shall have the cost rate of their purchase price.

**Dr. Bigelow On Standardization Board**

Governor Thomas E. Dewey recently announced the appointment of Newton J. T. Bigelow, M.D., Assistant Commissioner of the Department of Mental Hygiene, to the Chairmanship of the Salary Standardization Board.

Dr. Bigelow, a first assistant physician at Pilgrim State Hospital, was appointed superintendent of Edgewood State Hospital on August 16, 1943, by Commissioner Frederick MacCurdy of the Department of Mental Hygiene. On September 1, he was named Assistant Commissioner of the Department to serve in the stead of H. Beckett Lang, M.D., who is on active service with the United States Navy.

Newton Bigelow was born on January 15, 1904, at London, Ontario. He was educated in the schools of that city and at the University of Western Ontario, from which he was graduated in arts in 1925 and in medicine in 1928. After interning at Victoria Hospital, London, he entered the New York State Hospital service at Utica State Hospital on July 1, 1929. He was promoted through the various grades to director of clinical psychiatry at Utica and at Pilgrim, then to first assistant physician at the latter hospital.

Dr. Bigelow served at neurologist and psychiatrist to Faxton Hospital, Utica, and to the Utica Dis-

pensary during his years in Utica; as neuropsychiatrist at the Armed Forces Induction Station at Grand Central Palace, New York City, and as assistant physician at Pilgrim. He is an associate editor of The Psychiatric Quarterly and is author or co-author of a number of reports on studies relating to personality in functional and alcoholic disorders, family care, psychosomatic pathology, shock therapy and administrative methods. He is a member of the American Medical Association, the American Psychiatric Association and the Long Island Psychiatric Society, and is a diplomate of the American Board of Psychiatry and Neurology. His non-professional interests include music, painting and language study.

Dr. Bigelow was married in 1929 to Alberta Turville of Wailacetown, Ontario. They have three children.

The members of the Salary Standardization Board, which is made up of five members appointed by the Governor, including a representative of the State Civil Service Commission, the Division of the Budget, a State employee in the competitive class and one in the non-competitive class are: Dr. Bigelow, Chairman; Frank L. Tolman, Education Department, Secretary; Mrs. Marjorie Arnold, Department of Taxation and Finance; Charles L. Campbell, Department of Civil Service; William R. McWilliams, Division of the Budget.



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*The State Employee*



# Getting Employees Placed

By FRANK H. DENSLER

(Address delivered at Conference of Personnel Representatives of State Departments, January 14, 1944)

This article is not intended to cover the various and sometimes lengthy procedures and paper work involved in "getting employees placed." Instead the purpose will be to omit reference to many of the elementary operations under the Civil Service Law and Rules and confine the remarks to those parts of the rules and operations concerning which appointing officers or their agents occasionally and sometimes frequently lack knowledge or clear understanding.

At some points advice is given to the appointing officer so that he may avoid certain difficulties.

All of the material refers to appointment in the competitive class. **Temporary Appointments (Rule VIII-9 and Provisional)**

Rule VIII, Subdivision 9 is probably the most used rule of the State Civil Service Commission. Its use has been equally praised and criticized. In substance the rule provides that the Civil Service Commission, within limitations, may except from examination (a) any person who shall render professional, scientific, technical or other expert service of an **occasional** and **exceptional** character; or (b) any person who shall render services for which, because of their temporary and exceptional character, it would not be practicable to hold an examination.

It may be well to mention some legitimate uses of this rule and some points to keep in mind when making appointments under it.

The second half of the rule is used most frequently. In employment operations it soon became evident that some procedure was needed to cover numerous short-term appointments to positions for which no eligible lists were available, and where it would be impractical to hold competitive examinations simply for filling these miscellaneous temporary vacancies.

The first portion of the rule is applied largely to the employment of consultants. A word of caution is given to the appointing officer at this point. Merely designating

or nominating a person under the title of "Consultant" will not in itself cause the Civil Service Commission to accept blindly the appointment under this rule. The Commission is well within its rights in requiring a detailed statement of the qualifications of the nominee in order to ascertain whether the person is of outstanding attainment in the specified field and that there are no eligible lists which would supply equally qualified persons.

Regardless of the part of the rule which may apply to the appointment, the appointing officer should not assume that he has the right to employ a person lacking the minimum training and experienced qualifications acceptable to the Civil Service Commission.

In provisional appointments the nominee is also expected to have sufficient training and experience to meet the minimums set for the position. If he does not fully meet them and the Civil Service Commission is convinced that the appointing officer is unable to find a fully qualified person to serve pending establishment of an eligible list, the provisional nominee may be allowed to serve under Rule VIII-9 but he is **not** eligible to take the examination.

If an examination produces no successful candidates or results in an eligible list found immediately inadequate for filling existing vacancies, the provisional appointees who failed to attain the eligible list may be approved by the Civil Service Commission, under rule VIII-9, to serve temporarily until a new list is established. The Commission, however, has usually refused to extend the temporary employment of such persons beyond this second list.

Situations arise where, upon establishment of the eligible list, it is found that a department has a large number of provisional employees of whom few, if any, are in a reachable position on the list, that the position is one of importance requiring well trained persons, and that the provisionals have been serving sufficiently long to become thoroughly acquainted with the specialized features of the work. Such a situation might cause serious dis-

ruption of the work if the replacement of all of these temporary employees was required within the twenty days usually allowed after establishment of the eligible list. Therefore, the Commission, upon being convinced of the seriousness of the situation, may approve an extension of service of some of the provisionals so as to permit more gradual replacements from the list. For example, where eighty provisionals were employed, the plan might have required the replacement of twenty every two weeks.

In making provisional appointments pending a promotion examination, the appointing officer may nominate a qualified person who is either employed within or without the service.

It should be noted, however, in such a case that the outsider would not be eligible to compete in the promotion test. If a regular permanent employee of the department is nominated, the rules require the appointing officer to give the employee written assurance that his regular position will be available should he fail to secure the promotion.

There have been some very unpleasant occurrences where the appointing officer has failed to fulfill this requirement of keeping the old job available for the provisional employee.

Note that in all these illustrations, **short duration** of the employment is a prevailing characteristic. Frankly, the rule is all too often abused by extensions, due, in part at least, to lack of foresight and planning. The rule is admittedly inadequate to meet some needs of the service and is under study by the Commission. Meanwhile, we should hold it to its legitimate uses and to that end urge upon you a thorough understanding of its limitations.

**Promotions (Non-competitive under Rule XIV-4)**

Much misunderstanding exists with regard to operations under this Civil Service Rule. The rule relates to promotions where there are not more than three persons eligible for, or file applications for, promotion examination. Regardless of the provision in the rule that no examination shall be required under such

conditions of competition, when the person to be promoted has qualified in an examination of equivalent character or when the promotion consists of a mere increase in salary without change in duties, we find, time after time, the appointing officer assuming this rule to mean that, invariably, no promotion examination is necessary if not more than three persons are eligible or file applications.

The construction of this rule was based on the theory that if not more than three persons could compete in a promotion examination the appointing officer could choose for appointment any one of the three who might pass the test. Therefore, it is assumed that if the employee to be promoted had passed at some time an equivalent civil service examination he could pass a similar one at present.

With regard to the phrase in this rule, "Where the promotion consists of mere increase in salary without change in duties," it should be explained that this phrase does not apply now to most of the State positions because they are classified under titles to which are attached definite duties and responsibilities, and salary grades. For such positions the employee cannot be advanced to a higher salary grade without assuming higher duties or responsibilities.

However, in a few services under the jurisdiction of the State Civil Service Commission there are still positions not graded by title and duties. In these services no definite salary grade is attached to the title of position and employees may be considered for salary advancement to the next higher salary grade or range although there will be no change in title or duties involved. But the process of advancing from one salary grade to a higher one is defined by law also to be a promotion. However, there is no reason to test the knowledge or skills of the competitors for this kind of promotion except where the competition exceeds the non-competitive limits and it then becomes necessary to determine competitively the three persons best equipped for the advancement.

#### Transfers

Probably all appointing officers are aware that permanent employees may be transferred from one State department to another. Many may

know of the basic restrictions that transfers of the employee is permissible only after he has completed his probationary service and that transfer can be made only to the same or similar type of position in the same or lower grade. They may have knowledge that such transfers are permitted only when it is impracticable to fill the vacancy by promotion. However, not so many understand the reasons for applying these principles to internal transfers in those departments which have of their own choice been subdivided into units for promotion purposes.

Departments so subdivided for promotional purposes are, in effect, split into smaller independent departments. They may obtain the establishment of separate promotion lists for each of these subdivisions, and the appointments may be made in one promotional unit without consideration of the employees in the other promotional units.

Therefore, as there is this independence, the rights for promotion of employees within a promotional unit should be considered before permitting a vacancy to be filled by the transfer of employees from other promotion units of the same department.

To operate otherwise would permit unfair practices.

This is illustrated in the following situation which arose at a time when the Civil Service Commission was persuaded to believe that transfer restrictions under the law and rules, applied only to employees changing from one recognized State department to another but not to changes from one promotional unit to another in the same department.

The case was that of a large department which desired to fill by promotion a certain type of position which was vacant occasionally in each of its promotion units. The department made the reasonable request that a promotion examination be opened to all eligible employees of the entire department and that in certifying from the resulting general eligible list, preference be given to employees of the promotion unit in which the vacancy existed.

This was like setting up, simultaneously, a separate promotion list for each promotional unit.

After the list was established, this is what happened: A vacancy in Unit C was filled by Jones who was

highest in rating among the eligible serving in that promotional unit. He was, however, No. 50 on the general list. Shortly thereafter, a similar vacancy occurred in Unit A and Jones was transferred to it despite the fact that in Unit A there were eligibles waiting for promotion from this list, some of whom rated higher in the examination than Jones; in fact, three of them stood Nos. 3, 8, and 10, respectively, on the general list. They received no promotion because the vacancy in Unit C left by Jones, was filled from the list by appointment of a person who was employed regularly in Unit C and whose place on the general list was even lower than that of Jones. The storm of protest from the employees caused the Civil Service Commission to adopt its present policies with regard to transfers between promotion units.

Transfers may be made when there exists an appropriate list of laid-off employees provided the transferee leaves a vacancy which will be filled from such list of suspended employees and provided there is not on that list the name of a person who was laid off from the department to which transfer is sought. Naturally, a laid-off employee has the first claim to a job occurring in the department from which he was separated.

There is another type of transfer which, although made infrequently, may be of interest. It is the temporary transfer of employees loaned by one department to another for a specified period and usually for some special project. Such loaned workers retain all of their civil service rights and privileges with the department left and acquire no status in the one to which they are temporarily transferred. Particularly in such matters as promotions and layoffs are these employees still considered as an integral part of the staff of the department in which they were regularly serving.

There is one other detail which should be mentioned with regard to making any kind of transfers. No transfers are allowed to non-existent positions. Sometimes an appointing officer has desired the services of an individual employed in another department but found in his own department no vacant position similar to that held by the employee. There

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# The Winning Short Story

This month's winner in the SHORT STORY CONTEST, regular feature of "The State Employee," is Janice Lyle Conway, whose prize-winning entrant is entitled "Case Number?"

Any of you State employees may duplicate Miss Conway's success if you only would try your hand at writing.

The rules for entering the contest are simple. Your story must be kept within 600 words, it must be fictional, and it should be about some phase of State service.

"The State Employee," through its contest, has uncovered numerous State employees who never before had realized they had writing ability. You, too, may have such ability. Don't delay—try your hand today, and send your entry to Association Headquarters at the State Capitol, Albany.

Under the rules of the contest all manuscripts become the property of "The State Employee."

## February Winner



WM. J. PETERSON

**BUY WAR BONDS**

## "Case Number?"

By JANICE LYLE CONWAY

Ward 4 in the State Hospital for the Insane was the noisiest ward in the hospital today. The din, that is, the main part of it, was caused by a heavy set gentleman, in a dark suit, whose hair was standing on end, giving him more the appearance of a disgruntled porcupine than of the distinguished personage he claimed to be. Whether he had been pulling it, or had seen something frightening beside the point. Of interest was the way he was furiously pacing the floor and bellowing. "I am Dr. Black. Let me out of here."

After every four trips around the room—he had them perfectly timed—he would stalk to the door and grab the doorknob, giving out his usual cry, now accompanied by much frantic rattling. No one came. No one heeded the distraught actions of this poor soul.

Half an hour elapsed before he wearily collapsed into a chair. There he sat running his hands through his hair until he looked less like a porcupine and more like an exhausted member of the male species. But not for long could he be still. Suddenly he jumped towards the door with a nasty glint in his eye. Another patient must have read the look for halfway across the room he was stopped by a toothless spectacle with a "Durante-like" nose. "Oi am the King of England and 'ave been cheated out of my throne by a bunch of blimy conspirators. Now calm down "Doc." If they won't let the King of England aut of 'ere they won't let you aut. They're all against us. Oi thinks they even puts poison in aur food."

At this the "Doc" started anew his pacing and bellowing. This time he attracted the attention of the new attendant. "I don't care if you're Dr. Jekeyll," said the attendant authoritatively. "Furthermore, you'll have to give me your glasses. They can't be worn on this ward."

"Doc" made a lunge as though to strike the attendant, but his arms were quickly pinned behind him by a burly patient with a three days growth of greasy beard. While in this embarrassing position his glasses were carefully removed from his nose.

Another hour elapsed with "Doc" still intermittently ranting, raving, and resting. Once he hit the window with his fist, and once, too, he gave a chair such a vicious kick it turned over.

Supper time came and the attendant opened the door to let the patients into the dining room. As soon as "Doc" stepped beyond the portals of the day-room he launched a scathing tirade directed at the attendant. But, the attendant, refusing to be upset by this elaborate denunciation, signaled the "King of England." "Doc" found himself being dragged, yes dragged, down the hall. The "King" on one arm, the attendant on the other.

Ah, but through his struggling of rage appeared a friendly face, that of Mrs. Grace, the supervisor. The face glanced once and passed by, only to return immediately—a shocked face! "Dr. Black! What on earth has happened? We've been looking everywhere for you. Your lecture was scheduled for three."

"I forgot my keys," answered the doctor, straightening his tie, thereby regaining some of his lost dignity. "One of the attendants let me into the day-room and then went off duty."

The "King" slinked down the hall like a berated lackey and disappeared into the dining room.

The attendant came to the startling conclusion that chickens are easier to understand than humans, and resigned the next day to look for a job on a poultry farm.

The doctor? It has been noted by many, of late, that the once almost too evident "Freudian gleam" in the doctor's eye has dimmed a bit. One might even venture to say, with reservations, of course, it is now barely perceptible.

# The Editorial Page

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## THE STATE EMPLOYEE

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## Ohio

Ohio is one of the great States of the Union. It has a live State employee association. It is seeking to have adopted a career service law. Employees are urging their State government to expand civil service laws to include position classification and salary standardization like to the sound New York State plan. The employees of the State of Ohio are asking that their employer recognize the need of adequate income and just sick and vacation leaves and hours of work to conform to good standards in effect elsewhere.

A legislative committee, headed by able Senator John P. Stephenson, and of which Dwight A. Swisher, Counsel to the Ohio Civil Service Employees Association, is a member, is beginning active work. Nelson Watkins, President of the Ohio Civil Service Employees Association, and the thousands of members of his group, are actively supporting the State Salary Standardization Commission.

Recently, some 700 Ohio State workers gathered at a meeting in Columbus and heard the facts as to

New York State's career plan outlined by the Executive Representative of our own Association, and also the ambitions of Ohio citizens to perfect a sound employment policy for their public workers stated in an eloquent address by Senator Stephenson.

Good luck, Ohio State Employees!

## American Fair Play vs. Special Privilege

Despite the opposition of the Association and more than ten other civil groups, the Legislature unanimously adopted the Hampton-Devany bill, Senate print 1839, introductory 158, which would change section 6, article 5, of the Constitution to read as follows:

"Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive; provided, however, that any member of the armed forces of the United States who served therein in time of war, who is a citizen and resident of this state and was a resident at the time of his or her entrance into the armed forces of the United States, and was honorably discharged or released under honorable circumstances from such service, and who was disabled therein to an extent certified by the United States veterans' administration, and whose disability is certified by the United States veterans' administration to be in existence at the time of his or her application for appointment or promotion, shall be entitled to preference and shall be appointed or promoted before any other appointments or promotions are made, without regard to his or her standing on any list from which such appointment or promotion may be made. Until December thirty-first, nineteen hundred fifty, but in no event for a period less than five years next following the honorable discharge or release under honorable circumstances of a member of

the armed forces of the United States who served therein in time of war, who is a citizen and resident of this state and was a resident at the time of his or her entrance into the armed forces of the United States, he or she shall be entitled, after such disabled members of the armed forces shall have been first preferred, to similar preference in appointment and promotion. Upon the abolition or elimination of positions in the civil service, to which the foregoing preferences are applicable, any such member of the armed forces shall be entitled to preference in the retention of any position held by him or her, in inverse order of the preference as provided in this section. Laws shall be enacted to provide for the enforcement of this section."

We print below in full the statement of the various civil groups relative to the proposal. This statement in addition to the statement of President Fisher in "The Civil Service Leader" of February 15, 1944, indicates the seriousness of the matter so far as the merit system is concerned.

The proposal will have to be passed by the next session of the Legislature, and then approved by the people of the State in November of next year before it can become a part of the Constitution. Once so approved, its evil effect upon the service would become apparent, but it would take many years to secure its repeal. The statement follows:

"Alarmed that the veterans themselves, as well as the millions of our State citizens, would suffer for years to come from the Hampton-Devany constitutional proposal granting sweeping veterans' preferences in the civil service throughout the State and local governments, ten leading organizations today sent a letter to the Legislature urging disapproval of the proposal. They urge further that the legislative commission recommended by the Governor consider the status of veterans in public employment as a part of the comprehensive program for veterans' aid. The organizations include:

American Association of Social Workers, New York Chapter  
Association of State Civil Service Employees of the State of New York

City Club of New York  
Public Education Association  
Prison Association of New York  
American Veterans' Association  
Citizens' Union  
Civil Service Reform Association  
New York League of Women Voters  
State Charities Aid Association

The letter of the organizations follows:

We, the undersigned believe it is the responsibility of the State to formulate plans supplementing those of the Federal Government for the rehabilitation and training of veterans to aid them in re-employment. Laws have already been adopted to care for the reinstatement and re-employment of veterans who left our State and municipal services; and the Federal Government has similarly provided for its own service and for private industry.

Everyone is in agreement that veterans should be given the greatest possible help in fitting themselves into the economic structure. There is no yardstick by which their services to our country can be measured, because of the great personal sacrifices which they made. We are gravely alarmed, however, by the Hampton-Devany bill (S. Int. 158, A. Int. 276)—now before the Legislature—which proposes to reward the veteran and aid him to obtain State and municipal employment by granting him sweeping preferences, regardless of relative ability, in civil service appointment and promotion. We should not permit piecemeal and unsound proposals such as this to divert the public's sympathy and attention with one aspect of a problem which should be considered as a whole.

We commend the Governor for his proposal that a legislative commission be created to deal with postwar plans affecting veterans, and urge that the commission be authorized to make a thorough study of proposals for employment of veterans in the public service as a part of any program for postwar veteran employment policies. Any program for legislation dealing with preferences in the public service should be integrated with a comprehensive

State program for veteran rehabilitation, training and re-employment. It is unwise for the legislature to adopt any hastily offered proposal emanating from any single source. Such legislation should be thoroughly considered and explored as to its effect on the civil service, its value to the veterans themselves, and its equity as among veterans. The submission of a constitutional amendment, which will affect the livelihood and welfare of our citizens for generations to come, should not be made the subject of too sudden legislative action. It requires careful planning and study before submission to the people for adoption.

The Hampton-Devany proposal would amend the State Constitution so as to grant preference in appointments and promotions in the civil service of the State and all local governments, first to disabled veterans, and after them to all other veterans, over all other citizens—notwithstanding their ratings in civil service tests. The proposal provides further that all non-veterans must be dropped from their positions, in case of reduction of force, before any veterans may be laid off. For example, a non-veteran with 25 years of service would have to be dropped while a veteran who had been in the department only six months would be kept. In addition, the proposal takes out of control of the State the determination of what may constitute disability for preference purposes, and places it exclusively under the control of the Federal Government.

Similar proposals were made by veterans' organizations to the Constitutional Convention in 1938 and have been submitted at several legislative sessions before the outbreak of the present war and since. Obviously, therefore, the present proposal has not been inspired only by the problem of veterans returning after this war.

The Hampton-Devany proposal will stultify careers in the public service for persons of talent and ambition. It will have grave impact on our police and fire departments, our health, hospital and welfare services, and on our public school system—for the constitutional amendment will apply to teacher appointments as well as to those in the rest of the public service. It will give veterans a virtual monopoly of the

public service to the exclusion of the rising generation, widows and children of our war dead, and men and women who were not permitted to enter the armed forces because they were needed for vital work in aircraft factories, shipyards, machine shops and farms.

The best payment we can make towards discharging the debt we owe veterans, besides giving direct financial aid to disabled veterans, is to maintain a government in the interest of all of the people, which can only be efficient if administered by those best qualified. The entire population, including the veterans, would suffer from the adoption of this measure."

From this day on, through civic, fraternal, school, church and political groups in their respective communities, all State employees should make known to their fellow citizens that the adoption of this constitutional amendment will deprive themselves, their sons and daughters for years to come, farm workers and

(Continued on page 88)



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# Civil Service Notes

By THEODORE BECKER  
State Department of Civil Service  
**CIVIL SERVICE IN THE  
COURTS**

## Reclassification Not Compulsory "May" vs. "Must"

The Albany County Supreme Court, in a recent case brought by a junior bank examiner, held that the statute says the Classification Board "may" reclassify a position. It does not say the Board "must" do so. Accordingly if the Board is not satisfied that the employee occupying the position is performing the duties of a different position in a satisfactory manner, it is not compelled to reclassify.

## Employee's Case Debatable

Noting that the best the employee had made out was a fairly debatable case, the Court declined to upset, as arbitrarily, the rulings of the Classification Board and the Commission, both of which had turned down the employee's application for reclassification.

"Classification of positions in the civil service is an extremely complex administrative function," said the court. "It certainly cannot be managed effectively by the judicial branch of the government." *Buckley vs. Conway*, Albany Supreme Court.

## Courts vs. Experience Ratings

"A court cannot make civil service ratings. It can only correct grossly erroneous determinations in this field."

Thus ruled the Albany County Supreme Court in a recent case brought by a candidate in the examination for Unemployment Insurance Referee. The candidate sought to have the court raise the rating on training and experience given him by the examiners of the State Civil Service Department.

## Rating Not Arbitrary

The court, in denying the application, indicated that even if it believed the reasons given in support of the rating were not persuasive and even if it thought the rating should be raised, still these matters would not furnish sufficient grounds for revising such rating.

"Judicial interference," said the court, "is proper only if it may be found that the rating is so arbitrary

that no reasonable person would say, upon the facts presented, petitioner should be given 87% or even 84% for previous experience."

## Consistent with Prior Rulings

The instant opinion is consistent with a long line of cases holding that even if a judge disagreed with the determination of an administrative agency, he will not upset it where any reasonable grounds existed in support of the determination. Otherwise, the courts would be called upon to take the place of the administrative agency and do its work over, at the request of anyone dissatisfied with the original administrative ruling. *Block vs. Conway*, Albany Supreme Court.

## Judges As Examiners

A court will not undertake to set up an examination rating standard different from that used by a civil service commission, in the absence of a finding that the action of the commission was arbitrary, capricious or unreasonable. Thus decided the Erie County Supreme Court in a recent case involving an examination for police lieutenant conducted by a city civil service commission. So long as the same standard for considering answers was applied to all candidates, it is immaterial that some of the questions were ineptly framed or that some of the answers of the examiner were incorrect, according to the decision. Although the court held itself powerless to increase the ratings of a candidate who had failed the examination, it felt that some constructive criticism was in order. It stated:

"The primary objective of a civil service examination is to determine fitness for office. This is often lost sight of in the preparation of questions commonly denominated as tricky. While difficult, it is not impossible to propound questions the answers to which would be definite and unequivocal. Apparently some of the questions to which petitioner objects could very properly be answered either in the affirmative or in the negative; but correctness of other answers might very well be the subject of serious debate. One of the questions as to the mutability of human nature lends itself to a journey into the realm of meta-

physics which is hardly a necessary quality in the education of a prospective police lieutenant, nor one ordinarily required in the performance of his duties. Such an examination is not so likely to produce the officer best qualified but the one blessed by chance in the greater coincidence of his answers with the mental concept of the examiner." *Konicieczny vs. Streeter et al.* 43 N. Y. S. 2d 820.

## When Provisional Becomes Provisional

When does a provisional first become a provisional? Is it the date when he starts work or the date when the civil service commission decides he is qualified for appointment? Six Supreme Court justices have considered these questions and are equally divided in their opinions. In a 3 to 2 decision the Appellate Division recently reversed a lower court justice who had decided that approval of the commission must precede the provisional appointment, and, therefore, such appointment cannot be dated back. The higher court, however, decided that if approval of the provisional appointment is granted such approval could be dated back to the day the provisional appointee started work, and that the Civil Service Law did not prohibit this procedure.

## The Law

The provision of law involved in the case states:

"The appointing officer may nominate a person to the state or municipal commission for non-competitive examination, and if such nominee shall be certified by such commission as qualified after such non-competitive examination, he may be appointed provisionally until a selection and appointment can be made after competitive examination."

The case will be taken to the Court of Appeals for final determination. *Welling vs. Marsh, Hines vs. La Guardia*, decided Jan. 28, 1944, Appellate Division, First Department.

## Certification Pending Preference Claim

A civil service commission with whom a veteran's claim for disabled veterans' preference is pending should notify the appointing officer

not to fill a job for which the veteran would be eligible until the claim is either allowed or disallowed.

Where an upstate city commission failed to do so in a recent case, where the disabled veteran's claim was finally allowed the Supreme Court ordered his appointment even though an eligible who was not a disabled veteran had already been appointed. **Manko vs. City of Buffalo**, 181 Misc. 143 aff'd without opinion, 266 App. Div. 1061.

#### Oaths of Office

Swearing is good for you—in fact, it is compulsory—if you want to keep your job in State service. Under the provisions of the State Civil Service Law, every person employed by the State “before he shall be entitled to enter upon the discharge of his duties, shall take and file an oath or affirmation in the form and language prescribed by the constitution for executive, legislative and judicial officers.” The Constitution requires the following oath or affirmation to be taken:

“I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of New York, and that I will faithfully discharge the duties the office of ..... according to the best of my ability.”

Substitute “office or position of” for “office of” and you have the oath or affirmation which every State employee must take. State departments usually have a supply of these oaths on hand for the use of their appointees. Failure to take and file such oath terminates employment until such oath is taken and properly filed. Under the law, the oath of a State employee must be filed in the office of the Secretary of State. The oath may be taken before a notary public, a commissioner of deeds, a judge of a court of record, or any other officer authorized to take, within the state, the acknowledgment of the execution of a deed of real property. The Secretary of State is also authorized to take the oath of a State employee.

#### Recognizable Disabilities

How physically disabled must a war veteran be before he can qualify for disabled veterans' preference on a civil service eligible list? Must his physical disability be such as to impair his earning power? Although

these questions were presented to our highest court and decided some ten years ago, there still exists considerable misunderstanding on the subject, especially among veterans of the present war who have received certificate of disability discharge. In the famous case of **Potts vs. Kaplan**, the Court of Appeals was called upon to decide whether certain eligibles who had sustained injuries in war service had been properly granted disabled veterans' preference. The court ruled that first of all the disability must be one recognized by the United States Veterans' Bureau (or Administration) as war-incurred, and secondly, the appropriate civil service commission must find as a matter of fact that the disability is still in existence when the claim for disabled veteran's preference is made.

“As we view it,” said the court, “the statute bears no relation to earning power. Some lessening of bodily force or some disfigurement, even if unrelated to capacity for wage earning but present at the time of application for a preference, is the subject at which the statute aims.” Applying these principles to the case before it, the court held that although a scar may at some time be external evidence of some inward disability and may be visible long after the disability has ceased, such scar does not of itself constitute a disability, at least not when it happens to be on a part of the body concealed by clothing. Inasmuch as none of the war veterans involved had a disability which lessened their bodily force or constituted a disfigurement, the court decided that they had been improperly granted disabled veteran's preference.

### Unwritten State Examinations for War Duration Appointments

Persons with bookkeeping, accounting, or auditing experience are being sought by the STATE CIVIL SERVICE COMMISSION to fill temporary war duration positions in the Department of Taxation and Finance and in the Division of Placement and Unemployment Insurance. The jobs may continue until six months after the war.

NO WRITTEN EXAMINATION IS REQUIRED. The names of candidates who possess the mini-

mum training and experience qualifications will be submitted to these departments for appointments, which may be made without regard to relative ratings on training and experience.

Persons who are appointed to war duration positions will receive the regular annual salary increments and the regular war emergency bonuses granted to permanent employees under State laws.

NO APPLICATION FEES ARE REQUIRED FOR THESE EXAMINATIONS.

Examinations have just been announced for

WAR EMERGENCY TAX EXAMINER in the Division of Taxation and Finance, which carries a salary range of \$2,100 to \$2,600 with \$100 annual increments, and a war emergency bonus of 7½% for the current fiscal year

and for

WAR EMERGENCY PAYROLL EXAMINER in the Division of Placement and Unemployment Insurance, Department of Labor, which carries a salary range of \$1,800 to \$2,300 with \$100 annual increments, and a war emergency bonus of 10% for the current fiscal year.

THERE IS NO CLOSING DATE FOR FILING APPLICATIONS. Applications will be accepted at any time. However, candidates are urged to file their applications as soon as possible, inasmuch as the applications will be rated at regular intervals and the names of those found qualified will be submitted to the appointing officers periodically.

## THE CAPITOL RESTAURANT

IN THE STATE CAPITOL

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## War Emergency Bonus

The following is from statement issued by C. L. Campbell, Administrative Director of the Department of Civil Service, to all State appointing officers on March 14, 1944. It explains as to those who are entitled to receive the war emergency compensation authorized for the fiscal year beginning April 1, 1944:

"This memorandum is intended to serve as a guide for determining to whom, and in what amounts, and for what period of time the additional war emergency compensation provided by the above act, shall be paid.

### Persons Entitled to Additional War Emergency Compensation

Additional war emergency compensation is payable to all State officers and employees (other than officers and employees of the Legislature), whose regular compensation does not exceed \$3,975 per annum, provided such officer or employee is:

1. A permanent appointee; or
2. A Rule VIII-12 substitute appointee; or
3. A Rule VIII-A temporary war appointee; or
4. (a) A provisional appointee appointed pending the establishment of an eligible list; or  
(b) A temporary appointee for a period of not less than one month. (Rule XIII-4 appointees do not receive additional war emergency compensation even if their appointments are extended beyond one month.)

### Computation of the Amount of Additional War Emergency Compensation Authorized.

Additional war emergency compensation is to be computed on the salary or compensation accrued each payroll period exclusive of any compensation paid for overtime employment and after deductions are made for maintenance where maintenance is received and at the following rates:

1. At the rate of 10% of such compensation, if such compensation is less than \$2,000 per annum; or
2. At the rate of 7½% of such compensation, if such compensation is between \$2,000 and \$3,975 per annum (provided that such additional war emergency compensation and the regular compensation shall not exceed \$4,000 per annum in the aggregate.)

**EXAMPLE:** A stenographer whose annual salary is \$1,200 per annum receives \$50 per payroll period. Such stenographer will receive an additional war emergency compensation of 10% of \$50 or \$5.00, giving her a total sum of \$55 for the payroll period.

### Rate for Per Diem, Part-time and Seasonal Employees.

For officers or employees employed on a per diem, part-time or seasonal basis, the rate of additional war emergency compensation (10%, 7½%, or nothing) shall be determined on the basis of what their annual compensation would be if they were employed and paid on a regular annual full-time basis during the fiscal year.

Additional war emergency compensation is payable for the period commencing on April 1, 1944, and ending March 31, 1945.

### Effect of Additional War Emergency Compensation on the Status of Officers and Employees.

Additional war emergency compensation is not regarded as salary or compensation for the purpose of any pension or retirement system in which the officer or employee is a member. The receipt of such additional compensation shall not be deemed to change the basic compensation of any such officer or employee for the purpose of computing a pension, retirement allowance, death benefit, or contributions in connection with such membership or for determining any other right or privilege resulting from or relating to such membership; or for the purpose of determining the right to any increase or any salary increment on account of length of service or otherwise.

Such additional war emergency compensation shall not be construed to constitute a promotion, nor shall it increase any compensation which a public employee may receive pursuant to Section 245 of the Military Law (pay differential).

### Notification by Appointing Officers of Temporary Appointments.

Appointing officers should specifically notify both the Department of Civil Service and the Department of Audit and Control of all temporary appointments of persons who are appointed or engaged for a period of at least one month."

## American Fair Play

(Continued from page 85)

workers in war industries—those who have had no opportunity to enter military service—the chance of employment in civil positions in any unit of local or state government in New York State. With a million soldiers given preference, there will be a complete turning over of public positions to veterans regardless of special fitness for the work.

This class preference is not what American soldiers are fighting for. The proposal was apparently advanced by selfishly inspired groups who are not below taking advantage of sentiment which may not be informed as to the viciousness of the amendment. Tell your friends and neighbors the truth as to how few public jobs there really will be each year for a million veterans, and that the proposal is therefore a deception to the veteran and an excuse for industry to refuse him employment, as well as wholly unfair to the upbuilding of civil government. Point out that 140,000 young men and women leave our high schools and colleges each year, and emphasize the moral and economic effect upon such young citizens of depriving them of their birthright of equal opportunity.

THE VETERAN IS ENTITLED TO SUBSTANTIAL ECONOMIC HELP, COMPLETE HOSPITALIZATION, and COMPLETE EDUCATIONAL OPPORTUNITIES THROUGH OUR NATIONAL GOVERNMENT. HE SHOULD NOT BE INSULTED BY SPECIAL PRIVILEGE OR UNAMERICAN REWARDS.

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# Annual Dinner

The Twenty-sixth Annual Dinner of the Association, held on March 2nd at the DeWitt Clinton Hotel in Albany, was a most happy affair, marred only by the absence of President Harold J. Fisher, who was seriously ill.

Governor Dewey voiced the regrets of everyone present when he said: "I regret the illness of President Fisher for whom I share your affection."

More than 450 officials of the executive, legislative and administrative departments of State government, and members of the Association, their hosts, were present.

The Social Committee in charge included: Charles H. Foster, Chairman; Janet Macfarlane, John Joyce, Mildred O. Meskil, Christopher J. Fee, Ann Quirk, Elizabeth I. Schifferdecker, Helen H. Houle, Thomas C. Stowell, Thomas Houlihan, and Lillian Hyatt.

Governor Dewey and Milton Schwartz, Vice President of the Association, addressed the gathering. The Governor praised the merit system and the State civil service body and said: "Promotions in State service are acquired not because you know somebody, but because the promotions are merited."

Mr. Schwartz referred to the Association's sound program for improvement of State service and of employment conditions, particularly the justice of claims for a war emergency bonus sufficient to meet the needs of the great increase in cost of living. He also condemned the veterans preference measure as destructive of American freedom of opportunity which veterans are dying to preserve.

The guests included: Governor Thomas E. Dewey, Lieutenant Governor, Joe R. Hanley; Comptroller Frank C. Moore; Paul E. Lockwood, Secretary to the Governor; Director of the Budget, John E. Burton; Commissioner of Commerce, M. P. Catherwood; Secretary of State, Thomas J. Curran; Commissioner of Agriculture and Markets, C. Chester Du Mond; Commissioner of Standards and Purchase, Richard Persons; Captain J. A. Gaffney, State

Police; Commissioner of Correction, John A. Lyons; Commissioner of Mental Hygiene, Frederick A. MacCurdy; Commissioner of Social Welfare, Robert T. Lansdale; Superintendent of Public Buildings, John A. MacCormack; Deputy Secretary of State, Miss Ruth Miner; Tax Commissioner, Rollin Browne; Motor Vehicle Commissioner, Clifford J. Fletcher; Senator Julian B. Erway and Mrs. Erway; Senator Seymour Halpern; Assemblymen George Archinal; Mortimer A. Cullen; George W. Foy; Irving M. Ives; Leo A. Lawrence; Charles E. Locke and Mrs. Locke; Harold C. Ostertag; C. Wilson Van Duzer; Stanley Shaw; John Mooney, Legislative Corres-

pondent; Charles Mooney; Jerry Finkelstein and Maxwell Lehman of the Civil Service Leader, and many others.

Thomas C. Stowell of the Health Department, famous for his fine radio programs and splendid film productions, wrote and produced one of the most entertaining skits ever presented at an annual dinner. As "Dunninger," Mr. Stowell acted the part of reader of minds to the great amusement of everyone present. Mr. Stowell had a supporting cast of talented State employees including: Ann Neukom of the Education Department; Bea Cohen,

(Continued on page 90)



Governor Dewey and Mrs. Foster, wife of Charles H. Foster, chairman of social committee.

## Annual Dinner

(Continued from page 89)

Civil Service Department; Victor F. Veness, Motor Vehicle Bureau; Stuart Jones, Audit and Control; and others.

Altogether it was an outstanding affair.

### Business Meeting

On the afternoon of March 2nd, preceding the Dinner, a business meeting attended by delegates from all over the State, was held at the Wellington Hotel. The meeting was addressed by Dr. Frank L. Tolman, John T. DeGraff and W. F. McDonough. The Legislative program was thoroughly reviewed and delegates were urged to place the full strength of their chapter membership back of the progressive program as outlined by the Association at its Annual Meeting in October. Excellent membership support was reported by all chapter presidents and representatives.

### 1,460,000 Wage Earners

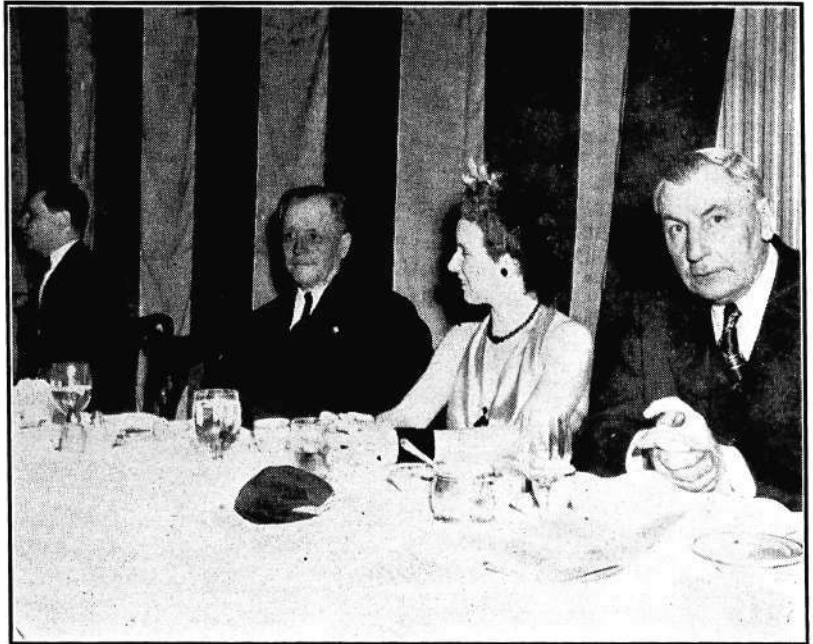
A report just made public by Edward F. Corsi, State Industrial Commissioner, discloses that there are presently approximately 1,460,000 wage earners engaged in manufacturing activities in New York State.

Wage earners in manufacturing plants are those who perform manual work, using tools, operating machines, handling materials and products, and caring for the plant and equipment. Of the grand total of 1,460,000 wage earners, 535,000 or 37 per cent, are women.

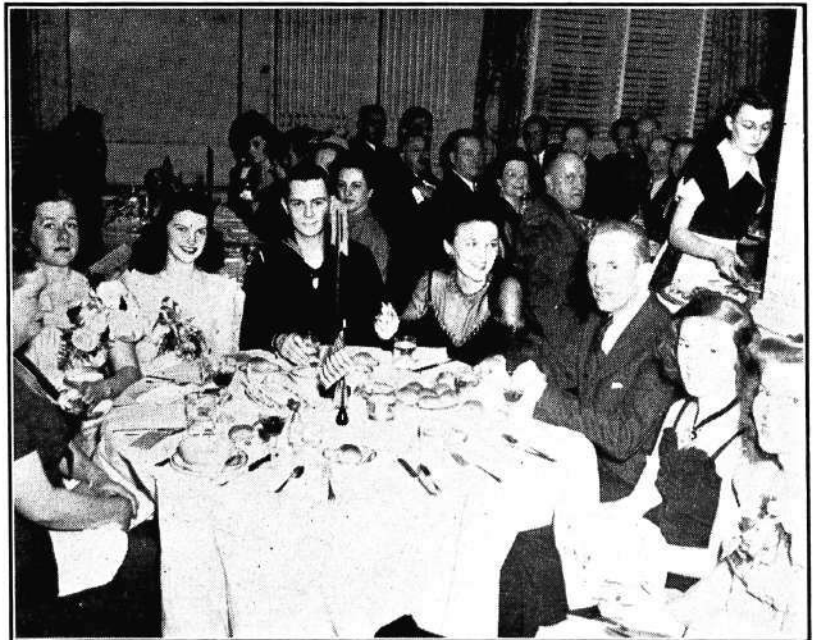
The report also disclosed that approximately three out of every five women are employed in either the apparel or metals and machinery industries. During the last two years 174,000 women have joined the factory labor force to meet the requirements of the war effort.

### Buy War Bonds Today

# At Annual Dinner



Lieut.-Gov. Joe R. Hanley, Miss Janet Macfarlane, Association secretary, and John McDonald, Vice President of Association, at Annual Dinner



Some of Association Headquarters Staff at Annual Dinner.

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## Dr. Mayer Honored

The Brooklyn Optometric Society honored Dr. Leo M. Mayer in New York City on the night of February 21, the occasion being his retirement as New York State Optometric Inspector.

Personal tributes were paid to Dr. Mayer by friends including Prof. F. A. Woll, president of the State Optometry Board; Dr. J. Hillis Miller, Dr. Irwin A. Conroe and C. Everts Mangan of the State Department of Education, and Dr. Minor J. Terry, former secretary of the State Board of Dental Examiners.

Dr. Mayer recalled that the office of optometric inspector was one of his own creation, as he early saw the need for some form of policing the profession. He received a provisional appointment in 1919 and served without compensation until the office came under civil service in 1921, when he topped a list of 17 applicants for the position.

He covered the State up to 12 years ago, when Dr. George D. Oertel of Syracuse was named up-state inspector. Dr. Oertel, who was a guest of honor at the dinner, announced his own retirement, effective April 1.

Dr. Mayer, who has had a long and distinguished career in optometry, was chairman of the State Association's legislative committee from 1920 to 1929. He was instrumental in bringing about the enactment of the "glazed goods" law, the exemption of optometrists from jury duty, and the establishment of compulsory vision tests for applicants for drivers' licenses.

## "Rights, Interests and Dangers"

(Continued from page 75)

parent error or great haste, one proposal provides for a limitation of Classification Board independence combined with definite paralysis of fair appeal procedure. The Governor can, of course, veto this bill and all other objectionable bills as the Association has asked him to do in special memorandums filed on each bill. There was a total of over 1,600 bills introduced in the Senate and over 2,000 in the Assembly.

The "rights, interests and dan-



At this table were Dr. Frederick MacCurdy, commissioner of Mental Hygiene; Miss Arlene Reynolds; Lt.-Commndr. H. Beckett Lang, and Mrs. Lang.



State Comptroller Frank C. Moore chats with Mrs. J. Edward Conway, wife of the State Civil Service Commission chairman, and Judge Conway, himself.

gers" which caused 28,000 civil service employees to bind themselves together in 1943 are so much more obvious in the light of present attitudes toward the merit system, that each reader of this article must conclude that he or she has not only a call to strive for a complete unity of the approximately 45,000 State workers, but a duty to take an active part in arousing all within the Association to immediate conferences, singly and through chapter

committees, with their representative in the Legislature and with civic groups to see to it that no stone is left unturned to retain the "rights and interests" of the merit system and to ward off the "dangers" of reaction in labor policies on the part of the great State of New York.

No government is static. It either goes forward or backward. New York must not go backward in the matter of good civil government or fair play for its civil workers.

# QUESTION BOX

**Question. a.** I have been a member of the 55 year retirement allowance plan since January, 1936. In connection with this, is my pension increased if I should decide to revert back to the old system of retiring at age 60 or after completion of 35 years of service?

**b.** Do I still have to contribute if after reaching the age of 55 I desire to remain in the service?

**c.** Likewise, if a new pension plan is voted in the future lowering the time element, would I receive an increased pension if I joined this plan (that is, an increase because of the stepped up percentage that had been previously required because of the fact that I belong to the 55 year plan)?

**d.** May a State employee contribute by payroll deduction or in a lump sum to the annuity fund for the purpose of increasing the annuity?

**e.** In the event that there are changes in the law relating to amounts and/or pensions, would persons in the system on July 1, 1940, be in any way affected by such changes?—S.A.

Answers: a. If you are employed after February 5, 1960, when you will attain age 55, of course your retirement allowance will be increased for each year you render service after age 55, and you may either revert to your sixty year rate of .0423 or continue your fifty-five year rate of .1003 as you may desire. If you continue at the fifty-five year rate, of course you will build up the annuity rapidly. If you continue in service after age fifty-five, the municipality employing you would contribute towards your pension while you are contributing to the Retirement System toward a greater annuity.

**b.** This is answered in a. in that you may continue at the fifty-five year rate or may revert to the age sixty rate.

**c.** If a new retirement plan is enacted by the Legislature, you could take advantage of it and receive a larger retirement because of this change.

**d.** Neither a State employee nor any other member of the Retirement System may contribute a larger sum to produce a larger annuity.

**e.** We refer you to the Constitution of the State of New York which in Article V., Sec. 7, states: "After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired."

**Question:** A man with a reserve status is called into military service and is paid the differential in pay by the State. While he is in the service he becomes head of a family. Is he entitled to the compensation allowed in some departments for this?—P.N.

Answer: No increase in pay differential is granted by the State to a former employee who becomes head of a family after he is called into active service. On the other hand, such employee will not suffer any reduction in pay differential as a result of any family allowance which he may receive from the federal government because of his new status as head of a family.

**Question:** A man takes a civil service examination and passes it. He is placed on the eligible list awaiting call. In the meantime he is inducted into service. What happens in the case he is called for the job and of course cannot accept it?—D.S.

Answer: A person on a civil service eligible list may be appointed therefrom even though he is in mili-

tary service and cannot report for work. Such employee is considered on military leave of absence from the date of his appointment and if the time spent in military service exceeds the period of his probationary term, he will be deemed to have successfully completed such term while in military service. Inasmuch as a person on an eligible list who is in military service need not be considered for appointment, his name may be skipped. If this occurs, he is entitled, during the period of sixty days after the termination of his military duty, to demand that the Civil Service Commission place his name on a special eligible list. This list is good for a period of two years and must be used before any eligible list established subsequent to the one from which his name was certified can be used.

**Question: a.** Can an employee be transferred from a State institution in one state to an institution in another state and receive credit for the total years of service in both institutions at retirement age for pension?

**b.** Do all state institutions have pension retirement systems for their employees effective at age 55 or 60?—E.W.

Answer: a. No. There is no reciprocity or transfer of retirement from or to retirement plans of other states.

**b.** All institutions in this State have 55-year and 60-year retirement. We do not know that any systems of other states carry a 55-year retirement for which the member pays the entire cost.

JAMES G. TEBBUTT

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OPPOSITE STATE CAPITOL

# Getting Employees Paid

By CATHERINE C. GEIER,  
Payroll Auditor

(Address delivered at Conference of Personnel Representatives of State Departments, January 14, 1944)

Section 19 of the Civil Service Law reads in part as follows: "... It shall be the duty of each appointing officer of the state . . . , to report to the state civil service commission forthwith upon such appointment or employment the name of such appointee or employee, the title and character of his office or employment, the date of the commencement of service by virtue thereof and the salary or compensation thereof, and to report from time to time and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein, and such other information as the commission may require, in order to keep the roster hereinafter mentioned."

Section 20 of the Civil Service Law reads in part as follows "... It shall be unlawful for the Comptroller or other fiscal officer of the State . . . to pay any salary or compensation to any officer, clerk or other person in the classified service of the State, . . . unless an estimate, payroll or account for such salary or compensation, containing the names of the persons to be paid, shall bear the certificate of the State Civil Service Commission."

Many times, an appointing officer feels that his payroll should be examined and certified immediately upon its receipt in the payroll division. This, however, cannot be done for the reason that much detailed work is involved and hundreds of payrolls have to be dealt with and await the same consideration.

Frequently, complaints are received that employees did not receive their checks when due. This is not always the fault of the payroll division. In many cases, we find, upon investigation, that the appointing officer was to blame in not having sent the payroll to the department earlier, or not having sent the required material to the Civil Service Department.

I believe the representatives from other departments might be interested in getting a clearer insight as

to how the payroll division functions.

Every person whose name appears on a payroll, estimate or account must have a roster card in the payroll division of the State Civil Service Department, except in the case of some temporary laborers. Different colored cards are used to designate the types of appointments and the Civil Service classification.

When the payroll examiner examines the card, the color of it designates its classification.

All types of appointments, even though they must clear through other divisions of the department, eventually come to the payroll division, and it is in this division where a record is kept of every item that is certified on state payrolls, together with the payrolls of the state courts, and the payrolls of ten counties.

Besides the above, leaves of absence, reinstatements, resignations, and services of all kinds must be entered on the roster cards in the payroll division. It is, therefore, vitally important that the proper information be given at all times by the appointing officers. Frequently, the appointing officer sends a Form CS 26-B, giving the termination of services of John Jones who is a permanent employee. This we cannot accept and must call the department concerned and ask that a revised CS be submitted, showing whether his services terminated by resignation, removal, retirement or otherwise. Occasionally, when an appointing officer terminates the services of a probationary appointee, it is not at the end of the probationary period. Since this must be done at the end of this period, we must call the appointing officer and inform him that it cannot be accepted. On other occasions, a person has been given a leave of absence by an appointing officer without a time limit and perhaps a year later, it was discovered that the person had not returned from leave. In some instances, we find, where a definite leave of absence is given (for example, from May 1, 1943, through October 1, 1943), that the person did not return at the end of the leave. Since the payroll division is responsible for the roster card of every employee

that does not appear on a payroll, it is important that appointing officers furnish the required information so that the records can be kept up-to-date.

Section 41 of the Civil Service Law reads in part as follows: "ANNUAL INCREMENTS. An employee holding a position in one of the service or occupational groups included in section forty of this chapter shall receive the minimum salary of the salary grade to which his position is allocated, plus the number of increments which corresponds with the number of his years of service in such position, . . ."

## INCREMENTS FOR EMPLOYEES IN FELD-HAMILTON POSITIONS RECEIVING AT LEAST THE MINIMUM OF THEIR GRADES PRIOR TO APRIL 1, 1944

Permanent employees appointed, promoted, or reinstated prior to October 1, 1943, who have more than six months of satisfactory service during the past fiscal year (April 1, 1943, through March 31, 1944), and who have the requisite number of years of service in the position, are entitled to an increment on April 1, 1944.

Temporary Rule VIII-A employees and Rule VIII-12 substitute employees prior to October 1, 1943, who have more than six months of satisfactory service during the fiscal year ending March 31, 1944, and who have the requisite number of years of service-in-the-position, are entitled to an increment on April 1, 1944.

An employee may not receive an  
(Continued on page 94)



## Getting Employees Paid

(Continued from page 93)

increment on April 1, 1944, if any of the following factors exist:

1. If he received an unsatisfactory service record rating for the preceding fiscal year.
2. If his salary prior to April 1st equals or excludes the maximum for his grade.
3. If he received an original appointment on or after October 1 at the minimum for the grade and he had no prior service in the same grade.
4. If he was promoted on or after October 1 to a higher grade at or above the minimum and at the time of such promotion was increased to the next higher salary rate.
5. If excess increments were allowed in previous years and he is getting a salary which is above the minimum plus increments for the years of service in the grade.
6. If he is in provisional promotion status.\*

\* In this case, he gets no increment in his provisional position but an increment should be provided in his old permanent item and he may receive this resulting salary as the rate of pay for his provisional service.

7. If he was on leave without pay for six months or more (not necessarily continuous) during the period April 1, 1943, to March 31, 1944, and his salary is at or above the minimum for the grade.
8. If he is reinstated after resignation, and such reinstatement occurred on or after October 1 at a salary equal to or above the minimum for the grade.

**Partial Increments.** If an employee is entitled to an increment and a full increment would bring his salary above the maximum for the grade, only that portion of the increment that will permit him to equal the maximum will be allowed.

There are two types of payrolls—Permanent and Supplemental.

Permanent payrolls should contain only the names of permanent employees and substitute and war duration employees for whom approval has been given by the Civil Service Department. These payrolls should be submitted for the first period of April and October of each year and will be certified by the State Department of Civil Service through the semi-annual fiscal peri-

od ending September 30 and March 31.

Supplemental payrolls should contain the names of permanent employees affected by status changes, and new appointments, reinstatements, changes in title and salary, must be submitted on this type of payroll for the purpose of obtaining certification by the State Civil Service Department for the remainder of the current semi-annual fiscal period. After approval by the State Civil Service Department for the remainder of this period, the names may be transferred to the permanent payroll. Supplemental payrolls must also contain the names of provisional and temporary employees approved on a temporary basis.

In order to examine payrolls, the payroll examiner should be familiar with the Civil Service Law, Rules and Regulations.

Rule XXII, subdivision 1, reads in part as follows:

"Heads of departments, . . . shall furnish the commission, at least five days before payment is to be made, payrolls . . . and shall certify that the persons named therein are employed solely in the proper duties of the positions and employments indicated, and that persons described as or proposed to be paid as "laborers" are employed at ordinary unskilled labor only."

The sole responsibility for the fulfilling of the requirements of this rule rests entirely upon the person designated in the department to sign the payroll.

Now let us consider the certification of a regular permanent state payroll, that is certified on a six months' basis. The names on a payroll vary in number from one to 2000 or more. If on examining a payroll the examiner finds that all the items on the payroll agree with the roster cards, that is, the name, title and salary, and the length to be employed, the payroll is ready to be certified. If, however, he finds that the items on the payroll have not all cleared in the payroll division, each item is listed and sent to the proper division of the Civil Service Department for clearing. After the question sheets have been returned to the payroll division with an approval, the payroll examiner who examined the payroll is ready to certify the payroll.

Since the signatures of all persons

from every department who are authorized to sign payrolls, must be on record in the division, the payroll examiner examines the signature on the payroll with the signature in the payroll division.

After the examination of the payroll is completed, the following certification is placed on the payroll and signed by the Payroll Auditor:

"I hereby certify that, with the exceptions, if any, noted below, the employees named in this estimate, payroll, or account, containing.....names, have been appointed to or promoted to, or employed in the positions, and places, and at the rates of compensation shown, in accordance with the Civil Service Law and the Rules made in pursuance thereof:

(and inserts the date)

But when any person whose name appears on the estimate, payroll, or account, shall have been separated from the service, this certificate shall apply to that person only for the one payroll period during which such separation shall have taken place."

I have quoted the certification in full to clearly indicate what the Civil Service Department is certifying to. Note that it relates to the proper employment of the individuals under the Civil Service Law.

We shall now discuss a supplemental payroll containing both permanent and temporary items. If the employees who are certified on a six months' basis are grouped together at the beginning of the payroll, the following permanent certificate is placed below the names:

"The permanent employees in the foregoing list are certified through March 31, 1944, unless otherwise noted.

(signed).....  
Payroll Auditor."

and if the persons who are to be certified as temporary for a payroll period, are listed together, the following certificate is placed above the names of the temporary employees:

"The employees in the following list are certified only through this payroll period, unless otherwise noted.

(signed).....  
Payroll Auditor."

If the items for both temporary and permanent employees are not

separated and are listed together, the examiner must use his judgment in placing the proper certificate on the payrolls.

The original and a duplicate copy of all state payrolls must be certified and returned to the State Department of Audit and Control and an extra copy of the payroll is certified and returned to the appointing officer. If on a payroll there are temporary laborers or employees appointed under Regulation XI for which no card record is kept in the Civil Service Department, an extra copy of the payroll must be submitted for filing in the Civil Service Department.

Now let us turn our attention to some of the reasons for the delays in the certification of payrolls:

1. Forms CS 26-A & B, giving notice of appointments and changes, not received in department;
2. The necessary papers in connection with provisional, non-competitive and wartime appointments not received in department;
3. Budget approval not received from the Division of the Budget;
4. New exempt appointee appears on payroll and appointing officer has not yet made application to the Commission for the exemption;
5. Salary increases and changes not in order;
6. Incorrect and incomplete titles on payrolls;
7. Names incorrectly spelled on payrolls;
8. A person on military leave returns to duty but appointing officer has neglected to send a copy of his discharge papers;
9. No notice of reinstatement received after return from leave of absence where original notice did not specify length of leave;
10. Employee on payroll where Commission action is required;
11. In many cases, the required information has not been received in the Civil Service Department when the payroll is examined.

Frequently, appointing officers call and raise the question as to why a certain item on a payroll was not approved on a permanent six months' basis and upon checking the record, we find that the payroll division has been given an approval

only for the payroll period—it has not cleared through the department as permanent.

Unless an appointing officer is quite certain that an appointment has cleared through the Civil Service Department, it would be wiser to keep the employee off the supplemental payroll rather than delay the certification of the remainder of the payroll. In the future, any item that cannot be cleared at the time of examination of the payroll, will be disapproved.

After a payroll has been certified by the Civil Service Department and approved by the Payroll Auditor, an appointing officer or an employee of the State Department of Audit and Control is not allowed to make a change on the payroll without the approval of the Payroll Auditor.

When a payroll is submitted for a person who has performed extra service outside of his regular office hours, an extra service blank must be submitted with the payroll, giving the time the service was performed. This is the only blank that should ever accompany a payroll. After certification of the payroll, the extra service blank is sent with the payroll to the State Department of Audit and Control.

Occasionally a permanent employee in a department is appointed to another permanent position from an open competitive eligible list. In cases of this kind the appointing officer should make some reference to his former employment on the new Form CS 26-A, otherwise we have no way of knowing that he was a permanent state employee. By doing this, the complete record can be kept together in the payroll division.

In order to expedite the certification of payrolls and to have em-

ployees paid on time, the following requirements are necessary:

1. That the original and only copy of forms CS 26-A & B, giving notice of appointments and changes, be sent in separately to the Civil Service Department, in advance, and not with the payrolls;
2. That appointing officers send the necessary papers in connection with provisional, non-competitive and wartime appointments in advance of the payrolls and not with the payrolls;
3. That Budget approvals be received in advance of the payrolls;
4. That correct and complete titles be given on payrolls;
5. That on machine made payrolls, if complete titles cannot be given, at least an abbreviation of the title should be given;
6. That the names of employees be correctly spelled on payrolls;
7. That no person appear on a payroll who has been on military leave and honorably discharged until a copy of his discharge papers has been received in the Civil Service Department;
8. That no person be on a payroll who is being reinstated, unless notice of his reinstatement has been received and approved in the Civil Service Department;
9. That no exempt appointee be placed on a payroll, unless the application for such exemption has been received in the Civil Service Department;
10. That no employee be placed on a payroll, unless the proper information has been received in the Civil Service Department.

In concluding, it is the important duty of the payroll division to see that within its jurisdiction, the requirements of the Civil Service Law and Rules are properly met.

## SPRING AND SUMMER VACATION OFFERINGS — 1944

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## Easter

A New York State employee who also is a clergyman preached a series of Lenten sermons in his church during the Lenten season.

He is the Rev. Wesley C. Smeal, watchman at Utica State Hospital and pastor of the Brick Church at Utica. "The State Employee" takes pleasure in presenting the Rev. Smeal's "Easter Meditation," which follows:

### EASTER MEDITATION

by

Rev. Wesley C. Smeal  
Utica State Hospital

There are many dark shadows around us. We can scarcely find our way. Is there a way out? And then comes Easter. The living God exists. GOD LIVES. GOD TRIUMPHS. This is the message of the Lenten season, namely, GOD LIVES.



REV. WESLEY C. SMEAL

Faith will be challenged these days. Love will be tested. Hope may at times grow dim. But GOD need not fade out of human experience. God MUST NOT fade out of human experience. Only a theocentric philosophy of life can give us strength, courage and peace. This theocentric philosophy of life will not always exempt us from hardship, but in the midst of that hardship there can be hope—hope in GOD, there can be faith—faith in GOD, and there can be love—love for GOD and our fellowmen.

Only God is sufficient for the soul

in its hour of trial. Only GOD is sufficient for the world in its hour of unrest. In the midst of a world which contains and shall contain a large amount of human suffering, faith in GOD will enable us to triumph. FAITH IN GOD IS ABLE TO CAUSE US TO TRIUMPH IN THE MIDST OF CONSCIOUS STRUGGLE.

Easter comes along and declares that GOD is real, LIFE is real, and the human SOUL is immortal. Every individual can attain that experience where he can affirm—God rules my world. Our religion must be something which is not that outside of us to which we cling or to which we flee only in emergency, but the living force within us by which we live. The personal affirmation for this season is: GOD LIVES IN ME.

## Conservation Report

State Conservation Commissioner John A. White, in the department's 33rd annual report submitted to Governor Dewey and the Legislature a five-point program designed to insure proper management and wise use of the State's soil, water, forest, fisheries and wildlife re-

sources both during and after the war. The program included:

Cooperation with soil conservation districts and the farmers living within those districts; Resumption of planting of State forest nurseries; Inauguration of an effective program of conservation education for the public's benefit; Expansion of State park and forest systems, and maintenance of the State's natural fish and wildlife resources in addition to fish hatcheries and game farms as far as is compatible with the shortage of manpower and materials in order to accumulate an adequate reserve to meet the post-war pressure.

## Death Toll Lower

New York State recorded its lowest known motor vehicle death toll in 1943, Motor Vehicle Commissioner Clifford J. Fletcher reported today, but reduced travel rather than improved driving practices was credited for the life-saving record.

The traffic death list numbered 1,765, compared with 2,184 in 1942. The previous low mark was 1,891 deaths in 1925—the first year that highway deaths were tabulated by the Motor Vehicle Bureau.

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## Five Constitutional Amendments Proposed

Five proposed Constitutional amendments passed by the 1944 session, and which will be presented to the next Legislature for action either in 1945 or 1946 are:

1. By Senator Hampton. Extends veterans preference in civil service appointments and promotions to those who served in U. S. armed forces and were disabled, those not disabled to be preferred after the disabled veterans but only to December 31, 1950, and for five year period after discharge.

2. By Senator Duryea. Provides that board of supervisors of any county containing a town having more than a ratio of apportionment and one-half over may alter Assembly district in a Senate district containing such town at any time on or before March 1, 1946.

3. By Senator Williamson. Provides that if county executive officer disapproves or fails to sign request for proposed special law or local law within 10 days of its approval by governing body, such body may reconsider and if passed by at least two-thirds vote, request by executive officer shall not be required.

4. By Assemblyman Reoux. Provides governor and lieutenant governor shall be chosen jointly at an election, by a single vote applicable to both offices, legislature to provide for making such choice in same manner.

5. By Assemblyman Reoux. Provides for filling vacancy in office of governor and lieutenant governor by succession for unexpired term instead of by election at other than quadrennial state-wide election.

## Program for Industry

Labor and industry in New York State are pondering the three-point program submitted recently by Edward F. Corsi, State Industrial Commissioner, who expressed himself as alarmed by the steadily-mounting toll of industrial accidents in the State.

In an address to the 19th annual safety dinner of Associated Industries in New York City, Commissioner Corsi said 711,000 industrial accidents were reported to the State Department of Labor in 1943, or nearly twice as many as the 372,000 in 1935. His proposed program:

(1) Facilities of the insurance carriers and the Department of Labor should be expanded and coordinated to provide an advisory service on accident prevention for all units of industry—a service which will include research into the causes of accidents and the development of safeguards to prevent them.

(2) Adequate staff should be provided for the Division of Inspection to permit complete coverage of all industries and stricter enforcement of the Labor Law and Industrial Codes.

(3) An educational campaign should be initiated to spread word of the safety developments in one plant to all other similar plants; to promote cooperative effort by management and labor, and to stimulate an increased and continuing emphasis on accident prevention by schools and other agencies charged with the vocational training of youth.

## Chief Engineers Meet

The annual meeting of the Association of Chief Engineers and Assistants of New York State Institutions, which is affiliated with the Association of State Civil Service Employees, was conducted in New York City December 1, 1943.

The association now has a paid-

up membership of 268, and its officers feel confident this figure will be doubled this year.

During the year 1943, the association lost two of its membership. W. H. Andres of the Gowanda State Hospital passed away suddenly last November, and P. J. Honan of the New York State Office Building in New York City was retired on pension.

Each of the chief engineers represents the institution from which he comes, and full reports on all organization affairs are available to the engineers' assistants.

## A Sweet Little Item

Here's a sweet item, right from the New York State Department of Agriculture and Markets.

New York State gained third place in national honey production during 1943, when its apiaries were credited with the production of 12,935,000 pounds of honey.

"Package" bees shipped from the south are used to a considerable extent in New York and other northern states and Canada as a source of new colonies to replace winter losses and also to strengthen the weakened colonies, the department announced. Beginning beekeepers often start a home apiary with these bees.



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## War Duration Increases

The following directive, issued on January 21, 1944, to all State Mental Hygiene institutions, by Commissioner Frederick MacCurdy, will be of interest to many:

"To All State Mental Hygiene Institutions:

Re: War Duration Gross Salaries for medical internes and resident physicians.

Effective January 1, 1944, the Director of the Budget has approved a change in the salary of resident physician and medical interne. For the duration of the war medical internes are to be paid \$2500 and resident physicians \$2700.

Maintenance should be charged therefrom at the rates established by the Director of the Budget."

The above salaries replace October 1, 1943, scales of: Medical Interne: \$1800; Resident Physician: \$2400.

## That "One Meal"!

In a tentative statement issued to Mental Hygiene institutions, the Commissioner of Mental Hygiene advises:

"The Department herewith further clarifies its policy, stated in circular letter No. 4544, that all employees working in the institution must take at least one meal during their tour of duty and have the value of such meal deducted from their gross salary in accordance with the schedule adopted by the Director of the Budget.

"Exceptions will continue to be made in cases involving **non-resident** employees who are not food handlers, that is, who do **not** work in the storehouses, kitchens or dining rooms and who do **not** supervise the feeding of patients, either in the dining rooms or on the wards. Thus ordinarily, during-tour-of-duty meals may continue to be optional for non-resident employees in the following services: administration; accounting; industrial; bakery; laundry; mechanical engineering; mechanical repairs; and field service. But, each Director shall continue to be the judge as to whether the individual employee is a food handler or has normal access to prepared food. This policy is intended to deprive any employee or officer of the privilege of institutionally prepared meals for which, of course, appropriate charges shall be made."

## Committee Action

The Legislature has authorized the Department of Civil Service to establish uniform rules as to sick leave, vacations and time allowances.

This bill will doubtless receive the approval of the Governor.

Up to this time there has been considerable lack of uniformity as to departmental and institutional practices in these matters.

The Department of Civil Service has already requested department heads to submit suggestions as to revision of the present regulations. Since employee welfare and morale are involved in questions of sick and vacation leaves and time allowances, they will naturally wish to have their ideas thoroughly considered by the Civil Service Commission. The Executive Committee of the Association of State Civil Service Employees, at its March meeting, directed the appointment of a special committee to present to the Commission on behalf of State employees, recommendations which are deemed to be proper.

The Association sponsored a bill

which would have created a legislative committee to study retirement plans. This bill was not approved, largely because of representations of the State Comptroller that a study for the purpose of recodification of the Retirement law is under way under the direction of the State Comptroller. Employees have been assured that they can submit to the State Comptroller recommendations relative to changes or improvements in the statute for consideration in the draft which will be submitted to the Legislature at its next session. In order that the opinions and wishes of the employees generally may be brought together and properly presented, the Executive Committee of the Association directed the President to appoint a special committee on retirement change proposals.

Through these two committees and the Counsel of the Association, the important matters involved in health leaves and as to retirement will receive intelligent and efficient attention.

## PAY YOUR 1944 DUES



Donald L. Brush, general counsel to the State Department of Agriculture and Markets, snapped as he addressed a luncheon honoring Mrs. Anne Mackey, right. Mrs. Mackey retired recently in Albany after 33 years' service with the Agriculture Department.

## Major Searle Back

Major George M. Searle has returned to duty as deputy chief inspector of the State Police, a post he left in 1942 to go on active duty with the U. S. Marine Corps.

Major Searle, who had been deputy chief inspector since 1936, served overseas as a Marine Corps major in North Africa and Sicily. In North Africa Major Searle was executive officer of the Provost Marshal General's office. Later he organized and headed the American Expeditionary Forces' criminal investigation department in North Africa.

## Getting Employees Placed

(Continued from page 82)

was existing, however, a grade higher position to which it was desired to promote the employee upon his transfer. But the courts have held that a transfer shall not include a promotion, although a promotion may occur after a transfer has become effective. In order to circumvent this ruling, the appointing officer has attempted to write in the transfer papers an imaginary position in his department, to which the employee would seem eligible for transfer. After such a transfer it was hoped to promote immediately to the real vacancy.

Therefore, in order to prevent such manipulation, the Civil Service Commission has required that the employee draw pay as serving (for a minimum of two weeks) in the position to which transfer was made.

Occasionally a situation arises when a transfer would be desirable and in the State's interests but is at present barred because it interferes with the promotion rights of other employees. This is under study by the Civil Service Commission for possible revision. It is likely to be a more serious problem in the near future when veterans return to service but are found physically unfit for their old jobs. Some kind of transfer to other work may be essential.

### Reinstatement, Leaves of Absence, Resignations

Although a permanent employee may be reinstated to his position directly from a leave of absence without pay provided the leave does not exceed one year, or he may be re-

instated to his former or a similar position within one year after his resignation from the service, he should not expect, after resigning at the end of a one-year leave of absence, to be eligible for reinstatement within one year after such resignation. The allowable time for re-employment is one year in total. There is, however, a war-time provision that in computing the one-year period in which a person may be reinstated after resignation, time of active service in the military or naval forces of the United States or of New York State, shall not be considered. Furthermore, during the war an appointing officer may, with the approval of the Budget Director, grant to a permanent employee leave of absence without pay for not exceeding one year in order to enter the service of the Federal Government or of the war industries, and such leave, with the approval of the Budget Director, may be renewed for additional periods not exceeding one year in each instance without requiring the employee to return to his position between successive leaves.

One might assume from some of the foregoing paragraphs that there is, in effect, little difference between return after leave of absence and return after resignation.

The granting of a leave of absence without pay involves a tacit agreement to restore the employee to his position at the expiration of the leave, unless it is stipulated when granting the leave that the appointing officer will not bind himself to keep the position available. For this reason all permissions for leaves of absence should be written.

Should a reduction of staff become necessary during an employee's leave, he would be treated as though still employed by the department and his susceptibility to lay-off based on this precept.

Reinstatement to another department, following resignation, is subject to the same restrictions as apply to a transfer; that is, the promotion rights of employees must not be prejudiced. But reinstatement cannot be made if there is available an appropriate eligible list of employees laid off from the service.

When an employee resigns he loses nearly all of his civil service rights and privileges, whereas a person on leave of absence does not.

Therefore, an appointing officer should not, as some do, require employees to resign under conditions where in all fairness a leave of absence should be granted.

Voluntary separation from the service should be covered by a resignation in writing; otherwise the employee may later embarrass the appointing officer by claiming that he did not resign but was only absent, perhaps because of illness. In case the employee after leaving fails to comply with a request for a written resignation, the appointing officer should write him, preferably by registered mail, that, if the resignation is not forthcoming, formal charges will be filed for his removal from the service.

Resignations usually should not be accepted from employees under charges for removal. To do so may relieve the appointing officer, perhaps only temporarily, of the services of unsatisfactory employees. Later, either that appointing officer or some others will be obliged to consider those employees for appointment from eligible lists. Any of those employees who are war disabled veterans will have an absolute preference in appointment. Had the removal been completed, the Civil Service Commission could and would relieve the appointing officer of the necessity of appointing such undesirable persons.

## Long Career Closes

Her retirement on March 31 closed the 53-year career of Miss Alice McCormack, chief of the Bureau of Apportionment in the State Education Department at Albany.

Miss McCormack, who supervised the annual allotment of State aid to schools, was reputedly more familiar with the complicated State aid formula than any other person in the State. She held an honorary membership in the Association of District Superintendents, granted her for her "inestimable service to the superintendents and education as a whole."

Miss McCormack entered the State Education Department in 1891, and was appointed head of the Bureau in 1923.

A few days before her retirement her associates in the department accorded her a farewell party in Albany.

## Cut in State's Expenses For Year About \$1,000,000

(From summary by New York  
State Journal)

State finance as brought down to date by the session of the Legislature which closed a week ago were set forth in a statement issued by Chairman D. Mallory Stephens of the Assembly Ways and Means Committee. This showed that appropriations of about \$4,400,000, apart from the items scheduled by Governor Dewey in his budget message, would bring the scheduled State expenditures for the fiscal year starting April 1, to within a million dollars of expenditures of the previous year.

The Governor's budget, as adopted, totaled \$366,485,000, with an additional \$5,000,000 from the post-war reconstruction fund which he figured on in his budget message, and included in his budget total, although it was appropriated by the Legislature in a separate measure, bringing the Governor's programmed expenses to \$371,485,000.

Special bills, including an additional \$140,000 for the enlarged State industrial board, and \$420,000 for scholarships for returned war veterans, swelled the total, along with appropriations for ten special legislative commissions or committees. The War Ballot Commission was given \$150,000 for transferring ballots from the Secretary of State to local election boards, while the committee composed of State De-

partment heads set up to draw a veterans' relief program was given \$100,000.

The other committees were flood control, health, medical care, economy, municipal finance, fiscal aid to municipalities, uniform county laws, and racial discrimination.

A number of the appropriations made by the Legislature, while not originally budgeted by the Governor, were later recommended by him. They brought, with the legislative expenditures, the total State spending to \$375,834,000, compared with \$376,708,000 last year.

### Death of Miss Young

"The State Employee" notes with regret the recent death of Miss Susanna Young, assistant library supervisor of public libraries in the Bureau of Library Extension, State Education Department. She became a member of the department staff in 1935 and received her permanent appointment the following year.

Miss Young, who was head of the Library Extension Service in Penn-

sylvania from 1931 to 1935, was a former president of the Council of Women of the New York State Education Department. The following tribute was paid her by Dr. Frank L. Tolman, director of the Division of Adult Education and Library Extension, under whom Miss Young had served:

"In her work in the department, Miss Young devoted much of her time to developing interest in books and libraries among farm women, in association with the Home Bureau and Cornell University. The demand for her book talks and book exhibits outdistanced her time and strength, but she was unwilling to spare herself when her beloved books, people and libraries called for ever-increasing service. She was active in good works almost to the day of her death.

"Miss Young lives in her deeds, in her friends, in the libraries she has established and nourished, but chiefly in the memory of her spirit, rich, brave, vibrant, understanding—a personality not soon to be forgotten, an influence long to be felt."

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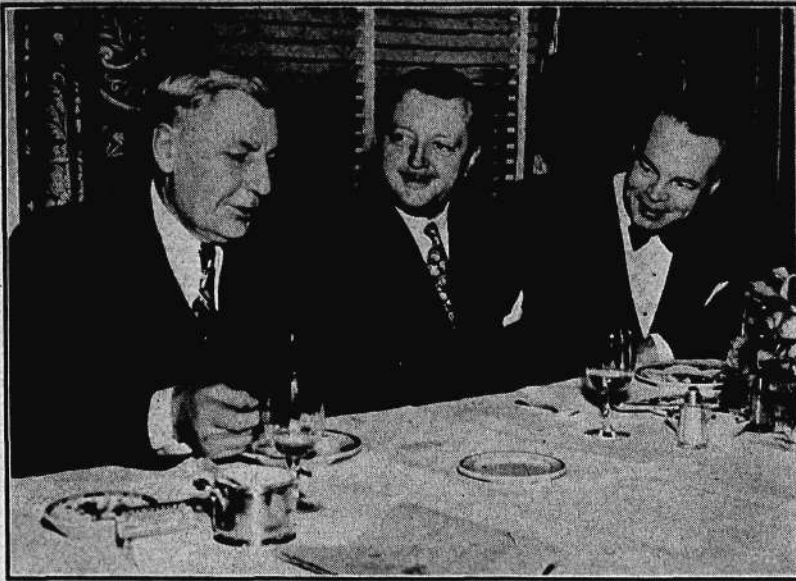
Residence \_\_\_\_\_

Work Address \_\_\_\_\_

Dept. Employed \_\_\_\_\_ Title \_\_\_\_\_

Institution or Div. \_\_\_\_\_

Dues to December 31, 1944, \$1.50, \$1 of which is for a year's subscription to the "Civil Service Leader" and 30 cents of which is for subscription to the "State Employee."



John A. McDonald, third vice president of the Association, is snapped with Paul Lockwood, secretary to Governor Dewey, and Charles A. Carlisle.



These three young ladies furnished part of the entertainment for 75 employees of the State Tax Department at the annual dinner of the Mechanical Division Employees in Jack's Restaurant, Albany, on March 8.

## Travel Expenses

Comptroller Moore has approved revised travel and living expense rates which will be of real assistance to State employees required to travel in line of duty.

The Association has been seeking for many years to have traveling expenses incurred by employees in line of duty paid in full by the State. Since such expenses have increased tremendously by reason of war conditions, many employees have suffered severe economic hardship. For instance, an employee who must use his own automobile cannot possibly pay, it would seem, gasoline, oil, tire, repair, compulsory insurance, depreciation and garage costs on an allowance of less than seven cents per mile. The State has allowed only four and one-half cents per mile. Possible loss by the worker on 15,000 miles of travel for the State would thus be over \$300 per year. We do not believe that the increased allowance of five cents per mile, while a welcome one, covers the cost of operating an automobile at this time. It is to be hoped that there will be further study of this item and a substantial upward revision.

The following is taken from statement issued by the Comptroller on March 30th, 1944:

"Effective April 1, 1944, the Rules and Regulations governing the audit of revenues and of accounts payable from State Funds and Funds under its control, as revised July, 1941, are hereby revised, in part, as follows:

"Section VII, paragraph 7. Transportation by personally owned cars. (a) Limitation on use of own cars. The use of personally owned cars in travel should be restricted to such cases where it is to the advantage of the State, and the travel order authorizing the travel must show in the block provided therefor that transportation by owned car has been authorized.

"(b) Rates allowed; unallowable charges. If travel by personally owned car has been properly authorized, in accordance with subparagraph (a) hereof, a rate of not more than 5 cents per mile will be allowed regardless of the number of persons transported. Where it is deemed for the best interests of the State, charges for the use of personally owned cars will be reduced

(Continued on page 103)

# State Service Seabees

Three former New York State employees are, oddly enough, serving together with a Seabee battalion somewhere in the South Pacific.

In that idyllic somewhere may be found William Mahedy, formerly of Taxation and Finance; Willard F. Johnson, of Social Welfare; and Clinton A. Rowell, of Mental Hygiene at Wingdale.

They are shown in the accompanying picture with 23 other men of their original "boat platoon" who somehow have managed to stay together in service. The 23 others, incidentally, are from upstate New York communities.



In this picture, taken of a Seabee unit on some South Pacific isle, William Mahedy of Taxation and Finance is the third man from the left in the center row. Beside him, reading toward the center, is Willard F. Johnson of Social Welfare, and beside him, still reading toward the center, is Clinton A. Rowell of Mental Hygiene.

## Mental Hygiene Tax Facts

**EDITOR'S NOTE:**—*Treatment of maintenance furnished to officers and employees of Mental Hygiene institutions for purposes of the income tax imposed by Article 16 of the Tax Law, furnished through the courtesy of Mortimer M. Kassell, Deputy Commissioner and Counsel, State Department of Taxation and Finance.*

Institutional officers and employees of the State of New York are required to include in gross income, in their New York personal income

When Willard F. Johnson enlisted he was the assistant director of the Bureau of Child Welfare in the Department of Social Welfare. His home is at Abington, Mass.

Messrs. Johnson, Mahedy and Rowell are, needless to say, proud of the Seabees in which they serve. Just as proud, in fact, as the unknown Marine on Bougainville, who, admiring the work of the Seabees, burst into song and set up his feelings in this sign:

So when we reach the isle of Japan  
with our caps at a jaunty tilt  
We will enter the City of Tokyo  
On roads the Seabees built.

tax returns, the value of food, lodging and other maintenance furnished to them by the institutions in which they are employed, as follows:

1. In the case of an institutional officer or employee receiving an annual cash salary of \$2,000 or more (before deductions for contributions to a retirement system, war bonds, insurance, etc.), one-half of his

monthly salary is considered to be the value of his maintenance for each month of the year.

2. In the case of an unmarried institutional officer or employee receiving an annual salary of less than \$2,000 (before deductions for contributions to a retirement system, war bonds, insurance, etc.), the value of his maintenance is considered to be the amount allowable as commutation in lieu of maintenance in the particular institution. Usually, such commutation in lieu of maintenance is \$8.00 a month for each meal of three meals a day, and \$8.00 a month for lodging, or a total of \$32.00 for each month of the year, but may vary in some institutions.

3. In the case of a married institutional officer or employee, or an institutional officer or employee who is head of a family, receiving an annual salary of less than \$2,000 (before deductions for contributions to a retirement system, war bonds, insurance, etc.), the same amount as an unmarried officer or employee, plus \$10.00 a month, is considered to be the value of his maintenance.

4. Special computation will be required to be made, for the year 1943, in the case of officers or employees of all of the institutions of the Department of Mental Hygiene.

In the case of an officer or employee of any of the above institutions, computation of the value of his maintenance for the nine months ended September 30, 1943, is to be made in the manner indicated in paragraphs 1, 2 or 3. However, effective October 1, 1943, payroll deductions were made for maintenance furnished each such officer and employee. Accordingly, the amount of such payroll deduction is considered the value of the maintenance furnished each such officer or employee during the months of October, November and December, 1943.

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PEARL RIVER, N. Y.

## Travel Expenses

(Continued from page 101)

to the prevailing first class fares per railroad mile charged by common carriers. Mileage published by the American Automobile Association will be regarded as official. Charges for garage, parking, gasoline, accessories, repairs, depreciation, alcohol, towage and other similar expenditures will not be allowed. Unnecessary meals and other travel expenses due to the use of an automobile will not be allowed.

"Section VII, paragraph 9. Travel by State-owned cars. The former requirement for filing with this department Form A.T., statement of automobile travel, all meter readings at the beginning and end of each day, car number, and detailed information with respect to places visited, is SUSPENDED until further notice.

"Section VII, paragraph 10, subdivision (d), MAXIMUM DAILY AND WEEKLY RATES FOR MEALS AND LODGINGS. Maximum rates allowed for meals and lodgings are as follows:

"Albany	} \$8.50 per day
Buffalo	
New York City	transient
Niagara Falls	} \$45.00 per
Rochester	
Schenectady	} permanent
Syracuse	
Washington, D. C.)	

"LIMITATION OF COST OF MEALS—Charges for three meals in any one day are limited to 50% of the daily transient rates set forth in this schedule, regardless of whether or not the weekly or transient rate is applicable.

"For all places within the State not enumerated, maximum rates allowed are \$7.00 per day transient and \$42.00 per week permanent. Maximum rates outside the State will be governed by the above rates, basing such rates upon the comparative population of like municipalities in New York State. Permanent rates are deemed to apply where an employee is stationed at one point in excess of one week. Returning home during an assignment or over the weekend does not entitle traveler to transient rate. (See paragraph 10, subdivision c.)

"A day consists of three meals and lodging beginning with the first

expense incurred in the form of subsistence after leaving official station, including meals and sleeping accommodations enroute.

"The increase in maximum rates is intended only for the duration of the war and a period of six months thereafter, after which maximum allowances will revert to former rates.

"Any agency which limits any of its employees to maximum rates below those specified herein must file with the Comptroller a detailed schedule of all such allowances, and the vouchers of such employees will be audited accordingly."

## Feld-Hamilton Increments

(From Civil Service Memorandum, March 31, 1944.)

Permanent employees appointed, promoted, or reinstated prior to October 1, 1943, who have more than six months of satisfactory service during the past fiscal year (April 1, 1943, through March 31, 1944), and who have the requisite number of years of service-in-the-position, are entitled to an increment on April 1, 1944. Permanent employees appointed or promoted without an increase in salary to a higher overlapping grade on or after October 1, 1943, are entitled to an increment on April 1, 1944.

Temporary Rule VIII-A employees, Rule VIII-12 substitute employees and Rule XVI-1b (leave of absence for war work) replacements, appointed prior to October 1, 1943, who have more than six months of satisfactory service during the fiscal year ending March 31, 1944, and who have the requisite number of years of service-in-the-position, may be paid an increment on April 1, 1944.



Dorothy Sheehy, popular Chief Clerk at Association Headquarters

## Hope Plus Action!

The following is from "The Federal Employee." We reprint it because it is the exact duplicate of Association's and the New York State employees' experience:

"Hope springs eternal in the human breast.

All very true, but hope without action is a futile thing indeed.

For years before the National Federation of Federal Employees was organized, Federal employees hoped that their lot would be improved.

But that hope was translated into fact only when there was positive action on the part of the employees themselves.

It is well to keep this fundamental truth in mind always."

"Save your grease to hasten peace"

**Back the Attack  
Buy More War Bonds**

★ ★ ★

**T O D A Y !**

# **NOTICE!**

**TO POLICY HOLDERS of the  
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**Don't Lose YOUR Insurance!**

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**... DON'T LOSE ...  
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# Hearings on Appeals

The State Salary, Standardization Board has announced tentative dates for hearings on the appeals filed by various employee groups of the Mental Hygiene and other institutions.

It is of the utmost importance that employees, through sub-committees appointed in September, 1943, or otherwise, appear at these hearings and set forth in clear, detailed manner the reasons for any change in their salary allocations.

A tremendous wave of dissatisfaction followed the establishment of many of the salary grades on October 1, 1943. Unrest has since prevailed among employees in a number of the institutional services. Changes in the scales of pay to reflect the true value of the services rendered is of vital importance to the upbuilding of morals in the institutions generally. This goal should be stressed by those who represent the employees at the hearings. It is obvious that the services to patients will deteriorate unless the State recognizes the need for properly compensating institutional employees. The low scales of pay which have prevailed for many decades has been a real deterrent to efficient operation of the institutions. The Feld-Hamilton law requires that employees be paid in accord with the work performed and if the full value of this statute to the people of the State is to be gained by the people, the salaries of workers must be adjusted to the proper levels.

As stated above, these are tentative dates. Each appellant will be advised of the date of the appropriate hearing. Unless there is notice to the contrary, the tentative dates here noted will prevail.

The hearings will be held in Room 437, State Capitol, Albany. The following is schedule of groups and dates:

- APRIL 17—Monday  
Dentistry—1 P.M.  
Pharmacy—3 P.M.
- APRIL 24—Monday  
Farm Employees—1:00 P.M.  
Nurses—3:30 P.M.
- APRIL 26—Wednesday  
Physiotherapists—2 P.M.  
X-ray Technicians—3:30 P.M.

- MAY 1—Monday  
Social Workers—1 P.M.  
Dieticians—3 P.M.
- MAY 3—Wednesday  
Meat Cutters—1 P.M.  
Cooks—2 P.M.  
Bakers—3 P.M.  
Housekeepers—4 P.M.
- MAY 8—Monday  
Teachers—Education Positions  
2 P.M.  
Industrial Shop Workers—  
3:30 P.M.
- MAY 10—Wednesday  
Maintenance Men—1 P.M.  
Blacksmiths—4 P.M.  
Machinists—4:30 P.M.
- MAY 15—Monday  
Power Plant Operators—1 P.M.  
Pumping Plant Operators—  
3 P.M.  
Sewage Plant Operators—4 P.M.
- MAY 17—Wednesday  
Police and Patrolmen—2 P.M.  
Firemen—3:30 P.M.
- MAY 22—Monday  
Attendants and Dining Room  
Attendants 10 A.M. and 2 P.M.
- MAY 24—Wednesday  
Laundry Employees—1 P.M.  
Motor Vehicle Operators—3 P.M.
- MAY 29—Monday  
Medical Staff—2 P.M.

- MAY 31—Wednesday  
Pathologists—2 P.M.  
Laboratory Workers—3:30 P.M.
- JUNE 5—Monday  
Clerial and Office Employees—  
10 A.M.  
Business Management—2 P.M.
- JUNE 7—Wednesday  
Tailors—2 P.M.  
Shoemakers—3 P.M.  
Seamstress—4 P.M.
- JUNE 12—Monday  
Printers and Bookbinders—2 P.M.  
Barbers—3 P.M.  
Beauticians—4 P.M.

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## 1944 DUES

ARE  
DUE

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### Hearings Begin

On Monday, March 20th, 1944, the State Salary Standardization Board held the first of hearings of the many cases of groups of employees of the Department of Mental Hygiene who are dissatisfied with the original classification and salary allocation which became effective with the extension of the Career Law to Mental Hygiene Department institutional employees on October 1, 1943.

The first group heard was the Occupational Therapy—Occupational Instructor group. Miss Virginia Scullin, of Pilgrim State Hospital; Martin Neary, Rockland State Hospital; and Howard Shumake, Middletown State Hospital; members of the Association Sub-Committee appeared before the Salary Standardization Board together with John T. DeGraff, Counsel, and William F. McDonough, Executive Representative of the Association. An excellent presentation of the employees' contention was made to the Board.

On March 29th, 1944, J. Earl Kelly, Director of Classification, advised Department Heads of the following changes in allocations:

	Service & Grade	Salary Range	Increment
Occupational Therapist	5-2a	\$1800-2300	\$100
(Reallocated from 2-2a)			
Occupational Therapy Aide	5-1a	1200-1700	100
(Reallocated from 2-1b)			
Senior Occupational Therapist	5-3a	2400-3000	120
(Reallocated from 2-2b)			
Supervisor of Occupational Therapy	5-3b	2760-3360	120
(Reallocated from 2-3)			

## The Group Plan of Accident and Sickness Insurance

C. A. CARLISLE, JR.

From the letters that are received by the Association and Ter Bush & Powell, Incorporated, the agents handling the Group Plan of Accident and Sickness Insurance, it is apparent that this Insurance is of great value to New York State Employees. Every month hundreds of employees receive benefits in the form of checks or cash when they are disabled due to accidents or illnesses. Even though many persons have sick leave coming to them and receive medical and hospital attention from the Institution or Division or Department in which they work, extra cash in time of disability is always a very handy thing to have.

A great deal of effort has been expended recently to increase the number of persons insured under the Group Plan of Accident and Sickness Insurance, and every person in State employment should give serious consideration to this Insurance. In fact, every person who is in good health at this time and has no serious past medical history should carry this Insurance because it is very low in cost, it is easy to pay for, the claims are paid promptly, and it is very broad in coverage.

One of the important things in Accident and Sickness Insurance is the selection of the risk. Personal history of the applicant is what determines whether or not he or she can be insured for Accident and Sickness Insurance. No medical examination is required whatsoever if the questions in the application are correctly answered and sufficient information is given to the Home Office Underwriter who carefully considers all of these answers and based on these answers, he either issues or declines this particular policy. The factors involved in underwriting Accident and Sickness Insurance are the personal medical history of the individual involved. Only that individual knows what his or her past medical history is. He or she knows whether or not they have been to a doctor in the last five years. They know whether or not they have had tuberculosis, arthritis, rheumatism, etc., and unless they give these facts to the Home Office Underwriter trouble may

arise at any time of a claim.

Due to the fact that this is a Group Plan and a very large plan, many risks usually not written by Accident Insurance Companies are written under this Group Plan. Every effort is extended to give the particular individual insurance if at all possible.

This article is an appeal to those who are already insured; to those that have received benefits under the Group Plan of Accident and Sickness Insurance to encourage their associates to join the Group Plan of Accident and Sickness Insurance, and in so doing, also join the Civil Service Association who has sponsored this Plan for the benefit of all State employees whether they come under the Civil Service regulation or not. Any person in any Department or Division or Institution throughout the State who can or will distribute literature and tell his associates about this Plan should write immediately to C. A. Carlisle, Jr., Ter Bush & Powell, Incorporated, 423 State Street, Schenectady, N. Y., and complete information will be sent to him or her for distribution among his or her associates. There are thousands of State employees who receive benefits under this Plan and each and everyone of them can certainly tell their associates what the benefit is in having a low-cost insurance. Remember, only a small amount of money is taken out of your pay each pay day in order to keep this insurance in force.

Under the Payroll Deduction Plan it is much simpler to keep your insurance in force and not have it lapse due to non-payment of premium. You don't have to remember when your premiums are due. They are taken out of your pay each pay-day. This Plan was established for your benefit, the same as other benefits have been established for State employees, particularly those who are members of the Association.

The advantages of this Plan over individual policies or other Plans of Insurance are very great, and a few of the very great advantages are that house confinement for sickness is not required. The policy covers all diseases whether they are common to both sexes or not and definitely pays for pregnancy and childbirth. The policy pays for reoccurring diseases because it cannot be cancelled as an individual policy as long as

you maintain your premiums or remain a member of the Association, remain in State service and do not reach age 70. The Company is not a Mutual Company. The premium you pay is the only assessment or charge that can be made for your policy. It covers all mental and nervous diseases. It has the broad Accidental Bodily Injury Clause and does not require accidental means for an injury. It pays for five years for non-occupational accidents and one year for occupational accidents and one year for sickness.

Under this Plan, State employees save much money in the purchase of Accident and Sickness Insurance because individual policies are much higher in cost and they cannot give you the broad coverages offered under this Group Plan. It is a co-operative plan and you as an individual should assist in increasing the number of insureds thereunder. Now is the time to get complete information. Keep the advertisement in this issue and write today for complete details in connection with the Group Plan of Accident and Sickness Insurance and literature on this subject.

### Patron

#### ALBANY'S COMPLETE FUEL SERVICE

Quality Fuels to meet each requirement. Engineer and combustion service for all equipment.

#### SERVICE and REPLACEMENTS

Use D & H Cone-Cleaned Anthracite

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COAL, COKE, FUEL OIL  
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#### Explore LAKE GEORGE

**A REAL OUTDOOR VACATION** CAMP ON STATE-OWNED ISLANDS Complete outfits rented: Canoe, tent, two cots, stools, utensils, etc., \$35 for two persons 2 weeks.

Write for Booklet "S"

**CRAIG-WALKER CO.**  
Bolton Landing-on-Lake George

# Accident and Sickness INSURANCE

Over \$1,000,000.00 in cash paid to State employees since 1936.

## INSURE NOW

Have you or your friends been sick? Do you know any one that's been sick?

## INCREASE YOUR INSURANCE

Has your salary increased? If so, why not increase your benefits under your policy?

## LOOK AT THESE LOW RATES

### Look at These Low Semi-Monthly Rates

PRINCIPAL SUM \$500.00			
Classification			
Employees with Annual Salary of	Monthly Benefit	Males	Females
Less than \$600.	\$ 30.	\$ .45	\$ .65
\$ 600. but less than \$1,000.	\$ 50.	\$ .75	\$1.05
\$1,000. but less than \$1,200.	\$ 60.	\$ .90	\$1.25
\$1,200. but less than \$1,600.	\$ 75.	\$1.10	\$1.55
\$1,600. and over.	\$100.	\$1.45	\$2.05

Write NOW FOR DETAILS !

C. A. CARLISLE, JR. — TER BUSH & POWELL, Inc.  
423 State St., Schenectady, N. Y.

# An Open Letter

Dear State Employee:

**A Special Opportunity —  
No Medical Exam  
During April, 1944**

I wish to advise you of a *special opportunity* which you may take advantage of *only during April, 1944*. *Low-cost* life insurance, *without medical examination*, is offered to you through this Association's Group Life Insurance Plan, underwritten by The Travelers Insurance Company. However, *you must apply during the month of April, 1944*, otherwise the Insurance Company's regular medical examination will be required.

**Exceptions to  
the Offer**

The Insurance Company advises that the *exceptions* to this offer are (1) employees who, on April 30, 1944, will be 50 years of age or over and (2) employees who have already been rejected on the basis of a previous medical examination for this insurance.

**Plan is Successful  
Claims Paid  
Promptly**

Our Group Life Insurance Plan has proven a *tremendous* success. Since the plan started June 1, 1939, *over \$900,000.00 in claims* have been paid. Claims have arisen in almost *every* State department and institution, in *every age grouping*, and have usually been paid *within twenty-four hours* after the Insurance Company had been notified. Many highly commendable letters have been received from beneficiaries of deceased employees attesting to the prompt and efficient service received in the settlement of their claims. Applications for the Group Life Insurance are being received every day from employees in addition to the *thousands* insured under the plan since its beginning.

**Plan is Growing  
Continuously**

Of course many State workers did not apply for this insurance and have since become deceased. Dependents of these employees frequently inquire, "Surely everyone should have this insurance—the need is so great, the cost is so low. Why didn't our family have this protection?"

**Some Did  
Not Apply**

The *cost* of this insurance is *low*. The *coverage* is *broad*. The *payment of premiums* is made *easy* through *payroll deductions*. The *same rates* apply *regardless of occupation* of applicant. The unpaid officers of the Association expended much time and effort in using the tremendous purchasing power of its over 35,000 members as a group to arrange this low-cost insurance for members. You may take advantage of their good work.

**Cost Is Low  
Coverage Is  
Broad  
Payment Is Easy**

*Act Now!* This *Special Offer* of Group Life Insurance *without medical examination* is open *only* during April, 1944. *No solicitor* will call on you.

**Act Now  
No Solicitors**

Descriptive literature and application may be obtained from your Chapter or Association headquarters.

**Additional  
Information**

Any employee of the State of New York, not excepted as stated above, who is or becomes a member of this Association may take advantage of this *Special Offer* and apply for this insurance. *An essential requirement*, however, is such application *must* be made while the employee is *actively employed*.

**Employees  
Eligible**

Discuss this Group Life Insurance with your fellow employees who carry it. They are familiar with it.

**Mail Your  
Application Today**

Take advantage of this special opportunity to protect your dependents by applying *now*. This Group Life Insurance Plan is made available to you and future members of this Association.

Sincerely yours,

*Harold Fisher*

President.

THE ASSOCIATION OF STATE CIVIL SERVICE  
EMPLOYEES of the STATE of NEW YORK, Inc.

MISS MARY R. CORKREY  
STATE EDUC DEPT  
ALBANY N.Y.

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