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The State Employee

JUNE 1944

VOL. 13 10 CENTS

FINAL NOTICE!

TO POLICYHOLDERS

of the

Group Life Insurance Plan and

Accident and Sickness Insurance Plan

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Salary Deductions will **cease** and insurance will be **cancelled** if policyholders' membership dues are not paid at once.

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This will also be the last issue of The State Employee sent to those who have not paid their 1944 dues.

THE STATE EMPLOYEE is published monthly except March, May, July, August, October, December. Publication office, 2 Norton Street, Albany, New York. Editorial and executive offices, Room 156, State Capitol, Albany, N. Y. 10c a single copy, 30c per year. Entered as Second-class matter, July 19 1934, at the Post Office at Albany, N. Y., under the Act of March 3, 1879. Letters to the Editor, contributions, news items, applications for memberships and application for advertising rates should be sent to Executive Headquarters, Room 156, State Capitol, Albany, N. Y.

The State Employee

Vol. 13, Number 4

JUNE, 1944

10 Cents a Copy

President Fisher Dies



HAROLD J. FISHER

Harold J. Fisher, 49, veteran president of the Association of State Civil Service Employees of the State of New York, Inc., died early this month in St. Peter's Hospital, Albany.

Mr. Fisher, who was serving his third term as association president, was stricken with a heart ailment just before the association's annual dinner in Albany last March 1.

A typical career man, Mr. Fisher had been a New York State employee for 33 years, and at the time of his death was administrative finance officer in the State Department.

Mr. Fisher long had been active on behalf of the betterment of working conditions of his fellow state employees, and for some years he had given unstintingly of his own time and effort to help other civil service workers. Mr. Fisher, who succeeded Charles A. Brind as presi-

dent of the association upon the latter's resignation a few years ago, took a leading role in the campaign for passage of laws granting civil service workers tenure and seniority rights, and salary increases and promotion for efficiency.

He also had served on the Wicks Committee which made a study of economy in state government.

Mr. Fisher was born in Albany, the son of the late Dennis T. and Mary E. Fisher. He is survived by

his wife, Mrs. Claire Lawler Fisher; a daughter, Claire; three sons, Sgt. Harold Fisher, Army Air Forces at Charleston, S. C.; Cpl. Raymond Fisher, Army Air Forces, Dyersburg, Tex., and Seaman (2C) Le Roy Fisher, Naval Air Corps, Norman Okla.; two sisters, Sister Ignatius of St. Paul the Apostle's Convent, Troy, and Mrs. William McGrath, Utica, and two brothers, Stephen D. and Leo T. Fisher, both of Albany.



Leaving the Church at President Fisher's funeral. Bearers include left to right: Frank T. Somma, Publisher of "The State Employee"; Joseph V. McCallen, Department of State; John Harrington, Division of Standards and Purchase; Arthur D. Borden, Department of State; Clifford C. Shoro, Health Department, Vice-President of the Association; James Kelly, former Deputy Secretary of State; Charles J. McEniry, Division of Standards and Purchase; William F. McDonough, Executive Representative, Association of State Civil Service Employees.

1944 Legislative Review

BY JOHN T. DEGRAFF
Association Counsel

The past session of the Legislature was, from the standpoint of Civil Service employees, devoted largely to a continuation of the *status quo*. The legislation adopted included one major and several minor steps forward accompanied by a few backward steps, but the net advance was overshadowed by the potential danger to the merit system embodied in the drastic veterans' preference amendment which passed both houses without a dissenting vote.

The most important advance was the adoption of Governor Dewey's recommendation in his budget message to raise all Feld-Hamilton salaries to the established minimum and to provide a lump sum appropriation to pay the salary required by statute upon promotion or transfer. This proposal has long been advocated by the Association and its adoption brings to an end the unfair practice of hiring both new and old employees at less than the minimum rate and the equally unfair procedure of requiring hundreds of employees to take a salary reduction in order to receive a promotion or transfer. Employees on line items will in the future receive the salary the Feld-Hamilton law prescribes when they are promoted or transferred and will no longer be expected to work for less than legal rates because the existing appropriation was insufficient to pay the wage that the statute prescribed.

A bit of historical perspective may be necessary to enable newer employees to understand why such an obvious and necessary reform should be so long delayed. In 1938, when the Feld-Hamilton rates went into effect, thousands of employees were receiving less than the minimum wage established by the State. This was due to the fact that state salaries failed to advance in the boom '20s and remained stationary during the depression '30s. The Feld-Hamilton law provided for a gradual increase through annual increments because in those depression years sufficient funds were not available to raise every employee to the minimum at one time—in fact increments were

suspended the following year in the legislative economy drive of 1939.

Each year that passed found fewer employees working at sub-minimum rates and this year it became possible to bring all employees to the established minimum rates at a relatively small cost. This brief background will illustrate the tremendous difficulties that have confronted the Association in its long continued campaign to raise state wages above depression levels and aid in understanding why we recognize this long delayed measure as a milestone in that campaign.

We still have our problems in raising many established rates to equitable levels but we can take some satisfaction in the realization that employees will no longer be required to work for less than the established rates. When the Association asks for increased wages in these days of bulging state surpluses, to help employees meet the drastic rise in living costs, adequate consideration should be given to the fact that in the past years, when it was difficult for the State to make ends meet, the State saved millions of dollars at the expense of its employees by requiring them to work for less than the minimum which the State itself established.

At the annual meeting, last fall, the Association adopted a broad and comprehensive program. Over forty bills designed to carry out various aspects of this program were introduced during the session. Thirteen of these bills passed the Legislature. Ten of them were approved by Governor Dewey and three were vetoed.

During the session the Legislature passed a total of 1179 bills, of which 796 were approved by the Governor. None of the 205 ten-day bills were vetoed but, after the close of the session, Governor Dewey vetoed 383 of the 974 thirty-day bills that were passed during the last ten days of the session. This compared with last year's figure of 1016 bills passed and 712 signed.

An unusual feature of the session was the large legislative program of the Civil Service Commission. In the past the Commission has seldom requested the introduction of any bills of its own and has rarely

expressed an opinion on bills until they have reached the Governor's desk. This year, the Commission actively sponsored over a score of bills. Most of them were technical bills clarifying or repealing ambiguous or obsolete provisions of the Civil Service law but several of the bills increased and extended the power of the Commission to enable it to act as a strong personnel agency.

Salary Legislation

A substantial proportion of the bills passed were renewals of temporary measures enacted last year. The War Emergency Compensation Bonus was continued at the same 10% and 7½% rates initiated last year but the Association's campaign for a modest increase to 15% and 10% failed to receive Administration support. The only substantial change in last year's act is the provision that temporary employees appointed "for a period of one month or more" are eligible for the bonus, whereas temporary employees were not eligible last year unless they were employed for a period of six months or more. The act also specifically provides that the value of maintenance cannot be considered and that the bonus must be computed upon the cash salary received. By Chapter 431, the same bonus was extended to employees of the judiciary who were excluded from last year's act.

Chapter 119 continues for another year the temporary \$1200 minimum salary for certain positions under the Feld-Hamilton law which was passed on Governor Dewey's recommendation last year. It also provides that employees who were raised to the \$1200 minimum last year are entitled to an increment on April 1, 1944. Although almost everyone assumes that the \$1200 minimum is applicable to all State employees, there are a number of employees in the custodial service and in non-statutory positions who still receive less than \$1200 per year. To remedy this situation the Association sponsored the Barrett bill (A. Int. 991, Pr. 1065) to provide a minimum salary of \$1200 for ALL State employees working on a full-time annual basis during the coming fiscal

(Continued on page 124)

Shoro Chosen President

In accordance with the provisions of the Association constitution, the Executive Committee of the Association, at a meeting on May 10th, unanimously selected Clifford C. Shoro, First Vice-President, to act as the President of the Association for the balance of the Association year.

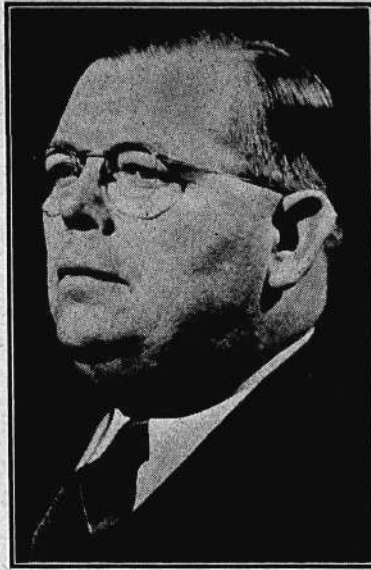
In accepting the presidency, Mr. Shoro said:

"I appreciate the honor of being selected to complete the term of our late beloved President. I realize that in accepting this high office I am accepting that which is much more important than the honor of selection: I mean the responsibility of leadership. I assure the officers, the Executive Committee and the entire membership, both actual and potential, that I will direct my energies to the furtherance of the objectives of the Association as stated in the Constitution. In addition, and of equal importance, I will attempt to complete, as far as I am able, the calendar of work for the present year as slated by our late President in his program of things to be done. During the quarter of a century of existence of the Association, never to my knowledge has it been necessary to fill the unexpired term of a president due to that office becoming vacant by death. In the absence of the active assistance of the former President, which up to now has been available to the many elected presidents, I will rely upon you officers and members of the Executive Committee for help and guidance and upon the sound philosophy and record of accomplishments of Harold Fisher, for my inspiration."

The meeting, conducted in a spirit of solemnity and sadness, paid respect to the memory of their beloved President, Harold J. Fisher, who died on May 1, and adopted the following resolution expressive of appreciation of his comradeship and service:

"WHEREAS, It has pleased Almighty God, in His Divine Providence, to remove from our midst, HAROLD JOHN FISHER, PRESIDENT OF THIS ORGANIZATION, and,

"WHEREAS, During his thirty-three years of State service he ex-



CLIFFORD C. SHORO

emplified the true merit system product; and,

WHEREAS, As an employee he worked conscientiously at his tasks on each level from his early days as page to his final days as the important Administrative Finance Officer of the Department of State; and,

"WHEREAS, As a citizen he believed that the merit system clause of the Constitution was intended for use to the fullest extent to attract unusual merit and ability to civil government; and,

"WHEREAS, As President of our State-wide, all inclusive organization of State Civil Service Employees, he resented attempts to lessen in any degree the full meaning of the Object of this organization, viz., 'to extend and uphold the principle of merit and fitness in public employment, to maintain and promote efficiency in public service, and to advance generally the interests of the civil service employees of the State of New York,' and

"WHEREAS, As a home builder in the American sense of devotion to family and respect for Church, school and community responsibilities, he was typical of the highest idealism;

"THEREFORE, BE IT RESOLVED, That the Association of State Civil Service Employees of the State of New York express its con-

fidence that the life and work of Harold John Fisher will live through the years and make for greater and more equitable opportunities of present and future generations of employees of the State of New York, and

"BE IT FURTHER RESOLVED, That in conformance with personal and official appreciation of the work and worth of Harold John Fisher, the deep sorrow and sincere sympathy of this Association is hereby tendered to the family of the late Harold John Fisher in this, their time of bereavement, and

"BE IT FURTHER RESOLVED, That these resolutions be spread upon the minutes of this meeting, published in the next issue of 'The State Employee,' and a copy be sent to Mrs. Fisher and her family, and to the press."

The Executive Committee directed that all present members be rebilled and that action be taken to cancel insurance of all who do not respond promptly to a second billing.

The great merits of the Group Life Insurance and the Accident and Sickness insurance provided by the Association was stressed, and Association Chapter officers and representatives were urged to make intensive efforts to assure that present members do not lose their insurance coverage, through neglect to renew their membership, and also that vigorous canvass of non-members be made during May and June to increase enrollment in the Association and participation in the benefits of insurance coverage.

Dissatisfaction on the part of Chapter organizations with the provisions of Association by-laws limiting refunds of 50c per member to membership reported as of July 1st each year, caused the Executive Committee to adopt a resolution that at the next Annual Meeting action be taken to have the by-laws provide in effect that the refunds to local chapters of 50c of the \$1.50 dues should be made on July 1st of paid members at that time, and again on September 30th on the basis of fully paid members who joined the Association between those two dates.

(Continued on page 137)

Salary Hearings

This magazine will be received by members of the Association about June 1st. By that time the hearings of salary appeals by the State Salary Standardization Board will have been held in the case of the following groups: Occupational Therapists, Pharmacists, X-ray Technicians, Farm Employees, Nurses, Social Workers, Dietitians, Meat Cutters, Cooks, Bakers, Housekeepers, Teachers and Educational Workers, Industrial Shop Workers, Maintenance Men, Blacksmiths, Machinists, Pumping Plant Operators, Power Plant Operators, Sewage Plant Operators, Police and Patrolmen, Firemen, Attendants, Dining Room Attendants, Laundry Employees (May 24), Mptor Vehicle Operators, (May 24), Medical Staff (May 29), Pathologists (May 31) and Laboratory Workers (May 31).

June hearings have been scheduled as follows:

- June 5—10 A.M.—Clerical and Office Employees
2 P.M.—Business Management
- June 7— 2 P.M.—Tailors
3 P.M.—Shoemakers
4 P.M.—Seamstresses
- June 12— 2 P.M.—Printers-Bookbinders
3 P.M.—Barbers
4 P.M.—Beauticians

Counsel DeGraff or Executive Representative McDonough, of the Association, have met with each committee prior to the hearing and have also been present at each hearing of the Board.

The sub-committees of the Association, chosen by delegates representing institutional employees at a meeting held September 15, 1943, have been following the facts as to the extension of the Feld-Hamilton Law to Mental Hygiene employees since that time. Aided by the information supplied by the Association through bulletins, pamphlets, "The State Employee" and The Civil Service Leader, as to titles, salaries and specifications, and through reports of the activity of the various State agencies dealing with reclassification and salary allocations, the sub-committees for each group have presented intelligent, straight-forward, convincing briefs on behalf of employee interests at every one of the Salary Standardization Board hear-

ings held thus far and will continue to do so in the case of future hearings.

The following quotations from employees are indicative of many received:

"The nurses of Rockland State Hospital wish to thank the Civil Service Employees Association for their efforts to raise the standards of the nurses in the State of New York. Mr. McDonough and Mr. DeGraff are to be especially commended on their fine work in our behalf, and we are truly grateful."

* * *

"As chairman of the Committee on Occupational Therapy, I wish to express the thanks and appreciation of all the members of that department for the very substantial help which was given to us by our State Employees' Association. The well-organized machinery of our association in Albany made it possible for the committee to contact personally the members of the Classification and Salary Standardization Board at a preliminary meeting which paved the way for our hearing protest held March 20th."

* * *

"I am one of the hundreds of employees you have helped in the matter of reclassification in the Department of Mental Hygiene. It was due entirely to information which you supplied to me that I was able to frame an intelligent appeal from an erroneous classification. Without your help, I should have had little or no way of knowing titles, pay or duties of positions comparable to mine in other State departments."

Correction

Article on travel expenses which appeared on page 103 of the April issue of "The State Employee" was in error as to daily and weekly rates allowed in the following cities. The correct rate follows:

"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, Buffalo, New York City, Niagara Falls, Rochester, Schenectady, Syracuse, Washington, D. C.—\$8.00 per day transient, \$45.50 per week permanent.

New Appointees

Three new members of the State Industrial Board, appointed by Governor Thomas E. Dewey, are Richard J. Carmichael, Schenectady; Frank U. Maurin, Buffalo, and Mrs. Leopold K. Simon, New York City. Their terms are for six years, and the salary \$8,500 annually.

Mr. Carmichael is president of Local 166, International Brotherhood of Electrical Workers. He also is a member of the Appeals Board of the Albany War Manpower Commission, and is treasurer of the Schenectady Municipal Housing Authority.

Mr. Maurin is an attorney who, following graduation from Buffalo Law School, served as assistant attorney for the Erie County Legal Aid Bureau for two years. He is president pro tem of the Catholic Club of Buffalo, a director of Buffalo Chapter, American Red Cross, and member of the executive committee of the Buffalo Business Federation.

Mrs. Simon, also an attorney, is director of the Jewish Board of Guardians and vice president of the Women's City Club of New York. She has been active for years in civic and welfare work in New York City.

Rollin Browne, Commissioner of Taxation and Finance, appointed Richard H. Barrell of Staten Island as chief damages evaluator in the Safety Responsibility section of the Bureau of Motor Vehicles. In the \$4,500-a-year post Mr. Barrell succeeds John J. Woods, who resigned to accept a position with the Fidelity and Casualty Co. of New York.

Shelby C. Davis of Scarborough-Hudson was appointed deputy Superintendent of Insurance, to succeed J. Donald Whelehan. Robert E. Dineen, Superintendent of Insurance, who announced the appointment, said Mr. Davis would serve as economist and statistician for the department.

Mr. Davis, whose salary will be \$8,100 a year, is a graduate of Lawrenceville School and Princeton University. For the last two years he had served as chief statistician for the War Production Board and the Smaller War Plants Corporation for New York City and Northern New Jersey.

Civil Service Developments, 1943

Editor's Note: The following is a reprint in part only of the 1943 report of the Department of Civil Service to the Governor made under date of March 3, 1944.

A change was made in the membership of the State Civil Service Commission in July, 1943, when, by appointment of Governor Thomas E. Dewey, Judge J. Edward Conway of Kingston succeeded Miss Grace A. Reavy as President of the Commission, and Miss Louise C. Gerry of Buffalo succeeded Howard P. Jones. The third member, Howard G. E. Smith of Buffalo, continued in office.

Following this change, the Commission adopted a plan submitted by its President, which provided for a reorganization of the Civil Service Department to facilitate the coordination of its activities, to increase efficiency and to improve its service. A number of loosely knit units of the Department were combined into four major operations, viz.: Administration, Classification, Examinations, and Municipal Service. It provided also for the installation of an investigating staff. A small corps of field investigators has been organized for the purpose of: (1) checking the reliability of statements made by applicants for competitive civil service examinations, (2) gathering information in connection with criminal records (3) following up complaints of collusion and fraud.

Under the reorganization plan there was created the position of Administrative Director, the duties of which are, subject to direction of the Commission, to assign and direct the work of the employees in the Department, to coordinate the many details of daily operations, and to make such revisions in methods and procedures as become necessary to procure speed and accuracy.

In 1942 all counties of the State, except Nassau, Westchester and the five counties lying within the limits of New York City, were required by the "Fite Law" (Chapter 885, Laws of 1941) to establish one of three forms of Civil Service administration, to wit: administration by a local civil service commission; by a local personnel officer; or by the

State Civil Service Commission. The provisions of that law required that all positions in those counties be classified and county civil service rules and regulations be adopted, subject to the approval of the State Commission, on or before July 1, 1943.

The ever-diminishing supply of labor has become a grave problem in the recruitment of State employees particularly for the lower paid positions which compose the major portion of the State service. The number of applicants for open competitive examinations has fallen from 28,830 for last year to 6,909 for the current year. Not only were existing eligible lists quickly exhausted, but persons on list subsequently established were found in exceedingly large numbers who refused the offers of appointment.

The number of examinations held this year, however, is not materially lower because of the persistent efforts made to secure competent employees.

As early as June, 1942, it became evident that recruiting for certain positions on a competitive basis could no longer be followed successfully during the war. The Commission, therefore, adopted two rules, known as Rule VIII-A and Rule VIII-12, which permitted war duration temporary appointments to such positions by means of non-competitive examinations.

Under Rule VIII-A, there were 501 persons appointed in 1933 to 165 types of positions, and under Rule VIII-12 which relates to vacancies caused by absences for military service, there were 721 appointments.

Unwillingness of workers to accept employment in the State institutions, has become alarming. Of the total 21,857 positions in the institutions of the State Mental Hygiene Department, there were at the close of this year 6,118 or 28% vacant and most of these were positions in the lower salary brackets.

The Commission is conscious of the multiplicity of post-war problems; not the least of which will be the huge amount of competitive examination work necessary to fill on a permanent basis the many positions which are now or will be oc-

cupied by persons appointed only for the war duration. In anticipation of this and so far as possible, our staff is preparing the necessary tests for these positions.

The Commission has the concept of the Civil Service Department as a service organization for local civil service commissions within the State, and as a central personnel agency which will give prompt and constructive aid to the various appointing officers in solving their staff problems. The Commission, therefore, intends to develop the Department on these lines.

Recruitment: Recruitment during the past year was performed under the full impact of war time conditions. In the advertisement of examinations, publicity was obtained through newspapers, employment offices, post offices, public officials, schools, libraries, colleges, social agencies, veteran's organizations, service clubs, professional societies, etc. Supplementary to the general publicity media, special publicity was arranged for particular examinations through personal contact and correspondence with likely sources of applicants. The needs of the military and the attraction of industrial and federal employment have, of course, made serious inroads on the manpower of the State normally interested in and available for State employment.

It is of interest to note that for the 172 open-competitive examinations held in 1943 by the Commission for positions under its jurisdiction, 6,909 candidates applied, whereas for 212 open-competitive examinations held in 1942, 28,830 candidates applied.

The Commission also conducted 247 promotion examinations in 1943, with 2,802 applicants. Even here is found a change, brought about principally by the operation of Selective Service, although it is quite certain that some employees have left State service to obtain the higher and more flexible wages of private industry. In 1942, 225 promotion examinations were held with 4,103 employees making application.

A difficulty in recruitment appeared in examinations held in October for filling stenographic and

typing positions in the Albany area. This arose from governmental order freezing the civilian supply of typewriters. Consequently, for these examinations it became necessary for the Commission to ascertain in advance the number of typewriters available for rent and arrange for their use at the various business schools in Albany and Troy, so as to avoid elimination of interested candidates who were not fortunate enough to own typewriters. It was found that the number of typewriters available was so limited that it would be necessary, not only to examine candidates on four different Saturdays, but also in several overlapping sessions on each of these days. Under this arrangement, four different sets of comparable examinations had to be prepared in order to preserve the integrity of the entire examining process. The procedure followed for these two examinations—dividing the total competition into smaller groups—was highly satisfactory, both to the Commission and to the candidates, and to such a degree that the procedure merits consideration for post-war use. For the Junior Stenographer, 659 candidates filed applications, and for the Junior Typist 1,058 applied.

Investigation of Applicants: The work of the Civil Service Commission has long been handicapped by the lack of a corps to investigate the work history and prior record of civil service applicants, as well as to obtain data for the consideration of the Commission in making decisions in various administrative phases of its work. The work of such a new unit was just getting under way as 1943 drew to a close—a Senior Investigator had been appointed and additional appointments will be made as the development of the unit's program progresses. Thus far, investigations have been made of applicants for several types of positions, both for the purpose of determining the validity of statements made by the applicants on their applications, and the fitness of the applicants for the positions sought. The future development of this work will, undoubtedly bring with it greater confidence on the part of the general public in the civil service system and provide means for greater efficiency in the examination and administrative work of the Commission.

War Duration Appointments: The present Rule VIII, Subdivision A, was adopted as a realistic approach to the present recruitment problem and has proved valuable in servicing the needs of the various operating departments during this emergency period. It is used when it has been conclusively demonstrated that adequate qualified competition is not available and approval for filling a position under this rule is only upon formal action of the Commission. Furthermore, persons appointed under this rule are selected from appropriate eligible lists, or if such lists are not available, they are required to possess the usual qualification requirements of the position to which appointment is made and to qualify by non-competitive examination. Persons appointed in accordance with the provisions of Rule VIII-A do not acquire permanent status since such appointments are for the duration of the war only but they receive the same salary increments that are provided by law for permanent employees.

Since the adoption of Rule VIII-A, the Commission has approved its use for 234 different positions. For the 165 positions for which the use of this rule was approved in 1943, 501 appointments have been made.

The types of positions most frequently approved for appointments under this rule have been those of a professional nature such as nurses, physicians, social workers, and male teachers; technical positions such as tax examiners, accountants, laboratory technicians; positions requiring the services of men well qualified physically such as patrolmen, firemen, building guards, etc. Some positions that would normally be filled by promotion have been approved for appointment under Rule VIII-A because a large percentage of the permanent employees who would be eligible to compete are in the military service.

Military Substitute Appointments: At the time of adopting Rule VIII-A, the Civil Service Commission also adopted Civil Service Rule VIII, Subdivision 12, in order to provide means for filling positions which became temporarily vacant as a result of the incumbents' entering military service. Inasmuch as the rights of these incumbents are fully protected by the Military Law, their positions can be filled only on a

temporary basis. Appointments under this rule are made in a manner similar to those under Rule VIII-A and while appointments made under either of these two rules are temporary in nature, the person appointed receives the same salary and annual increments as though employed permanently in the position.

Since the adoption of Rule VIII-12, 1,249 appointments have been made to positions in the competitive class, of which 721 were made in 1943. During 1943, 188 appointments were also made under this rule to positions in the non-competitive class.

Service Record Ratings: The system for rating the performance of employees in the competitive service of New York State is administered by the various departments under the supervision of the Department of Civil Service. The service rating system is used to express how well an employee performs the duties of his present job, regardless of his background or his length of service. It consists of three sections: first, the scale rating, which rating is subjectively determined; second, reports of outstanding performance; and third, reports of unsatisfactory performance. The submission of the last two is optional and consists of factual reports usually resulting in merit points, or in demerits.

Under the first section of the plan in use, once a year all competitive employees are rated on various items and receive a final scale rating, which ranges from 75% to 94%. Most of the departments rate their employees on the form prepared by the Civil Service Commission, but a few have modified this form to meet their special needs.

Plans had been made prior to the war to use employees of the Civil Service Commission to give a few State departments, each year, direct assistance in the form of personal instruction to raters and advice in the methods of procedure, as well as personal aid when the ratings were being made. However this year, because of the loss of staff, this assistance could be given only to one department, Audit and Control, where 558 employees were rated with satisfactory results.

Scale ratings were received from the various State departments for approximately 18,000 employees. An analysis of about 15,000 of these

ratings shows that they were distributed as follows:

8% of ratings ranged from 75 to 79
 54% of ratings ranged from 80 to 84
 29% of ratings ranged from 85 to 89
 9% of ratings ranged from 90 to 94
 The scale is such that 75% is a bare passing mark and that subjective ratings cannot be higher than 94%. Higher ratings for outstanding performance cannot be obtained except through the submission by the appointing officer, of objective proof

in a detailed statement to the Civil Service Commission. Of the total number who received scale ratings, one hundred and fifty employees from seven different departments were recommended by their respective departments for outstanding performance. These cases were reviewed by the Civil Service Commission which approved the granting of merit points to fifty-two where the facts submitted indicated outstanding performance; the remaining

ninety-eight cases were not approved.

A total of eighty-five unsatisfactory performance and attendance reports were submitted by ten different departments. Forty-five of the employees reported as unsatisfactory appealed their cases to the Civil Service Commission, and of this number the appeals of only sixteen were allowed. Yearly increments were denied in fifty-nine cases where demerits lowered the service record ratings to less than 75%.

TABLE I
FULL TIME EMPLOYEES IN STATE, COUNTY, TOWN AND VILLAGE SERVICE UNDER JURISDICTION OF STATE CIVIL SERVICE COMMISSION

State Service.....	43,829
County Service	2,422
Town, Village and Special Districts.....	2,015
School Districts	11,500
Total	59,766

TABLE II
EMPLOYEES ON MILITARY LEAVE STATE DEPARTMENTS

Agriculture and Markets.....	33	Labor	690
Audit and Control.....	99	Law	12
Banking	11	Mental Hygiene	2,603
Civil Service	24	Public Service	33
Conservation	92	Public Works	261
Correction	654	Social Welfare	80
Education	116	State	18
Executive	81	Tax and Finance.....	256
Health	228	Courts	41
Insurance	13	Miscellaneous	3
Total			5,348

TABLE III
NUMBER OF EMPLOYEES BY STATE DEPARTMENTS

STATE DEPARTMENTS AND DIVISIONS	Competitive	Provisional	Rule VIII-A	Rule VIII-2	Temporary	Non-Competitive	Exempt	Labor	Unclassified	Total
Agriculture and Markets.....	362	13	6	16	16	35	16	22	1	487
Division of Milk Control.....	51			4			6	2		63
Marketing Area	11									11
Marketing Area	8						2			8
Division of State Fair.....										2
Total.....	432	13	6	20	16	35	24	24	1	571
Audit and Control.....	359	2	0	70	12	10	9	8	1	471
Employees' Retirement System	153			7	16	2		6		184
Total.....	512	2	0	77	28	12	9	14	1	655
Banking	192	0	0	7	3	3	3	0	1	209
Civil Service	129	7	16	17	11	1	0	4	3	188
Conservation	364	6	4	22	8	116	4	117	6	647
Division of Saratoga Springs Reserv.....	24					5	3		8	40
State Council of Parks.....	3									3
Niagara Frontier State Park Comm.....	23			1		2	1	6	7	40
Finger Lakes State Park Commission.....	6					27	1		8	42
Long Island State Park Commission	40	1		2		54		77	4	178
Jones Beach Parkway Authority.....	15					55		2		72
Bethpage Parkway Authority.....	2					2				4
Taconic State Park Commission.....	13	5	7	2		16		27	5	75
Central N. Y. S. Parks Commission.....	11				1	16	1	1	5	35
Div. of Water Power and Control.....	5									5
Washington Headquarters, Newburgh.....	2								2	4
Genesee State Park Commission.....	6					4	1	5	8	24
Thousand Islands State Park.....	1					2	1		5	9
Allegany State Park Commission.....	8					9	1		6	24
Total.....	523	12	11	27	9	308	13	235	64	1,202

TABLE III—Continued

STATE DEPARTMENTS AND DIVISIONS	Compe- titive	Pro- visional	Rule VIII-A	Rule VIII-12	Temporary	Non-Compe- titive	Exempt	Labor	Unclassified	Total
Correction	99	0	5	13	4	0	1	0	13	135
New York State Reformatory, Elmira....	207	0	1	5	1	12	0	7	8	241
Westfield State Farm.....	47	1	1	6	7	127	0	10	8	207
Albion Training School.....	30	0	1	6	10	85	0	7	7	146
Inst. for Defective Delinq. at Napanoch	149	0	1	32	13	10	0	5	0	210
Inst. for Def. Delinq. at Woodburne....	89	0	4	37	11	9	1	6	0	157
Dannemora State Hospital.....	18	0	0	63	8	189	0	12	0	290
Matteawan State Hospital.....	28	0	0	63	0	377	0	27	0	495
Auburn Prison	269	0	0	11	4	13	0	1	0	298
Attica Prison	275	2	3	24	1	18	0	2	0	325
Clinton Prison	250	3	6	45	6	10	0	2	0	322
Great Meadow Prison.....	182	0	3	32	4	9	0	2	0	232
Medium Security Prison, Wallkill.....	70	0	5	15	15	20	0	5	0	130
Sing Sing Prison.....	307	0	1	23	10	15	0	0	0	356
N. Y. S. Voca. Inst., W. Coxsackie.....	102	2	8	35	11	11	0	3	0	172
Green Haven Prison.....	10	0	0	2	9	2	0	1	0	24
Total.....	2,132	8	39	412	114	907	2	90	36	3,740
Education	455	44	6	17	33	27	17	62	0	661
Vocational Rehabilitation	51	.....	.....	5	4	.....	.....	.....	2	62
Agricultural School of Alfred.....	2	.....	.....	.....	1	1	.....	.....	13	17
Agricultural School of Delhi.....	2	.....	.....	.....	1	.....	.....	1	20	24
Agricultural School of Canton.....	3	.....	.....	.....	1	2	.....	4	14	24
Agricultural School of Cobleskill.....	1	.....	.....	.....	2	1	.....	1	21	26
Agricultural School of Farmingdale.....	12	2	.....	1	3	7	.....	39	42	106
Agricultural School of Morrisville.....	2	1	.....	.....	5	4	.....	.....	32	44
Forestry Coll. of Syracuse Univ.....	24	.....	.....	1	5	13	.....	7	43	93
New York State Maritime Academy.....	1	.....	1	2	1	7	1	24	21	58
State Coll. for Teachers at Albany....	17	1	.....	7	18	2	1	18	84	148
Brockport State Normal.....	2	.....	.....	.....	2	.....	1	5	40	50
State Coll. for Teachers at Buffalo ...	10	1	.....	.....	4	1	3	18	94	131
Cortland State Normal.....	3	1	.....	1	4	0	1	4	46	60
Fredonia State Normal.....	4	1	.....	1	1	1	1	6	44	59
Genesee State Normal.....	2	1	.....	.....	3	1	1	6	49	63
New Paltz State Normal.....	3	.....	.....	.....	1	.....	1	5	41	51
Oneonta State Normal.....	4	.....	.....	.....	2	1	1	4	37	49
Oswego State Normal.....	3	1	.....	.....	1	1	1	8	41	56
Plattsburg State Normal.....	2	.....	1	.....	1	1	1	4	43	53
Potsdam State Normal.....	2	.....	.....	.....	2	1	1	7	46	59
Motion Picture Division.....	16	.....	.....	.....	.....	.....	.....	1	.....	17
N. Y. S. Roosevelt Memorial.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1
School for Blind, Batavia.....	15	.....	.....	2	3	32	.....	19	9	80
Total.....	636	53	8	37	98	103	32	243	782	1,992
Executive (Governor's Office).....	17	.....	2	1	1	1	11	.....	1	34
Alcoholic Beverage Control Board.....	298	12	2	18	9	4	15	2	117	477
Division of Budget.....	20	.....	.....	6	18	10	4	3	2	63
Division of Housing.....	27	3	1	2	2	1	1	3	1	41
Division of Parole.....	148	2	5	35	33	.....	3	1	3	230
Division of Standards & Purchase.....	50	.....	4	8	6	7	2	.....	1	78
Division of Commerce.....	33	8	9	5	18	.....	6	1	1	81
Total.....	593	25	23	75	87	23	42	10	126	1,004
Health	565	1	16	73	168	10	1	1	9	844
N. Y. S. Reconstruction Home.....	31	2	1	9	10	75	0	43	8	179
Mt. Morris Tuberculosis Hospital.....	28	0	1	17	10	35	0	55	0	147
Hos. for Incipient Tuber., Ray Brook....	27	0	1	44	9	72	0	61	7	221
Public Health Council, Div. of Lab. and Research	152	1	3	20	36	132	0	54	0	398
State. Inst. for Study of Malig. Disease..	59	0	0	6	11	82	0	33	0	191
State Tuberculosis Hos., Oneonta.....	41	0	0	5	4	50	0	65	0	165
Hermann M. Biggs Mem. Hos., Ithaca....	28	1	2	11	4	45	0	60	0	151
Total.....	931	5	24	185	252	501	1	372	24	2,295
Insurance	244	1	2	3	4	0	2	1	8	265
Labor	1,113	36	1	50	58	9	41	4	19	1,331
Div. of Placement & Unemp. Ins.....	1,171	57	58	189	300	11	15	19	13	1,833
State Insurance Fund.....	903	16	37	248	132	7	1	.....	12	1,356
Labor Relations Board.....	44	.....	.....	12	1	15	5	1	2	80
Total.....	3,231	109	96	499	491	42	62	24	46	4,600
Law	179	7	1	2	26	1	96	2	2	316
Mental Hygiene	95	5	1	1	9	0	1	1	1	114
Binghamton State Hospital.....	425	1	2	22	9	170	0	38	8	675

TABLE III—Continued

STATE DEPARTMENTS AND DIVISIONS	Compe- titive	Pro- visional	Rule VIII-A	Rule VIII-12	Temporary	Non-Compe- titive	Exempt	Labor	Unclassified	Total
Brooklyn State Hospital.....	528	1	1	11	82	234	0	50	8	915
Buffalo.....	245	0	0	9	4	121	0	32	8	419
Central Islip State Hospital.....	505	0	5	26	11	290	0	102	8	947
Craig Colony, Sonyea.....	173	0	0	4	3	130	0	47	8	365
Creedmoor State Hospital.....	454	0	1	29	12	167	0	71	7	741
Gowanda State Hospital.....	213	0	1	14	9	150	0	31	8	426
Harlem Valley State Hospital.....	485	0	5	18	8	139	0	36	9	700
Hudson River State Hospital.....	463	0	0	49	19	249	0	76	10	866
Edgewood State Hospital.....	4	0	0	4	0	0	0	4	0	12
Kings Park State Hospital.....	711	0	0	39	7	175	0	55	7	994
Letchworth Village, Thiells.....	521	0	1	7	5	166	0	20	10	730
Manhattan State Hospital.....	453	0	0	25	12	223	0	37	8	758
Marcy State Hospital.....	307	0	1	3	3	125	0	41	8	488
Middletown State Hospital.....	393	0	1	7	4	179	0	56	9	649
Newark State School.....	260	0	2	20	3	98	0	17	8	408
Pilgrim State Hospital.....	761	0	2	17	4	216	0	74	10	1,084
Psychiatric Institute.....	78	2	1	13	8	70	0	46	0	218
Rochester State Hospital.....	315	0	2	5	2	157	0	31	9	521
Rockland State Hospital.....	621	2	6	32	6	303	0	34	12	1,016
Rome State School.....	449	0	0	0	5	120	0	17	13	604
St. Lawrence State Hospital.....	325	0	2	9	4	154	0	37	10	541
Syracuse State School.....	186	0	0	3	3	72	0	15	9	288
Syracuse Psychopathic State Hospital...	51	0	1	0	1	16	0	1	0	70
Utica State Hospital.....	224	1	0	10	6	141	0	34	8	424
Wassaic State Hospital.....	329	0	5	11	3	87	9	23	9	467
Willard State Hospital.....	286	0	2	22	4	94	0	48	15	471
Willowbrook State School.....	4	0	0	0	0	8	0	3	0	15
Total.....	9,864	12	42	410	246	4,054	1	1,077	220	15,926
Public Service.....	510	5	12	11	7	18	21	4	5	593
Public Works:										
Division of Architecture.....	93	.....	.....	.....	.....	1	1	.....	.....	95
Division of Canals.....	335	4	22	2	.....	225	.....	121	.....	709
Division of Engineering.....	111	.....	.....	1	0	1	.....	17	.....	130
Division of Highways & Admin.....	1,483	14	12	12	27	265	.....	1,894	1	3,708
Division of Public Buildings.....	186	2	15	6	36	42	7	462	.....	756
Total.....	2,208	20	49	21	63	534	8	2,494	1	5,398
Social Welfare.....	377	10	3	20	6	12	7	4	30	469
New York State Training School for Boys, Warwick.....	33	.....	10	19	14	116	.....	7	8	207
Agr. & Ind. School, Industry.....	77	.....	7	17	20	80	.....	11	12	224
State Training School for Girls, Hudson	32	4	5	4	11	102	.....	5	8	171
Thomas Indian School, Iroquois.....	13	.....	5	.....	14	48	.....	15	8	103
Women's Relief Corps Home, Oxford....	19	1	2	2	7	21	.....	31	6	89
Total.....	551	15	32	62	72	379	7	73	72	1,263
State.....	123	2	1	8	7	1	4	1	1	148
Division of State Athletic Commission...	3	.....	.....	.....	.....	1	5	2	3	14
Division of State Racing.....	4	.....	.....	.....	.....	5	3	1	5	18
Total.....	130	2	1	8	7	7	12	4	9	180
Tax and Finance.....	860	37	55	195	107	7	43	13	76	1,393
Motor Vehicle.....	742	.....	.....	20	.....	1	10	6	.....	779
Total.....	1,602	37	55	215	107	8	53	19	76	2,172
Miscellaneous:										
Teachers' Retirement Board.....	14	.....	.....	.....	1	.....	.....	.....	2	17
Whiteface Mt. Highway Commission....	.....	.....	.....	.....	.....	6	1	1	2	10
Niagara Frontier Bridge Commission...	6	2	8	1	.....	.....	1	.....	3	21
New York State Bridge Authority.....	52	.....	.....	7	.....	1	.....	17	3	80
Judicial Council.....	3	.....	.....	.....	2	2	1	.....	8	16
Industrial Exhibit Authority.....	.....	.....	1	.....	.....	.....	1	.....	.....	2
Westchester Co. Park Commission.....	16	4	.....	.....	1	.....	.....	.....	.....	21
Total.....	91	6	9	8	4	9	4	18	18	167
Courts:										
Supreme Courts & Appellate Division..	592	.....	.....	13	14	5	200	21	133	978
Board of Law Examiners.....	2	.....	.....	.....	.....	.....	6	.....	3	11
Court of Appeals.....	.....	.....	.....	.....	.....	.....	43	.....	10	53
Court of Claims.....	17	2	.....	.....	1	1	6	.....	5	32
Office of Law Reporting Bureau.....	14	.....	.....	1	1	.....	3	.....	.....	19
Total.....	625	2	.....	14	16	6	258	21	151	1,093
Grand totals.....	25,315	341	426	2,110	1,661	6,951	650	4,729	1,646	43,829

The Editorial Page

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THE STATE EMPLOYEE

Official Publication of
THE ASSOCIATION OF STATE CIVIL
SERVICE EMPLOYEES
OF THE STATE OF NEW YORK, Inc.
Room 156 State Capitol Albany, N. Y.

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Harold John Fisher

On January 31, 1941, immediately following the resignation of Chas. A. Brind, Jr., the Executive Committee of this Association elected Harold John Fisher to the Presidency. In accepting this office, Mr. Fisher outlined eight objectives to the attainment of which he would direct the efforts of the Association. In reviewing the achievements of this Association under his progressive leadership, foresight and careful judgment, it seems most appropriate to link up the progress attained with his avowed purposes. In the order in which Harold J. Fisher laid down his plan of activities, let us here record his full measure of success.

1. To extend the Feld-Hamilton Law to cover Mental Hygiene institutional workers, prison guards and ultimately all State employees.

There is very little of this ambitious objective yet to be accomplished. The plan for its completion has been made and is at the present time in operation.

2. Bring all employees receiving less than the minimum of salary grade to minimum and to salary corresponding with their years of service.

The first part became effective through legislative enactment on April 1, 1944.

3. Secure reasonable minimum sick leaves for employees of State institutions either through administrative rule or by statute. This has been advanced and new powers of Civil Service Commission should bring desirable uniformity.

4. Establish fair minimum vacation periods for all workers not now covered.

The 1944 Legislature amended the Civil Service Law giving power to the Civil Service Commission to "from time to time make rules for . . . transfers, leaves of absence, resignations, and reinstatements, and in the State service for sick leaves, vacations, time allowances and other conditions of employment not inconsistent with the constitution." Hence, it may be assumed that these objectives are well on the way to full accomplishment. The Association has been invited to confer with the Commission in establishing such rules and regulations.

5. Seek full commutation allowed by law for institutional employees.

Much improvement in this condition was effected during 1941 and 1942. With the classification of all institutional employees under Feld-Hamilton, this vexing question is no longer existent.

6. Secure full establishment of maximum eight hour day.

Amendments to the Labor Law have effected this objective in large measure. An attempt during the 1944 Legislative session to return some employees to a longer day was defeated through the efforts of the Association.

7. Promote better attention to personnel matters within departments and institutions and closer cooperation with the Civil Service Department; and

8. Continue to promote and develop cooperative enterprises of benefit to employees such as group accident and sickness and life insurance, group hospitalization, and credit unions.

These last two purposes have been most religiously adhered to during

his all too short tenure of office.

Harold Fisher exemplified in his career the true merit system product. As an employee, he worked conscientiously at his tasks on each level from his early days as page to his final days as the important administrative finance officer of the Department of State.

Each Secretary of State, for many years, has told the same story of leaning heavily upon his great storehouse of experience coupled with his sound practical judgment in meeting new times and new events.

He believed that skilled leadership in administrative departments should be the permanent basis of continuous good service to the people regardless of partisan political changes in the heads of government. He believed in rewarding merit and in safeguarding the health of workers through intelligent attention to hours and conditions of work.

He resented attempts to thwart these ideals in public service by withholding funds from the Civil Service Department, by an occasional spirit of laissez faire on the part of that Department in administration of the merit system, by centralization of power in the Budget Division, by exemptions from merit tests of positions at the top, thus limiting the initiative and opportunity of merit system appointees, and by the demand for jobs on a privilege or spoilsmanship basis or for any other cause than the known ability of the worker, ascertained by competitive tests.

His devotion to the merit system plan for selection of workers was well illustrated by his unqualified opposition to the proposed veteran preference constitutional amendment as militating unfairly against millions of patriotic young citizens who will have no opportunity to enter the armed services, and he took this position in spite of the fact that his three sons are in the armed forces in the present war.

A host of young and old friends in and out of the service attest to an abundant life lived for thirty-three

years amid the turbulence of State affairs.

And now death has taken Harold from his place in our every day lives as State employees. But nothing, not even death, can ever detract from the enviable record of accomplishment of this public servant.

The Association Points The Way to Good State Government

The members of this Association have the great satisfaction of knowing that their efforts have constituted the leaven that has brought strength and vigor to New York State service.

In 1930, when the Association began a militant campaign, the merit system in the State was yielding slowly but surely to the decay which comes from disrespect and neglect; merit system leadership was weak; citizen and executive and legislative support was at a low ebb; "spoils" pressure was strong and gaining in strength; the efficiency of the people's government was definitely on the down-grade.

The magic rally of 30,000 workers to the high cause of good service and fair play for workers could not be resisted for long. One by one the sordidly shameful plagues of honest workers—disregard for merit—long hours—low pay—and lack of career opportunities have given way to intelligent proposals for wise personnel administration.

Has the State benefited by employee organization? No other influence has been as instrumental in placing the efficiency of New York State government on its present high plane.

The vigorous urging of the Association, its constant bringing to public attention of the needs of the service, its fearlessly constructive criticism, and its sound proposals to legislative, executive and administrative branches of government, have won out.

Institutional service was breaking down at every point in 1942 and would have succumbed to the distressing neglect of years if the Association had not insisted that the Feld-Hamilton law be extended and applied promptly. It is a sad and serious fact that the narrow employment views of a few men almost dissipated the great human resource inherent in the body of faithful civil

service employees kept together at the institutions only by the hope and the confidence inspired by the Association. Today things are brighter because the Association had the vision to insist upon the application of the Feld-Hamilton law and in a fair and enlightened manner. The end is not yet, but as a result of the hearings on matters of classification and salary allocation, a spirit of co-operation is developing among the agencies responsible. The extent to which laws are humanized and how well social justice view points are maintained in the administration of laws and rules of government are the only true measurements of progress in government. When leaders forget the dignity of the worker they emulate the enemies of civilization.

H. G. Wells remarks, in one of his books: "It is the universal weakness of mankind that what we are given to administer we presently imagine we own." How true this has been in the conduct of the State institutions! And the pride of ownership on the part of appropriating authorities extended to the human being who performed the tasks of these great hospitals and welfare schools. For years thousands of workers in the institutions of the State have been virtually condemned by employment practices to the level of poverty. Thanks to the Association, a new day is here. Let us celebrate the victory by a unity and a militancy that will make efficiency and ever more efficiency the handmaid of our unity.

Increments

The following is from memorandum sent by the Department of State Civil Service to all appointing officers on May 2, 1944, advising of the granting of increments to temporary or provisional employees and raising the salaries of such employees to the minimum of their Feld-Hamilton grades, as of April 1, 1944:

"This Department has received from the Division of the Budget the following statement of budgetary policy relating to salaries and increments of temporary and provisional employees:

"1. Any temporary or provisional employee appointed prior to October 1, 1943, may, in the discretion of the appointing officer, be allowed an increment effective April 1, 1944,

if funds have been appropriated or are presently available therefor.

2. Any temporary or provisional employee, whose salary on April 1, 1944, was below the minimum of the grade of the position to which he has been appointed may, in the discretion of the appointing officer, be increased to the minimum salary of such position if funds have been appropriated therefor or are presently available therefor."

Fish Migration

The State Conservation Department has just discovered that trout, when stocked in good trout waters, generally do not migrate too far.

The Department conducted surveys on the Wiscoy and East Coy Creeks in Western New York and discovered that more than 60 per cent of tagged fish were caught in practically the same area as they had been planted in.

Longest migration reported was a spring planted trout that moved upstream for nearly eight miles. Another spring planted fish moved downstream for five miles.

**Back the Attack...
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Civil Service Notes

BY THEODORE BECKER
State Department of Civil Service

RECENT RULINGS ON PRIVILEGES OF TEMPORARY AND PROVISIONAL EMPLOYEES

According to recent memoranda issued by the State Department of Civil Service, temporary and provisional employees have been granted the following privileges:

Provisional Promotions

For the period of the war emergency, employees who are provisionally promoted may receive the salary of the higher grade positions.

Previously, the Director of the Budget had not authorized increases in salary for employees provisionally promoted. The new policy, approved by the Director of the Budget is consistent with the practice now followed in cases of temporary promotions to fill substitute or war duration positions. In the latter cases, the employees temporarily promoted have been granted the salaries of the higher grade positions.

The memorandum points out that persons provisionally promoted will not suffer a cut in salary, even if they have been receiving salaries which are higher than the minimum salary of the grade to which they are being provisionally promoted. In such cases, the employees promoted are entitled to receive at least the salary received in their permanent positions.

Salary Increases for Temporaries and Provisionals

Appointing officers may grant increments to temporary or provisional employees and may bring their salaries up to the minimum of their Feld-Hamilton grades provided funds have been appropriated or are now available. This ruling is based upon a statement of budgetary policy just issued by the Division of the Budget which provides:

1. Any temporary or provisional employee appointed prior to October 1, 1943, may, in the discretion of the appointing officer, be allowed an increment effective on April 1, 1944, if funds have been appropriated or are presently available therefor.

2. Any temporary or provisional employee, whose pay on April 1, 1944, was below the minimum of the grade of the position to which he has been appointed may, in the discretion of the appointing officer, be increased to the minimum salary of such position if funds have been appropriated therefor or are presently available therefor.

Not Mandatory

It should be noted that the increments and the increases to the minimum are still not compulsory for temporary and provisional appointees. Not only must monies be available therefor, but the appointing officer involved must be willing to apply the funds for such purposes.

Credit for Temporary Service

The memorandum also provides that any type of continuous temporary service which is immediately followed by Rule VIII-A, Rule VIII-12 or Rule XVI-1b replacement service in the same or in a similar position or in a position in the same service and grade shall be added to such Rule VIII-A, VIII-12 or Rule XVI-1b replacement service, as increment earning service.

Heretofore the only temporary service that could be so added was provisional service pending Rule VIII-A, Rule VIII-12 or Rule XVI-1b replacement service.

War Bonus for Provisionals

Provisional State appointees who are retained in their positions during the circularization of an appropriate eligible list, will be entitled to continue receiving additional war emergency compensation.

The prior ruling barring additional war emergency compensation for persons appointed, pending canvass of an eligible list, is confined to those receiving such emergency appointments after the list being circularized has been established.

The prior ruling did not apply to provisionals retained during the canvass period, inasmuch as the character of their employment is not substantially changed for such additional period.

PREFERRED ELIGIBLES IN MILITARY SERVICE

According to a memorandum issued to all State appointing officers

by Judge J. Edward Conway, President of the State Civil Service Commission, persons on a preferred eligible list, established after a lay-off, have an absolute preference in appointment, and such persons cannot be passed over even though they may be in military service.

Pointing out that there is nothing in the Military Law to authorize an appointing officer to disregard a preferred eligible in military service, Judge Conway explained that such an eligible must be appointed in the order of preference and must be granted an immediate military leave of absence. Only in the event that this eligible specifically refused an offer of appointment in writing may he be passed over and another person appointed.

Other Eligibles Unaffected

The practice in connection with the appointment of eligibles on ordinary open-competitive or promotion lists remains unchanged by the memorandum. Although eligibles on preferred lists must be appointed in 1-2-3 order, eligibles on other lists may be appointed on the basis of 1 out of 3. Accordingly, an appointing officer is not required to consider the name of an eligible on an open competitive or promotion list, if such an eligible is in military service.

On the other hand, the appointing officer may, in his discretion, appoint an eligible while the latter is in military service. Such appointee gets an automatic military leave of absence and is deemed to complete his probationary term, if one is required, while he is in military service. In addition, he earns whatever salary increments he would have accrued if he had worked in his civil service position during the period of his military service.

REPORTING FOR DUTY

Persons appointed from State eligible lists are entitled to fifteen days in which to report for duty, according to a memorandum issued to all State appointing officers by Charles L. Campbell, Administrative Director of the State Department of Civil Service.

Explaining that the State Civil Service Commission has reaffirmed

its long standing policy in this regard, the memorandum makes the following points:

Declination v. Acceptance

1. Under Civil Service Rules, an eligible who fails to accept an offer of appointment by mail within four business days next succeeding the mailing of notice of appointment is deemed to have declined.

2. An eligible who accepts an offer of permanent appointment with the stipulation that he will be able to report for duty within fifteen days of the notice to him of actual appointment must be considered as having accepted.

3. An eligible who is unable to report for work within fifteen days after date of notice of actual appointment may be passed over on the eligible list. **This fifteen days is from the date when the eligible is definitely offered employment and not from the date when inquiry is made as to his willingness to accept employment.**

Two Weeks' Notice

The fifteen day period allowed by the State Commission affords the appointee an opportunity to give two weeks' notice to the employer he is leaving. Until an eligible is actually notified of his appointment it is inadvisable for him to give such notice. A canvass letter, merely inquiring as to the eligible's availability, is not an offer of appointment, and an eligible should not resign his job on the strength of it. Inability to report for work within fifteen days after receipt of such canvass letter does not result in any loss of eligibility. It is only where the eligible cannot report within fifteen days after receiving notice of appointment that the appointing agency may consider such inability to report as a temporary declination.

CIVIL SERVICE IN THE COURTS

Court Review of Dismissal

In the removal of a State employee after a hearing on charges of incompetency or misconduct, it is sufficient, if the person conducting the

hearing had reason to believe that the charges were sustained by the proof submitted.

Accordingly, on appeal to the courts after removal, the question "is not whether the charges were true or false, but whether the determination was arbitrary—whether no reasonable man, hearing the proof, would reach the conclusion complained of."

Removal Upheld

This was the determination of the Albany County Supreme Court recently, in sustaining the removal of an employee of the State Insurance Fund. The court found that the charges were of sufficient gravity, if true, to warrant removal of the employee, and that there was no reason why the testimony against the employee could not be believed or why his own explanation necessarily had to be taken as true. (*Krotenberg v. Connelly*, Albany County Supreme Court.)

The Law on Lawyers

"It is well known that the law is a broad field, and embraces many branches. Yet all of them are contained within the field of the lawyer's endeavor."

Thus ruled the Albany County Supreme Court in a recent case in which a Senior Attorney employed in the Transit Commission prior to its abolition sought reinstatement to the position of Senior Attorney in the Tax Department.

Sought Tax Department Job

When the recent open-competitive examination for Senior Attorney in the Tax Department was announced, the Transit Commission employee, now on a preferred eligible list, demanded certification of his name to the Tax Department for appointment. The State Civil Service Department refused to comply with the demand. It contended that the position of Senior Attorney in the Transit Commission involved different duties and had different requirements for entrance than the position of Senior Attorney in the Tax Department, and the Civil Ser-

vice Law authorized reinstatement from preferred lists to similar positions only.

Eligible Found Qualified

In ordering the eligible reinstated, the Court ruled that this was too strict an interpretation of the law's requirement of similarity of position.

Said the Court: "It is true that the petitioner's former position involved specialization in public service law. The position which he seeks deals in the main with tax law. Both positions, however, call for the skill of a lawyer. The petitioner, having for many years practiced his profession, must be deemed to possess such skill."

Kroyer v. Conway, Albany County Supreme Court.



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1944 Legislative Review

(Continued from page 112)

year. Realizing the serious plight of employees receiving less than \$1200 in these days of high living costs, the Association had high hopes for the passage of this bill, but it died in committee after Administration opposition was manifested.

Chapter 121 renewed, without change, the provisions of last year's law authorizing payment for overtime work for employees in the State institutions and in the Division of Canals at straight time rates. Several bills which would have authorized overtime payment at "time and one-half" rates died in committee.

The long-standing claim of Highway Engineers in the Department of Public Works for reimbursement of their expenses while engaged in field work was recognized by an appropriation of \$50,000 in the budget, and by the adoption of departmental rules authorizing payment of a field allowance.

Chapter 117 increases the salaries of the Civil Service Commissioners from \$7,000 to \$10,000 and the salary of the President of the Civil Service Commission from \$9,000 to \$12,000.

The Feld-Hamilton law was extended to Forest Rangers in the Department of Conservation, effective April 1, 1944, by the Lawrence bill (A. Int. 341, Pr. 346), which became Chapter 521.

The Wallace bill (S. Int. 590, Pr. 634), establishing salary schedules for the New York State College of Forestry and the Rules Committee bill (A. Int. 2066, Pr. 2488), establishing salary schedules for the non-teaching staff at Cornell University, were both vetoed by the Governor.

The controversial Rules Committee bill (S. Int. 1711, Pr. 2032), introduced during the last week of the session, which adds three new and lower grades to the Prison Safety Service schedule, became Chapter 309 of the laws of 1944. This bill authorizes a \$100 increase in the maximum salary paid matrons at Westfield and Albion and a \$300 increase in the minimum and maximum rates for institution teachers in the Correction Department. The established rates for custodians of the criminal insane at Dannemora and Matteawan are, in the opinion of the Association, wholly inadequate and inequitable since they substan-

tially continue the present rates and fail to recognize the long standing claim of these employees for a higher wage scale. The Association has always maintained that no problem is solved until it is solved correctly and will continue its battle for adequate salary rates for the employees of these institutions.

We may safely accept Governor Dewey's pledge, in his message to the Legislature, that the present rates for Prison Guards will not be reduced. This pledge, however, is effective only during his administration and the existence of these lower grades in this schedule permits any future administration to lower existing scales by administrative action without any amendment of the statute itself. The Association will continue its efforts for a modification of the provisions of this bill and is hopeful that a more equitable solution of the problems involved will be reached before the next session of the Legislature.

Amendments to Feld-Hamilton Law In Relation to Salaries Paid Upon Appointment, Promotion and Demotion

Chapter 370 (MacKenzie bill, Int. 1364, Pr. 3484), makes four amendments to section 41 of the Civil Service Law. Three of these amendments are of a constructive nature, but one represents a step backward that was consistently opposed by the Association. The law has heretofore provided that an employee promoted to a position in an "overlapping grade" shall receive the rate of compensation immediately above the rate received at the time of such promotion. In other words, if a Junior Clerk, who received \$1300 was promoted to the position of Assistant Clerk, which carries a minimum salary of \$1200, he was required to be paid \$1400 upon receiving his promotion to the higher position. This amendment takes away the increase that was heretofore paid upon promotion and provides that such employee shall continue to receive the same rate of compensation he received in the lower position, with the proviso that he is eligible to receive an increment on the first day of the fiscal year following his promotion. The bill further provides that if the employee has served at the maximum of the lower grade for a period of one year or more he shall, in that event, receive the in-

crement that was heretofore paid upon promotion.

The constructive parts of the bill extend to employees in the non-competitive class the provisions that were formerly applicable only to employees in the competitive class. Heretofore, a non-competitive employee has sometimes been required to accept a salary reduction upon appointment to a higher position if he happened to be receiving a rate of pay that was higher than the minimum for the new position. This bill provides that upon any appointment or promotion under the Feld-Hamilton law, an employee, who is in the competitive or non-competitive class and is then receiving more than the minimum established for the new position, shall continue to receive his present rate of compensation and shall be eligible for an increment on the first day of the next fiscal year.

The bill also makes the following changes with reference to the procedure to be followed upon demotions:

(1) If an employee is demoted to a position in a lower grade because of lack of work or funds, he shall receive the rate of compensation which corresponds with the total number of his years of service in the positions from which and to which he is demoted; and (2) an employee demoted as a result of disciplinary action shall be entitled to receive the salary in such lower grade which corresponds with the number of his years of service in the grade from which he was demoted or, in the discretion of the appointing officer demoting him, he may be paid a higher rate of compensation not exceeding the maximum of the grade to which such position is allocated and not exceeding the rate of compensation received prior to such demotion.

Extending Reclassification Dates

Chapter 68 (Halpern bill, Int. 483, Pr. 507), amends Section 48-a of the Civil Service Law by (1) providing for the reclassification without examination of employees occupying positions with non-standard titles at least one year prior to October 1, 1943; and (2) extending until December 1, 1945, the power of the Classification Board to make such reclassifications.

This law, which became effective on February 25, 1944, has already been invoked to liberalize the pro-

cedure relating to the reclassification of employees in Mental Hygiene institutions.

State Guard

Chapter 294 (Wallace bill, S. Int. 1201, Pr. 1360), removes an unfortunate and unintentional provision of law which discriminated between public employees who joined the State Guard before April 1, 1942, and those who joined after that date. Members who joined prior to April 1, 1942, were permitted to receive their regular compensation as public employees while they were absent on ordered duty with the State Guard, but members who joined after that date were denied similar consideration.

This law eliminates this discrimination and amends section 43 of the Military Law to provide (1) that every public officer or employee who is or who becomes a member of the New York Guard shall, during any period when the New York Guard is organized for active duty, be entitled to absent himself from his civil duties while performing ordered military duty as a member of the New York Guard and shall be deemed to have a leave of absence for the duration of such military duty and shall be paid his salary as such officer or employee for a period or periods not exceeding 30 days in any one calendar year; without any loss of time service, increment, vacation, or holiday privilege or any other privilege and without prejudice to any rights of promotion, transfer, reinstatement or continuance in office or employment while on such military duty; and (2) that such officer or employee shall be permitted to contribute to any retirement system of which he may be a member for any period of absence on military duty during which he shall receive no civil compensation, which contribution may be paid at any time within a year after the termination of his military duty, and such member and his beneficiary shall be entitled to all the benefits of his retirement system while on military duty except accidental disability retirement and accidental death benefit.

Governor Dewey released the following message to accompany his approval of the bill:

"This bill revives the right of public officers and employees to absent themselves while on mili-

tary duty with the New York Guard without impairment of their compensation and vacation privileges. In 1942 this right was cut off. Knowing, as I do, of the great sacrifices made by members of the New York Guard in using substantial portions of their leisure time in order to serve the State in the absence of the National Guard, I am gratified indeed to add my approval to this bill."

Amendments to Military Law

Chapter 327 (Rules Committee bill, Int. 1698, Pr. 2006), extends for another year the temporary law passed last year which included within the definition of military duty, "Service with the American Red Cross, while with the armed forces of the United States on foreign service."

Chapter 762 (Steingut bill, Int. 117, Pr. 2337), also includes as military duty various types of service with the Merchant Marine. The following specific types of service are now included in the definition of military duty: (1) services as officers or members of the crew on or in connection with a vessel documented under the laws of the United States or owned by or used for the government of the United States; (2) service as an enrollee in the United States Maritime Service on active duty; (3) to the extent prescribed under the laws of the United States, service during any period awaiting assignment to the service described in (1) and (2) above, and any period of education or training for such service in any school or institution under the jurisdiction of the United States Government. This law protects the status of employees who hereafter enlist in the Merchant Marine and it is also, by its terms, retroactive to April 28, 1941.

The effect of these bills is to give mandatory leaves of absence and protection in the right to reinstatement to all public employees who have heretofore or who may hereafter enter the Merchant Marine service and to accord similar protection, for the next year, to employees who are in the American Red Cross with the armed forces on foreign service.

Governor Dewey in approving this bill, said:

"This bill confers upon civil service employees who have entered the United States Merchant

Marine the same benefits and privileges under the Military Law that are conferred upon those civil service employees who enter the armed forces. This gives them additional rights as to the positions they leave and protects their interests in retirement systems.

This bill constitutes a just recognition of the great sacrifice made by those who enter the Merchant Marine. While it is true that their compensation is high, at the same time they risk their lives daily. The fortitude demonstrated by those who remain in the service entitles them to every benefit and privilege that the State can extend, equitably, to all its employees and to those who have entered the armed forces."

Chapter 406 (Ostertag bill, A. Int. 428, Pr. 1723), renews for another year the temporary law which permits public employees in military service to borrow all but \$1 of their funds in the Retirement System.

This law, it will be recalled, was first passed at the 1943 session of the Legislature. Prior to the passage of the 1943 law, employees in military service could not borrow any part of their funds from the Retirement System and many of them were forced to withdraw from the system and waive their retirement rights in order to obtain funds that were urgently needed. This bill protects the status of such employees by providing that any person, who, while in military service, has withdrawn his funds from the Retirement System, may redeposit such funds within five years after his restoration to his position, and shall have the same rights and privileges as if he had left \$1 on deposit to his credit.

Promotion Notices

Chapter 513 (MacKenzie bill, Int. 654, Pr. 2095), provides that posting of a notice of a request for an open competitive examination to fill a vacancy may be dispensed with if the Civil Service Commission finds that there are less than three persons eligible for promotion to such vacancy.

Provisional Appointments

The law for many years has provided that a provisional appointment shall not continue for a period longer than four months although, as a practical matter, it is often impossible to hold an examination and

establish an eligible list within the required four months period. Chapter 377 (MacKenzie bill, A. Int. 1614, Pr. 2280), provides that a provisional appointment shall not continue for a period longer than six months nor beyond twenty days after the promulgation of an appropriate eligible list. It also provides that the State Civil Service Commission may extend a provisional appointment for a further period not exceeding three months if it finds that it has been impractical to establish an eligible list within a six months period.

Private Contracts for Public Work

One of the measures opposed by the Association permits the Superintendent of Public Works to enter into private contracts with engineers, architects and consultants:

- (1) To prepare designs and plans.
- (2) To render assistance and advice.
- (3) To perform such other and necessary service as the Superintendent may deem necessary.

This measure was first introduced as a separate bill (Bennison bill, A. Int. 1310, Pr. 1443), but when opposition was manifested, the Bennison bill was permitted to die in committee and its terms were incorporated in the otherwise unobjectionable Departmental Reorganization Bill, which was signed by the Governor and became Chapter 404.

Governor Dewey, in a message accompanying the approval of the bill, stated that these provisions were intended to permit the Superintendent of Public Works "to make use of unusual and specialized technical advice for appropriate operations." If the Superintendent uses the power conferred upon him for the limited purposes outlined by the Governor, such use is, of course, unobjectionable, but, by the same token, the bill is wholly unnecessary because appointments for such purposes can be made without examination under Civil Service Rule VIII in full compliance with the Civil Service Law. The Association objected to the bill because it contains no such limitations, and, by its terms confers unlimited discretion upon the Superintendent to enter into private contracts, without Civil Service safeguards, for the performance of public work that could practically be done under the merit sys-

tem. We maintain that it is an unsound and dangerous practice to enact legislation in such broad terms that, on its face, it confers discretion to violate the Civil Service Law, and we believe that these provisions should either be repealed or amended at the next session to conform with the expressed intent of Governor Dewey.

The Rules Committee bill (S. Int. 1708, Pr. 2029), which authorized the Public Works Department to hire "Temporary Transition Employees" until December 31, 1945, was also opposed by the Association on the ground that it was unnecessary in view of the existing Civil Service Rules authorizing "war duration" appointments, and on the further ground that it would create a dangerous precedent because if one agency is permitted to by-pass established Civil Service procedure, other agencies are encouraged to seek similar legislation. The Association was extremely gratified when it learned that Governor Dewey had vetoed this bill.

Uniform Administration of Sick Leaves and Other Conditions of Employment in the State Service

Chapter 372 (MacKenzie bill, A. Int. 1612, Pr. 1808), provides:

(1) That the State Civil Service Commission may adopt rules governing transfers, leaves of absence, resignations and reinstatements for all Civil Service employees under its jurisdiction. Although these provisions have not heretofore been expressly stated in the law, such rules have heretofore been established by the Civil Service Commission under its general rule-making power and this phase of the bill makes no change in the existing practice.

(2) That the State Civil Service Commission may adopt rules governing sick leaves, vacations, time allowances and other conditions of employment affecting employees in the State service. This provision is new and is designed to enlarge the Commission's power as a central personnel agency. Heretofore, sick leave rules have been established informally by action of the Governor's Cabinet. While the rules laid down by the Cabinet have been generally recognized and followed by each department, no department has been legally required to follow such rules and each department has made its own interpretation. As a practical

matter, each employee has been bound by the ruling of the head of his department even though other departments have come to a contrary interpretation of the same rules.

This law will give the Civil Service Commission general supervision over the formulation and administration of all rules relating to sick leaves, time allowances, vacations and other conditions of employment. Employees who feel that they have been prejudiced or discriminated against by the departmental interpretation of existing rules will be enabled to appeal from a departmental ruling to the Civil Service Commission. The Commission is now engaged in formulating new sick leave rules which will improve and clarify the present rules and make possible a uniform policy throughout the State service.

Veterans' Legislation

Chapter 417 provides for unemployment insurance for all New York State veterans if they are unable to find employment immediately upon their discharge from military service. This law will protect State as well as private employees, because it expressly provides that all veterans are eligible for unemployment insurance regardless of whether they were in covered employment or not prior to their entrance into the armed forces.

Chapter 416 creates a temporary State Commission with an appropriation of \$100,000 to study all problems affecting veterans and to set up a service agency to assist veterans and their families. The Association hopes that this commission will make a study of the veterans' preference problem and recommend a proposal that will permit employment of veterans in the civil service on a basis that will not impair the merit system.

No Sex Discrimination

The Todd bill (A. Int. 784, Pr. 819), which prohibits discrimination in rate of pay because of sex, was signed by Governor Dewey and became Chapter 793.

While this law was intended primarily for employees in private industry, its provisions are also applicable to State employees and will probably require a few amendments to existing wage scales. In most categories in State service there is no discrimination in wage rates be-

tween men and women, but there are a few instances where women are paid at a lower rate for substantially the same work performed by men. Some of such cases have already been called to the attention of the Association, and will be presented to the Standardization Board for appropriate action. Any female employees who are of the opinion that their wage rates are lower than the wages paid to male employees for the same work should call the facts to the attention of the Association in order that the matter may be submitted to the Salary Standardization Board for determination.

Exempt Class

Chapter 436 (MacKenzie bill, A. Int. 1616, Pr. 1812), amends the definition of the exempt class generally and eliminates the clause which provided that skilled laborers in the State service should be classified as exempt. This will enable the Civil Service Commission to exercise its discretion to place in the non-competitive class a number of skilled employees who are now deprived of Feld-Hamilton increments because of their classification in the exempt class. Under the terms of this bill unskilled laborers remain in the exempt class.

Amendments to the Retirement Law

For the past year Comptroller Frank C. Moore has been engaged in a comprehensive study of the retirement law and has prepared a tentative revision of the law to be submitted to the Legislature at its next session. The Association had sponsored the Hampton bill (S. Int. 1441, Pr. 1640), which would have created a Commission to recommend a revision and recodification of the present law, but requested that the bill be held in committee after the Comptroller announced that he would hold informal hearings on his proposed recodification bill before it was submitted to the Legislature. These hearings will be held during the coming months and the Association has appointed a committee which will submit to the Comptroller a substantial number of suggested amendments and revisions to improve the present retirement law. This committee is now engaged in assembling numerous suggestions that have been made from time to time and a full report of its recommendations and proposals will be set forth in a later issue of "The State Employee."

One of the few retirement bills to become law was Chapter 336 which provides that members of the U. S. Senate or the House of Representatives, their clerks and secretaries, U. S. attorneys having districts within the State of New York, and certain other Federal employees employed within or representing the State of New York shall be eligible for membership and receive credit for such service in the State Retirement System, providing that such members, or the U. S. Government in their behalf, shall pay into the retirement fund the regular contribution for such members plus the amount that would be payable by the State were they in State service.

The Erway-McBain bill (S. Int. 890, Pr. 993), reducing the interest rate on retirement loans from 6% to 5% passed the Senate but died in the Assembly Rules Committee. The wide-spread discussion of this bill indicated that there was considerable confusion in the minds of many State officers and employees as to the rate of interest that is actually charged on retirement loans, some contending that the employee paid as high as 10% interest, while others were convinced that the rate was actually as low as 2%. The fact is that the employee now pays 6% for the privilege of borrowing up to one-half of his funds in the Retirement

System. Interest is no longer credited by the System on the amount withdrawn but the eventual retirement allowance of an employee is not reduced by borrowing from the Retirement System because a portion of the interest he pays is credited to his fund in such a manner that after the loan is repaid, plus interest at 6%, he has substantially the same amount to his credit as if he had not borrowed.

Since the State has enacted a law that the interest rate charged by life insurance companies on policy loans cannot exceed 5%, it would seem that interest on loans from the Retirement System, which are fully secured by the employee's deposits, should not exceed 5%. The Association has suggested a plan by which the interest rate could be reduced, and at the same time, the System could make more profit than it now does. Instead of loaning to the member his fund on deposit in the System, the Retirement System could keep its funds invested and borrow from the banks, at 1%, an amount equal to the loans made to members. Under such circumstances, the employee could obtain the loan at 5% and the Retirement System would show a profit of 4% on the transaction.

The Rules Committee bill (A. Int. 2047, Pr. 2046), which amended

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the Mental Hygiene Retirement System Law to give members of such system the same options upon retirement that are now accorded to members of the State Employees Retirement System was vetoed by Governor Dewey. The Association has long advocated legislation which would enable the few remaining members of the Hospital Retirement System to select a form of retirement under which they could protect their families. Under the present provisions of this system, the retired employee must accept a pension which terminates with his death, and he is, consequently, unable to make any provision for the support of his wife or children.

We believe that this bill presented a sound solution because optional benefits are computed on an actuarial basis and the privilege of selecting optional retirement would impose no substantial financial burden on the State. Although Governor Dewey vetoed the bill, he left the door open for later consideration of the proposal, and the Association will take the matter up with Retirement officials in an attempt to work out a satisfactory solution of this problem for presentation to the Legislature next year. Governor Dewey's message reads, in part, as follows:

"There may be much merit to the argument that the members of this system should receive the additional benefits which this bill provides. However, it is impossible at this time to make an adequate study of the effect of extending these benefits or the justice of doing so. A much better plan would be if the proposals embraced by this bill were discussed with the affected departments during the course of the year and then, as a result, an agreed bill could be introduced at the next session of the Legislature."

The Hampton-Hatfield bill (A. Int. 1786, Pr. 2011), which would have given an option to institutional employees to contribute to the Retirement System at the rate in effect prior to October 1, 1943, if their gross salary was reduced by the fixing of a lower value under the Feld-Hamilton law, for the same maintenance theretofore received, died in committee.

Bills That Failed to Pass

Considerable interest was mani-

festated in the Halpern-Ostertag bill (S. Int. 1371, Pr. 1562), which would create a Merit Award Board with power to give a cash award or awards of increased compensation for unusual suggestions and accomplishments by State employees which improve efficiency and economy in State government. Although the bill failed to pass this year, a foundation has been laid for its passage at a later session.

Such plans have worked well in private companies such as the General Electric and Telephone Company, and in many Federal agencies. Some departments have toyed with the idea of adopting a similar plan by administrative rule, but such plans cannot be effective because the Constitution prohibits payment of any extra compensation to State employees, and it is evident that some tangible awards in the form of cash or increased compensation are essential to the proper functioning of such a plan. Without a statute, the only possible awards would be time off, a certificate of some kind, or additional credits on promotion examinations.

Space will permit only a brief reference to a few of the other bills which failed of passage. Among them are:

The Halpern-Erich bill (S. Int. 474, Pr. 497), to amend the Unemployment Insurance Law to cover State employees. This bill received considerable support but, nevertheless, died in committee.

The Van Duzer bill (A. Int. 1191, Pr. 129), transferring hospital nurses to the professional service.

The Wicks-Lawrence bill (A. Int. 1007, Pr. 1081), which provided that members of the State Police should not be required to be on duty more than six days per week.

The Wicks bill (S. Int. 404, Pr. 422), providing that unless charges for removal of Civil Service employees were filed within two years after the act complained of, removal pro-

ceedings would be barred by the Statute of Limitations.

The Bontecou-MacKenzie bill (S. Int. 558, Pr. 90), amending section 31 of the Civil Service Law generally to clarify obsolete and ambiguous provisions, to certify general preferred lists ahead of departmental promotion lists, and to provide that resignation followed by reinstatement within one year should not break seniority.

The Hampton-Manning bill (S. Int. 918, Pr. 1026), providing for hospital and medical care of State employees in State institutions who contracted tuberculosis while employed in such institutions.

Bills Vetoed

Among the vetoed bills were:

The Davidson bill (A. Int. 1002, Pr. 1076), which would have authorized a Confidential Attendant to certain judges, a position now in the exempt class, to be classified in the competitive position of Court Attendant upon the retirement or death of the judge by whom he was employed.

The Sherman bill (A. Int. 1670, Pr. 1873), which would have provided that if a veteran or volunteer fireman loses his position, he shall be "the first to fill a vacant or unfilled position."

The DiCostanza bill (S. Int. 130, Pr. 444), which prohibited educational qualifications upon promotion examinations in the Social Welfare Department.

The MacKenzie bill (A. Int. 648, Pr. 928), which prescribed that employees of the Classification Division in the Civil Service Department should be appointed by the Civil Service Commission instead of by the Classification Division as at present.

The Kreinheder bill (A. Int. 280, Pr. 283), which extended preferred eligible lists for a period of two years.

The Bormann bill (A. Int. 884, Pr. 938), which would have per-



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mitted military service to be credited as public service in any retirement system upon payment of contributions based upon the salary received in military service.

Veterans' Preference

The most far-reaching proposal passed by the Legislature was the Hampton-Devaney Veterans' Preference Bill, which passed both houses without a dissenting vote. Every Civil Service employee should become familiar with this bill which proposes to amend the Constitution in the following respects:

- (1) To give absolute preference to disabled veterans upon all examinations for **appointment and promotion**.
- (2) To give a similar absolute preference in **appointment and promotion** to all non-disabled veterans for a period of five years following the termination of the war.
- (3) To accord a preference to both disabled and non-disabled veterans in retention when positions are abolished for lack of work or lack of funds.

Although not a single member of the Legislature was willing to record himself in opposition to this bill, there is still time to bring about the defeat of this drastic proposal, which will not become effective unless it is passed at the 1945 session of the Legislature and then ratified by the people at the 1945 general election.

Although the Association has always taken the position that the granting of a civil service preference to any class of citizens, even war veterans, is undesirable and fundamentally inconsistent with the merit principle, we recognize the fact that disabled veterans now have a constitutional preference and that the public seems to be in favor of some sort of preferential treatment for veterans of this war. The preferences conferred by the Hampton-Devaney bill are so drastic however, that its adoption would mean the virtual suspension of the merit system for a whole generation. We hold the view that if the public is familiarized with the true facts it will not support a measure which would require the nullification of the merit system and that it is perfectly feasible to formulate a proposal which will recognize the justifiable claims of veterans and at the same time permit the continued operation of the merit system.

The preferences in the Hampton-Devaney bill are applicable to all positions in the competitive class and to all labor positions in cities and to Teachers who are appointed from lists, as they are in New York City and Buffalo. The preference is accorded in competitive positions where it does the most damage to the Civil Service system but no preference is given for non-competitive or labor positions where appointment of veterans could be made without any lasting damage to merit principles.

Taking the State as a whole, nearly half of the positions available in public employment are in the non-competitive or labor category where a political endorsement is the best guarantee of employment. In such positions appointment is at the sole discretion of the appointing officer so long as the candidate meets certain minimum qualifications.

In the competitive class however, appointment is made only from those standing **highest** on a competitive examination. In the past decade when as many as 100,000 applicants have taken a single examination, a mere passing mark is not sufficient to qualify a citizen for appointment or promotion. Only persons who make the top of the list are appointed, and if absolute preference is to be given to both veterans and disabled veterans who attain a bare passing mark, it is apparent that the sons, daughters and wives of veterans, and other citizens who were too old or too young to enter military service will have little opportunity to enter public service.

Of even more far-reaching effect is the fact that few except veterans would be able to advance in the service. There are hundreds of promotion lists with 20, 50 or 100 names from which only two or three appointments are made, and only veterans could look forward to advancement under such circumstances.

It has long been the policy of the State to establish a career service where citizens enter in lower ranking jobs and advance through competitive examinations to higher positions. Public service, if this amendment should be adopted, would hold no attraction to citizens of ability who could look forward to nothing better than deadend jobs at the lower salary levels.

The Association has taken the position that preference should take the form of credit added to earned qualifying ratings and that a veteran's standing on a list should be determined on such augmented ratings. In most states the preference consists of a 10% credit for disabled veterans and a 5% credit for veterans. Such a credit would give a substantial advantage to veterans without nullifying merit principles. It would also operate more equitably among the veterans themselves because, under the proposed preference, so many applicants would qualify as disabled veterans that the preference for non-disabled veterans would be largely inoperative.

Under the terms of the proposed amendment a recruit who suffers from a minor infirmity incurred during wartime or who is discharged for psychiatric reasons after a brief training period, may be qualified as a disabled veteran and take precedence over the veteran who has been in the thick of combat on Guadalcanal or elsewhere without sustaining a technical disability. The absolute preference would be applicable not only to an examination for original appointment but would enable all veterans who have a technical disability to obtain repeated preferences on every promotion examination for which they might be eligible. This would destroy all hope of a career service based on merit and fitness and seriously affect the morale of the entire public service.

A more detailed analysis of the defects and dangers of the proposed constitutional amendment and an explanation of various proposals that have been suggested as alternatives will be set forth from time to time in subsequent issues of "The State Employee."



The Winning Short Story

This month's winner of the SHORT STORY CONTEST, which continues to be one of the most popular features of "The State Employee," is Louise S. Williams, an employee of Pilgrim State Hospital at Brentwood.

The Employee's editorial board, after thorough consideration, adjudged her contribution, entitled, "Return," was best of the numerous short stories submitted in the contest for June.

You, too, Mr., Miss or Mrs. State Employee, have the chance to win yourself one of the monthly awards in this contest, and perhaps open the door to literary fame for yourself.

The stories must be fiction, and about some phase of State service. They must be not more than 600 words long, and all manuscripts automatically become the property of "The State Employee."

Return

He struggled with the door of the Administration Building and stepped inside, the lump rising in his throat again. It had been like that all the way . . . thru' the lower gate, past the greenhouse, across the circle purposely avoiding the garage, and up the hill. It wasn't easy . . . returning to say good-bye. He paused in the lobby, his glance touching each familiar thing caressingly then resting upon the unfamiliar, the service flag stretched overhead.

. . . So many blue stars, more than he had thought! And five of the gold, five who couldn't return . . . even for a farewell. He wheeled abruptly and strode to the switchboard.

"Hiya, Gracie! That red mop of yours hasn't faded any."

The operator jumped. "Mike!" Busy with the flashing lights, her eyes met his briefly. "It's good to see you again. Furlough?"

"No." He wondered how his voice sounded to her. "Uncle Sam won't be needing me any more. I'm thru."

"Thru? How nice! Then you're coming back?"

"No." He swallowed the lump again. "I'm thru here, too." Truculently, "There's lots of jobs a fellow can get these days. I'm signing my resignation."

The girl turned and looked at him fully. Her eyes widened. "Oh, Mike," gently, "I'm sorry." She nodded toward the flag, speaking hurriedly. "Hef-fner and Corliss from the wards; Tom Green, laundry; Edwards, powerhouse; and Midge Jones, clerk in the steward's office; remember? They won't be coming back at all."

"Yeah . . ." Abruptly, "Is the big boss in?"

She nodded. "Go on up. I'll tell him you're coming."

. . . Yeah, better get it over quickly . . . But his steps lagged across the lobby and he took the stairs slowly, remembering. . . . Midge Jones, second desk to the right. Short, quiet fellow with a friendly grin. Too bad the way the dice fell for him. Always liked Midge. Sort of felt sorry for him too, bent over the books all day, cooped up in an office . . . especially in the Spring. Maybe Midge felt sorry for himself in the Springtime. Maybe he wasn't keen on being a pen-pusher either. But Midge couldn't qualify as a driver . . .

Mike smiled as he turned into the corridor. That was one thing he could thank his Dad for, taking him when he was such a little tyke, shoving him behind the wheel and teaching him every trick about driving. Took to it like a duck to water; when he climbed in he became part of the machine. He drove well and exulted in it, regardless . . . coaxing a rickety truck over the ice route for his father, spinning a slick limousine along super highways for the boss, or jouncing crazily in a jeep for the Army . . . He had loved every minute of it, up to the very day that Nazi egg dropped to the road a few hundred yards ahead of him . . .

Dr. Burling stood in his doorway. "Glad to see you again, Mike. You're handsome in uniform; didn't the girls in Tunis think so? Grace says you're mustering out. That's fine. We're always glad to have our old men back. Come in and sit down."

"Thank you, sir, but I —"

"Come in, I say. Don't stand there. We're short, Mike. Shorter than we've ever been before. A good many of our men have gone for one reason or another, some into the Service and some to what they think are better jobs. But times will change and when you're working here, if you behave yourself, you're set for life, you know."

"Yes, sir. But you see I —"

"Your record's pretty clear—a few blots here and there, but we won't go into that now. I've watched you a long time. Remember when you first came here the day school closed in June and we took you on as a page? I sized you up then; I picked you to make the grade. When September came, I sent you back to school. You told me you didn't want to push a pen for a living, so what was the use of learning any more business law or com-

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mercial arithmetic? I told you to get the devil out of here, to get that diploma and then come back when you had it. And you did. You took the examinations that were coming up and you passed, near the top somewhere. There was a vacancy in the steward's office. You got the appointment and what did you do?"

Mike grinned.

"I'll tell you—you turned it down." Dr. Burling shook his finger under Mike's nose. "I pleaded with you, told you it was the best possible spot for advancement—the first step toward the stewardship. I argued with you. I shouted and pounded my desk. And what did you say to me? I'll tell you. You said: 'Thank you, sir, but I'd rather drive. I don't like being cooped up in an office. I want to feel free. I want to sit up there with the open road before me, both hands on the wheel . . .'"

Dr. Burling's voice softened. "It was no use. I sent you to the garage and put Jones in the office. You turned out the best driver I ever had, but I didn't give up hope. I thought maybe as you grew older, you'd get more sense. A year passed, then two; there was another opening in the office. You were still on the list, but you'd have none of it. I was at my wits' end what to do with you. Then the day you thought I was upstate, I met up with you giving some little blonde a lift—and making the most of the occasion."

Mike grinned again. "You forced me over to the side of the road and roared at me: 'Get out of that car. Get out at once. You're demoted—demoted to the office. I won't have any one-armed driving on these grounds.'"

Mike puzzled over the expression on his director's face.

"You couldn't see it that way and the next day you enlisted. You wanted to resign but we put you on military leave instead. Mike, your old item's open."

Mike tried to answer, but words wouldn't come.

"A fellow named Simpson has been pinch-hitting for you. He's a family man and a good driver, but he couldn't make the grade in any other department. I thought maybe—well, Jones, you know. Someone has moved up to fill his place, and there's still a vacancy in the office."

Mike stared at him incredulously. "You mean you're offering me that job again?" He swallowed hard and turned away. Then, huskily: "Don't camouflage any more, sir. Simpson can stay where it is. I . . . came today to say good-bye because I thought you wouldn't want me now." He brightened and managed a little laugh. "Maybe . . . maybe I was meant to push pens in spite of myself; the dice read that way." And with a show of bravado: "I guess I'm pretty lucky after all . . . it might have been the right, you know."

Dr. Burling patted the empty sleeve. "Report to the steward in the morning, Mike."

Lamborn Retires

William J. Lamborn, who as outer attendant in the Executive Chamber at Albany, had been official greeter of visitors to the Governors of New York State since 1888, took leave of the political picture on May 1, when he retired.

The man who is believed to have held a national record for service as an executive department employee passed his 70th birthday just before his retirement.

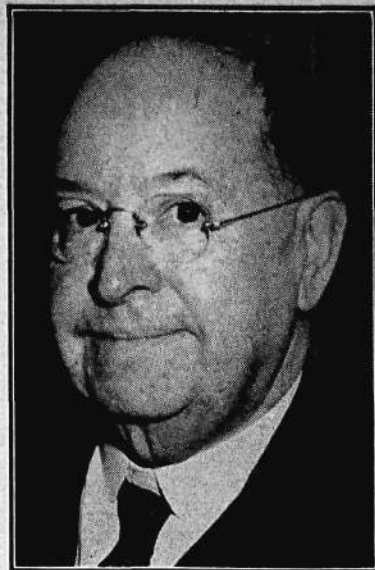
A soft-spoken, genial man with a ready smile, "Bill" Lamborn, as he was known far and wide, was a master of diplomacy and it has been said that even those who failed to gain admission to see the Governor went away feeling they had been cordially treated.

Mr. Lamborn was only 15 when Governor David B. Hill placed him

at the outside door in 1888 and told him to be the outer attendant. From that far-off day Mr. Lamborn served under 19 Governors and greeted many thousands of visitors from every state in the union and from many foreign countries.

He recalls such distinguished visitors as Prince Henry of Germany, brother of the former Kaiser, for whom Gov. Frank S. Black gave a morning reception in the Executive Chamber on his visit to Albany in 1897. Other big name visitors were the famous stage personages, Sir Henry Irving, Olga Nethersole, Joseph Jefferson and Ada Rehan.

Mr. Lamborn had the happy aptitude for remembering names and faces, and through the years many a caller to the Executive Chamber



WILLIAM J. LAMBORN

was amazed as well as gratified to be called by name.

Gov. Charles E. Hughes called Mr. Lamborn "St. Peter," and, when he didn't wish to be disturbed, would send word to the outer sanctum to "ask St. Peter to close the gate."

Mr. Lamborn was born in New York City, in Oliver Street, near the birthplace of former Governor Alfred E. Smith. He came to Albany as a child, and was selling newspapers in the Capitol when he attracted Governor Hill, who offered him \$4 a week to work in his office. Mr. Lamborn accepted the offer and, as he often recalled, never regretted it.

Mr. Lamborn's home is in Albany and he has one son, an Albany attorney.

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War Fund Report

The following article, of extreme importance to New York State and its State employees alike, was prepared by Mr. William L. Pfeiffer, executive assistant to the State Comptroller and chairman of the New York State War Savings Payroll Deduction Plan Committee:

State employees purchased \$4,251,000 worth of War Bonds, par value, in 1943. This compares with \$2,631,200 worth of War Bonds purchased during the year 1942, the first year of operation of the State Comptroller's War Savings Payroll Deduction Plan.

We have set \$5,000,000 as our goal for 1944. In order to meet this figure, a concerted effort will be made by the War Bond representatives and committees in every State department, to contact every employee, either through personal canvass or by means of group meetings with a view to obtaining pledges for increased payroll deduction.

Aside from the desire of everyone to help in the war effort, many employees have specific post-war plans that bonds purchased now will make come true. They will be used to educate their children, to supplement retirement allowances, to build new homes, to purchase automobiles, washing machines, electrical appliances, and other articles that, because of the war, are not available now.

Prior to January 1, 1943, the State, in its various sinking trust fund, had \$3,800,000 of United States Treasury bonds and notes. Comptroller Moore, as trustee of the State Employees' Retirement Fund and of the eighteen sinking funds, has purchased \$50,385,000 worth of

government bonds and treasury notes since January 1, 1943.

On January 5, 1944, Governor Dewey, in his annual message to the Legislature, urged the creation of a Post-War Reconstruction Fund so that the State's surplus of \$163,000,000 could be invested in government securities to be safely held for the reconstruction problems that will come after the war. The Legislature acted promptly and passed legislation that became Chapter One of the Laws of 1944.

The New York State administration, Legislature and employees have shown the way to the Nation. On June 12, the Fifth War Loan Drive will begin. Buy that extra War Bond and increase your payroll deduction so that we may reach our goal in order to hasten a successful conclusion of the war.

Vacations — 1944

Departmental Employees

As we go to press, the following directive to appointing officers, relative to 1944 vacation period for departmental employees, signed by J. Edward Conway, President of the Civil Service Commission, has come to hand:

"A uniform vacation allowance in 1944 for permanent State employees (except institutional employees) has been set at the rate of one and one-half days per month of service up to a maximum of eighteen days, exclusive of Sundays and holidays but including Saturday as a full day. Because of the shortage of personnel in all agencies it is imperative that this rate, established in 1943, be continued.

"Each agency will apply this allowance in accordance with the needs of the service. It may be ne-

cessary for some employees to take vacation in installments and for others to 'take up the slack' as the work load requires. It is confidently assumed that all employees will cooperate whole heartedly.

"Vacation allowance for temporary employees may be granted after not less than six months continuous service at the same rate of one and one-half days per month.

"A separate memorandum on vacation allowance for institutional employees will be issued to departments having institutional services."

It will be noted that separate memorandum on vacation allowance for institutional employees will be issued to departments having institutional services. In line with previous recommendations the Association has written to President Conway urging that there be no discrimination in the granting of vacation leaves and that institutional employees and other employees wherever located, may have like opportunities for caring for their health through just vacation periods.



ALBANY PHONES: 5-4574 and 5-4575

COST OF LIVING

The figures below bring the Cost of Living index to date; previous figures in the February, 1943, and earlier issues. INDEX NUMBERS OF COST OF LIVING IN THE UNITED STATES, IN NEW YORK CITY AND IN BUFFALO, BY GROUPS OF ITEMS, MARCH 15, 1944

Indexes

(Average 1935-39=100)

ITEM	UNITED STATES			NEW YORK CITY			BUFFALO		
	Jan.	Feb.	Mar...	Jan.	Feb.	Mar.	Jan.	Feb.	Mar.
All Items	124.2	123.8	123.8	124.7	124.2	124.7	125.2	125.0	124.8
Food	136.1	134.5	134.1	138.0	135.4	135.7	135.0	134.0	133.3
Clothing	134.7	135.2	136.7	138.4	139.2	141.1	133.1	133.3	134.5
Rent	108.1	108.1	108.1	103.5	103.5	103.5	114.6	114.6	114.7
Fuel, Electricity & Ice.....	109.5	110.3	109.9	114.0	115.1	114.3	106.5	108.4	107.3
House Furnishings	128.3	128.7	129.0	123.6	124.1	124.3	127.3	127.4	127.5
Miscellaneous	118.4	118.7	119.1	118.4	119.9	121.1	122.7	122.7	122.8



JOHN LIVINGSTONE
Ex-officer Dies

Capt. John Livingstone, former vice president of the Association of State Civil Service Employees of the State of New York, Inc., died at Poughkeepsie April 26.

Captain Livingstone, who resigned last August as vice president of the association after having served for several years, was a native of Glasgow, Scotland. He rose through the ranks of the New York National Guard, was made a captain and commanded Company D of the Second Regiment when it served on the Mexican border in 1916.

He is survived by a brother Capt. Edwin F. Livingstone, former commanding officer of Service Company, 105th Infantry, now serving with the Army Air Forces, and a sister, Mrs. William H. Shumway of Troy.

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They Thank Us

From some one of the world's far-flung battle fronts has come word that "The State Employee" really means something to the man fighting for his country. Such a man is Staff Sgt. James Baxter, whose V-Mail letter bears a New York APO number. Another "thank you" V-letter came to Association headquarters from Cpl. Paul U. Z. Reynolds, who also has a New York APO designation.

Here is a reproduction of Sergeant Baxter's letter:

<p>NO. 32047260</p> <p>SGT. JAMES BAXTER SENDER'S NAME</p> <p>A. STYX 1865A. BN. SENDER'S ADDRESS</p> <p>A.P.O. 230, N. Y. C. DATE</p> <p>APRIL 18, 1944</p>	<p>THE STATE EMPLOYEE STATE CAPITOL, Room 156 ALBANY, NEW YORK STATE.</p>
--	--

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Dear Sirs: -

My State Employee reaches me after traveling
around my many other addresses. Please send to
this address until otherwise notified.

The news in the State Employee is most
interesting and much of the legislation affects the
service man when he finishes his military career.

It is the main connecting link between the association
and us ex State servants and serves as a great
source of information when so far from our native
land.

Thanking you in advance, I remain,
Very truly yours,
Staff James J. Baxter,

V-MAIL

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QUESTION BOX

Question: Is an employee (of the Labor Department), duly appointed as a substitute under Rule 9A-12, eligible to take a promotion examination to the next higher grade along with those who hold permanent jobs in the title, assuming he has the other qualifications?—A.H.R.

Answer: No, he is not qualified since only permanent employees are qualified.

Question: If I take over the duties of a Staff Attendant who has been granted a year's leave of absence, am I entitled to that Staff Attendant's salary?—M.M.

Answer: If appointed as Staff Attendant from list during leave of absence, salary for that position should be received.

Question: Due to the fact all civil service lists, including State police promotion lists (not under civil service but rules and regulations made by the superintendent), are outlawed, just what is the status of veterans already on the lists, including disabled veterans?—S.P.

Answer: Civil service lists are not outlawed, although some may not be used for "permanent" appointments until after the war. As far as State police lists are concerned, the superintendent should be consulted.

Question: In September, 1943, I resigned my position with the Public Works Department and with-

draw my accumulated retirement funds. Is it at all possible for me to be reinstated within the year and remain on the list; i.e., can former employees be reinstated to their former positions or does resignation mean that all seniority and other rights are forfeited? (b) What procedure may be followed to obtain future employment with the State if conditions at present do not warrant immediate re-employment?—S.L.M.

Answer: Reinstatement after resignation may be had within one year after the date of resignation in the same or similar position in the same department or in any other department to which transfer could have been had. Where reinstatement is had after resignation, then seniority is figured from the date of reinstatement. (b) A certificate of availability will have to be obtained from the employer, unless reinstatement is for less than seven days.

Question: When an employee has been on sick leave for three months' time, does the fact that he has been on such leave affect his service record rating?—B.J.L.

Answer: The mere fact that an employee has been granted sick leave for a three months' period does not of itself call for any reduction in the employee's service record rating.

Question: Can a member contributing on the fifty-five year rate retire at age fifty?—M.M.H.

Answer: No. A member contributing on the fifty-five year rate must attain age fifty-five to be eligible for retirement. The retirement allowance is then based on the number of years of service to the member's credit.

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New Trooper Chapters

New York State Troopers are outstanding servants of the people. Their splendid record throughout the State has inspired the respect and confidence of all citizens. Particularly have the rural sections of the State profited by their efficiency and sacrifices.

State Troopers have many problems connected with their employment. They are very much under paid. They have too long hours. Their work is dangerous. Security of tenure, avenues of promotion and the usual civil service protection in these matters need attention.

It is natural that State Troopers should turn to organization and to organization along strong, intelligent lines and that they should seek participation in and support of the State-wide Association of State Civil Service Employees.

Practically all members of the State Police have been members of the Association for some time. Some of the Troops have decided upon formal organization of chapters. A charter was recently issued to Troop D, State Civil Service Employees, whose headquarters are at Hawthorne, N. Y.

On May 10th, the Executive Committee approved the issuance of a charter to Troop G Chapter of the Association of State Civil Service Employees, with headquarters at Troy, N. Y.

On May 10th also, the Executive Committee approved the granting of a charter to Troop D, State Police Chapter of the Association of State Civil Service Employees, with headquarters at Oneida, N. Y.

The Association is pleased to welcome these chapters which bring the total number of chapters of the Association to 61.

Through chapter organization, the influence of State employees in the locality is enhanced and it is possible to present the needs of members with greater promptness and thoroughness to the officers and Executive Committee of the Association for its attention.

The Association pledges itself to do everything possible to improve the employment conditions of State Troopers. There is little doubt but that local committees of the Chapters will be exceedingly helpful in presenting the problems of the State Police.

Gratwick Chapter

On May 10, 1944, the Executive Committee of the Association approved the issuance of a charter to the Gratwick Chapter of the Association of State Civil Service Employees with headquarters at the State Institute for the Study of Malignant Diseases at Buffalo, N. Y.

The employees of this Institute have long been affiliated with the Buffalo Chapter of the Association. The employee leaders in the State Institute will, through the Gratwick Chapter, give close attention to local problems. The Chapter states, in its constitution, that it seeks "to promote and foster educational, social and other activities for State employees of the State Institute, to extend and uphold the principle of merit and fitness in public employment, to maintain and promote efficiency in public service and to advance generally the interests of the civil service employees of the State of New York."

Association officers and members extend greetings to the Gratwick Chapter, best wishes for its successful operation and assurances of the fullest support in carrying out its endeavors on behalf of State service and State employees.

State Guard

HON. J. EDWARD CONWAY
*President, State Civil Service
Commission*

With New York's National Guard again on the firing front, the State Guard has been organized to meet emergencies on the home front. The maintenance of this organized body of men at a minimum strength, adequately equipped and trained, is a Constitutional requirement and sound State policy. It is earnestly to be hoped that there will be little need for active field service for the State Guard, but provisions to meet emergencies is more important today than in peace time.

Men who, for any reason, are unable to serve in the Armed forces of their Country, can render great service to their State and aid in the prosecution of the War by joining their local unit of the State Guard. The time required is ordinarily but one night per week. The physical and military training received is highly beneficial and most interesting. Opportunities for advancement to commissioned rank are open to

those of ambition and capacity. The summer training period provides a refreshing vacation experience which cannot elsewhere be found. Under a law passed by the last Legislature, **STATE EMPLOYEES WHILE AT SUMMER CAMP OR ON ACTIVE DUTY SUFFER NO LOSS OF PAY AND WILL BE ALLOWED TIME OFF WITH NO LOSS OF REGULAR VACATION TIME.**

Many State employees are enrolled in this important service. Every facility should be made available to encourage additional enlistments. Every State employee who is interested should indicate that fact to his immediate supervisor. The employee's name may then be passed on to the State Civil Service Commission which will be responsible for making the necessary arrangements to expedite the employee's enlistment.

Supervisors need have no hesitation in encouraging enlistments on the ground that too many men out at one time for field training will interfere with the State's work. It is natural that men working together may wish to enlist in the same unit of the Guard, but it is not essential that they all go to camp at the same time in the same unit. If necessary, they may be released for this tour of duty to train with other units than their own and at other times.

Governor Dewey and his entire administration are deeply conscious of the widespread efforts being made by State employees toward winning the War at the earliest possible moment. **THE STATE GUARD IS ONE MORE OPPORTUNITY FOR WORTHWHILE SERVICE TO WHICH MANY WILL WISH TO RESPOND.** The State Civil Service Commission would like to "Keep score" on enlistments and suggests a simple weekly report be filed with it by each department or agency, showing the name of each new enlistee and the Guard unit he has joined.

May I express to employees already in the Guard and to those who may find it possible to join up promptly, sincere appreciation of their fine spirit of loyal service to the State.

Buy Bonds Now !

Dannemora-Matteawan Ask Fair Pay

It is doubtful if any worker group was ever more shocked or felt themselves more humiliated than the hundreds of employees at Matteawan and Dannemora correctional institutions when advised of the rejection of their salary appeals by the Salary Standardization Board. These employees made immediate appeal from the obviously unfair allocation of their positions to Class 12, Grade B, under the revised Prison Safety Service Law, Chapter 309 of the Laws of 1944. Prior to the meeting of the Classification Board in this case, representatives of the employees asked Governor Dewey and Director Burton to establish prison guard rates of pay for the workers in these institutions. Appeals were made to the Salary Standardization Board for such allocation. Both appeals were denied. As pointed out in published statements by the Association, the new objectionable prison safety scales which were presented to the Legislature during the last days of the session and which were strongly opposed by the Association and particularly the prison chapters of the Association, were used as the Association warned they would be, to place these members in a salary grade which is manifestly unfair.

The Association will continue to urge that the State administration recognize the just claims of these workers. At a meeting of the representatives of all of the prisons, held in Albany on May 11th, decision was reached to seek repeal at the next Legislature of the objectionable amendment of last year to the Prison Safety Service class in the Feld-Hamilton law and to insist that the employees at Matteawan and Dannemora be treated the same as to salaries as the employees in the other prisons of the State.

The employees affected have appealed to the Director of Classification for a reclassification of their positions to the title of prison guard. If this is done, the employees in question would be placed in the proper salary grade. This is the salary grade to which they were duly allocated by the Salary Standardization Board on a previous occasion. In justification of their appeal, employees presently classified as crimi-

nal hospital attendants, 12-b, \$1500-2000, have submitted a joint appeal for reclassification as prison guards, which carries the salary received by all guards, namely, \$2000,2600, similar to the following:

"We contend the title 'attendant' to be a misnomer inasmuch as the uniformed personnel of this institution (Dannemora) is employed for defense and control of insane prisoners herein. The following description of duties of employees concerned, duly considered, eliminates any contention of 'attendant' title. In our opinion, the correct title allocation to our positions must be that of Guard, 12-1, Prison Safety Service.

"A description of our duties is as follows: Guarding the safety and welfare of the insane prisoners under our jurisdiction which includes; maintaining constant vigilance and patrol of the areas comprising our tours of duty at all times; making an accurate count of the inmates under charge; seeing that all locks on hall doors, cell doors and elsewhere are locked in proper condition; being aware of the presence of any inmates who are chronic disturbers; that the day halls, dormitories, corridors and cells are properly heated and ventilated at all times; seeing that inmates in their rooms are conducting themselves properly; reporting to superiors immediately any inmate who claims to be ill or any believed to in need of medical attention; seeing that halls and dormitories are maintained in a sanitary and clean condition; searching inmates' belongings at frequent irregular intervals in a thorough, orderly manner without the improper destruction of property which is not contraband; close observance of inmates either in yards or wards or dormitories at all times for the purpose of preventing destruction, suicide or any attempt to escape, or any other circumstances which may affect the safety and security of the institution and the inmates and employees therein; exercising particular vigilance and alertness in order to keep a close watch for disorders, creation of implements of attack or self-destruction or fires; protecting officials, fellow employees, inmates or other persons in the vicinity of our designated posts against attack by insane inmates who are not subject to conviction of wrongdoing due to their being confined in this prison unit

of segregation; guarding the safety of relatives or other persons when they are allowed the privilege of visiting inmates; transferring of inmates from places of confinement to laundry, dispensary, supervisor's office, package room, etc.; familiarizing ourselves with the personalities and make up of the different inmates under jurisdiction. This constitutes 100% of our time spent on duty.

"We respectfully ask that you correct the inept titles allocated to our positions and reallocate to Guard, 12-1, Prison Safety Service."

Other new criminal hospital titles have also been applied and request made that they conform to prison titles and rates of pay.

In seeking repeal of the objectionable amendment, attention will be given to making special provision for the teacher group in prisons to assure to this group adequate and equitable pay scales.

A Purge Is Planned

Folks in the Netherlands, once the Allies have won the war, will brook no chicanery on the part of civil service employees, a story just made public by the Netherlands Information Bureau reveals.

The announcement said immediate dismissal and treason trials are in store for the minority of Dutch officials and civil service employees who, during the Nazi occupation, have collaborated with the German authorities. To prevent miscarriage of justice, a thorough investigation will be conducted in all cases where there is the slightest doubt as to the extent and nature of the collaboration.

In addition to the immediate loss of salary and pension rights, dismissed officials will be subjected to treason trials, it was announced. The so-called "Decree for the purging of government organs," the premise on which the postwar action will be taken, includes the re-introduction of capital punishment, which had been abolished for civilian criminals as far back as 1870.

The announcement said: "Obviously we shall find persons in the Civil Service who yielded only under very strong pressure. These will require special consideration. They will be suspended pending investigations to determine whether they shall be retained, or dismissed."

Shoro Chosen

(Continued from page 113)

Under the present provision, refunds cannot be made except on basis of membership as of July 1st.

The matter of continuance of life insurance coverage by direct payments by members in the armed forces who entered the armed service prior to November 1, 1942, was referred to the Insurance Committee for analysis and report to the Executive Committee.

Wayne W. Soper, Chairman of the Special Committee on Leaves, reported as to meeting of his Committee and there was a general discussion of tentative proposals of the Civil Service Commission relative to these matters. The Committee will continue the study of proposals made and will present the employees' recommendations to the Commission when hearings upon the final general recommendations are ready. The Committee felt that in most instances the tentative proposals were satisfactory. At this time, and pending continued study, the Special Committee on Leaves made the following specific recommendations:

"That institutional employees be accorded same vacation and sick leave as other workers. This would correct long continued dissatisfaction with lack of uniformity as between employees in different services.

2. That minimum regular yearly vacation be 22 working days. Emergency vacation of 16½ days was accepted as helpful to the war effort.

3. That grants of absences for observance of religious holidays and travel in connection therewith be abolished and that if this is done, three additional days be added to the minimum regular vacation period, the employee using such additional days as desired for religious observance. This seems like a most progressive proposal and one that would obviate much of present dissatisfaction because of alleged discriminations in the case of many religious beliefs.

The Executive Committee unanimously endorsed the action to urge upon leaders of the State Economy Commission the availability of President Shoro as the successor on the Economy Committee of the late President Fisher.

President Shoro announced the

appointment of the following Special Committee on Retirement Laws:

Charles C. Dubuar, Insurance
Milton Schwartz, Insurance
Leo M. Britt, Correction
Leo F. Gurry, Mental Hygiene
Jesse B. McFarland, Social Welfare

Theodore Becker, Civil Service
Charles H. Foster, Executive.

President Shoro urged complete and early cooperation by workers in all groups to the end that the Special Committee may receive the recommendations of the various larger groups of workers and of individual members as to desirable liberalization or other changes in the Retirement System.

The next meeting of the Executive Committee will occur on June 6, 1944.

Commissioner MacCurdy Approves Time Off For Appeals

Due to some lack of uniformity of action on the part of directors of State institutions, and in line with the progressive cooperation with employees, Paul O. Komora, Secretary of the Department of Mental Hygiene, has issued the following circular letter to all Institution Directors:

"SUBJECT: Attendance at Hearings of Salary Standardization Board.

"In connection with the hearings that are being held in Albany on appeals to the Salary Standardization Board, Commissioner MacCurdy directs me to say that the Department authorizes the Directors of institutions to allow leaves of absence to employees who are attending these hearings, without charging the time consumed to their pass days, vacation or other time off, provided such leaves can be granted without interfering with the necessary operations of the institution."

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Crowd of 500 in Attendance at Letchworth Spring Dance

Affair Sponsored by Civil Service Employees Nets \$500 for Red Cross
(From Nyack Journal, April 21, 1944)

Approximately 500 people were in attendance at the Spring dance held under the auspices of the Letchworth Village Chapter of the Association of State Civil Service Employees, in Kirkbride Hall, Friday, April 14. The affair netted more than \$400 for the benefit of the Red Cross Chapter of Haverstraw.

This was the most successful social affair that the Village has staged since Kirkbride Hall was opened in 1936.

The cooperation of Leslie Ware and his village trucks on the various hauling jobs was greatly appreciated. Dr. George W. Watts, president of the chapter, aided greatly by advising and supervising many details. Mrs. Virginia Simmons and her committees were responsible for the organization of the affair, and the efficient way it was conducted throughout.

Hatchery Trout Wise

New York State Conservation Department surveys on the Wiscoy and East Coy Creeks have revealed for the second successive year that, contrary to general belief, the most recently planted trout are not the first ones caught.

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ATTACK

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INSURANCE CLAIMS

FIRST QUARTER — 1944

A very interesting analysis has been made of 788 claims presented during January, February and March, 1944, by New York State Employees in the Group Plan of Accident and Sickness insurance. The following table shows the number of claims on policies which were originally written in the years indicated:

Policies Written	No. of Claims
1944	3
1943	42
1942	115
1941	76
Earlier	463

Out of 788 claims, the men of the State presented 298 of these claims and received \$23,933.52. The women of the State presented 490 claims and received \$39,349.03, or a total amount paid out of \$63,282.55 for January, February and March, 1944.

The following table shows the cause of some of the claims:

Cause	Number	Amount
Colds, etc.	299	\$14,491.00
Pregnancy	19	1,200.00
Neuritis, etc.	44	5,861.54
Female Trouble	32	3,041.14
Tuberculosis	15	3,260.00

Of these 788 claims, 101 people have presented their fourth claim since they have carried this insurance; 116 have presented their third claim; 218 have presented their second claim; and 372 of the total, have presented their first claim.

There were 90 accident claims for which \$6,942.81 was paid, and there were 698 illness claims for which \$56,336.05 was paid employees.

This gives you a pretty good picture of what is going on every month, under the Group Plan of Accident & Sickness Insurance. During January and February there were lots of colds, and yet the total for 299 cases was only \$14,491 out of \$63,000—the rest being for miscellaneous cases.

It is the wish of the Association, the Insurance Company and Ter Bush and Powell, that every one who has a legitimate claim be paid for it and paid promptly, and if you or anyone else knows of anyone who is dissatisfied with the way the claim is being handled, write at once, to C. A. Carlisle, Jr., 423 State Street, Schenectady, N. Y., and his personal attention will be given to your claim. Find out whether or not you are receiving the benefits to which you are entitled.

All persons of the state should assist in getting an additional number of people insured under this plan—why don't you appoint yourself a committee of one right now to get some of your associates who need this insurance into this plan?

Honigsbaum's

GARDEN, BEACHWEAR AND COOL SUMMER CLOTHES

Maiden Lane at James

New Hunting Rules

The State Conservation Department points out that deer hunting will be premitted next Fall in all or parts of 49 counties of New York State. The provisions are under a series of laws enacted by the Legislature, dividing the State into four areas with different regulations for each.

The taking of bucks only is to be permitted in 14 Adirondack counties for one month between October 20 and November 20, in 10 Catskill counties between November 15 and 30, in five central and western counties between November 25 and 30, with the intervening Sunday excluded.

Following a public hearing the Legislature voted to permit the taking of one deer, either buck or doe, in 19 Southern Tier and Western counties during a six days season between November 24 and 30, excluding the intervening Sunday, and established a combination \$2.25 license for the privilege. This arrangement was designed to give additional protection to valuable farm crops in these agricultural counties. The usual \$1.25 license permitting the taking of a buck only also will be available for use in these as well as all other open counties.

Following are the new deer regulations:

ADIRONDACKS. Season, October 20-November 20. Bucks (deer with antlers 3 inches or longer) only. Open counties are Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, Oswego, Saratoga, St. Lawrence, Warren, Washington and those parts of Herkimer and Oneida north of the main line of the N. Y. Central and Hudson River railroad.

CATSKILL. November 15-30. Bucks only. Counties open are Columbia, Delaware, Dutchess, Greene, Orange, Otsego, Rensselaer, Schoharie, Sullivan and Ulster. Shotgun and longbow only in counties of Dutchess, Schoharie and that part of Otsego north of Delaware & Hudson tracks. In southern Otsego and other counties, rifles and pistols also permitted.

CENTRAL and EAST. November 24-30 with intervening Sunday out. Bucks only. Counties include Cayuga, Cortland, Madison, Onondaga and that part of Albany south and west of N. Y. P. & L. high ten-

sion line from Greene County line (Town Coeymans) to Schenectady County line (Town Guilderland). Shotgun and longbow only.

SOUTHERN TIER and WEST. November 24-30 with intervening Sunday out. One deer, either buck or doe (not both), with citizen-resident combination \$2.25 license or one buck only with \$1.25 license. Counties include Allegany, Broome, Chautauqua, Cattaraugus, Chenango, Chemung, Genesee, Ontario, Orleans (new), Schuyler, Seneca, Steuben, Tioga, Tompkins, Yates, Wayne (new), Wyoming and those parts of Erie and Livingston south of Route 20. Shotguns and longbow only.

A special "bow and arrow" deer season will also prevail in Westchester County next fall. From November 15 through November 30 deer of either sex may be taken. Only the longbow may be used to take deer in this county.

In all cases, shotguns must not be less than 20 guage and may be loaded with one round ball or single slug only. In the Adirondacks and the Catskill Counties where rifles and revolvers and pistols may be used, rim fire ammunition is not permissible. So-called combination licenses to take either a buck or a doe (not both) in the Southern Tier and Western counties will be on a general sale to all hunters. A hunter is entitled to only one deer during the season. Non-resident citizen "buck or doe" licenses will cost \$20.50 and non-resident citizen buck \$10.50.

New Publicist

New York State's new assistant director of publicity, a newly-created \$5,200-a-year post in the State Department of Commerce, is J. Davis Romine, formerly of Syracuse.

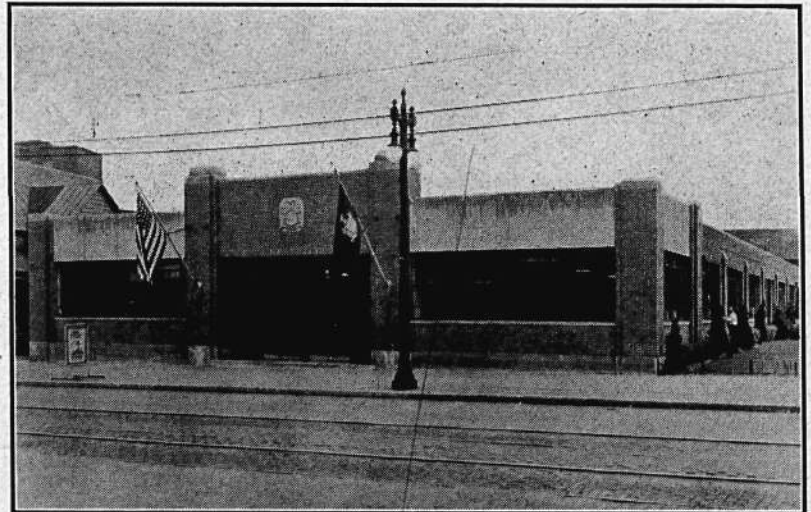
Mr. Romine, who took over his new duties last month, had been in charge of the Department's regional office in Syracuse since last July. Native of South Bend, Ind., he entered the newspaper advertising field in Syracuse in 1930. Three years later he became one of the organizers and president of the Syracuse Color Press, Inc., and in 1936 became vice president and sales manager of the Baumler Printing Co., Syracuse. In 1939 he organized his own company, specializing in advertising and sales counsel.

Harold Keller, Department of Commerce publicity director, in commenting on Mr. Romine's appointment by Commissioner M. P. Catherwood, said the new position would cover all phases of promotional developments on a state-wide basis.

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No Tax for Pensions Urged

In accord with past policy, the Association is opposing the taxation of State pensions by the Federal Government. The position of the Association and the reasons for this opposition are set forth in detail in letter sent by President Clifford C. Shoro, to New York State's representatives in the United States Senate and to the Chairman of the Senate Finance Committee, relative to "Tax Simplification Bill, H.R. 4646."

It would be well for all State employees to communicate with their congressman asking for elimination of the federal tax on State pensions.

President Shoro's letter follows:

"We respectfully urge that the Tax Simplification Bill H.R. 4646, entitled "A Bill to provide for Simplification of the Individual Income Tax," be amended to eliminate the unjust discrimination which makes pensions paid to governmental employees subject to Federal income taxation while, at the same time, pensions paid under the Railroad Retirement Act and the Social Security Act are exempt from Federal income tax."

"It seems self evident that governmental employees who are retired under a pension system set up by Federal, State or Municipal Agency should be treated on a basis of equality with citizens who receive pensions under the Social Security Act or the Railroad Retirement Act."

"In these days of increasing living costs, retired Federal, State and Municipal employees are surely the forgotten men. Their retirement allowances have been reduced at least 25% by the rising cost of living and they cannot meet this loss by an application for an increase under the Little Steel Formula. Every consideration of fairness clearly requires that a governmental pension, not exceeding \$1,440 per year, be given the same immunity from taxation as is enjoyed by Railroad and Social Security pensioners."

"We respectfully urge that the bill be amended as follows:"

"Insert a new section immediately preceding Section 7 of the bill, to be numbered 6A and to read as follows:"

"Sec. 6A—PENSIONS AND ANNUITIES.

"Subparagraph (B) of paragraph (2) of Subdivision (b) of Section 22 (relating to gross income) is amended by inserting at the end thereof the following:

"Notwithstanding the foregoing provisions of this paragraph there shall be excluded from gross income all annuity, pensions or retirement income up to \$1,400 in any year by reason of service covered by the Railroad Retirement Act or by the old age and survivors provisions of the Social Security Act or by any federal, state or municipal retirement pension or annuity system or by any combination thereof."

Survey Party Transportation

The Department of Public Works advises that the rule limiting the livery charges for survey parties to 25 days per month has been revised and that livery for the actual number of days for which its use is necessary will be allowed in future.

The allowance of 5c per mile recently established by the State Comptroller applies in cases other than the survey party transportation.

Buy War Bonds



No 95 Washington Avenue, Albany, contains divisions of the State Tax Department, State Department of Civil Service, State Department of Health, and State Department of Public Works. This building is opposite the State Office Building.

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Proclamation on D-Day

With the approach of Invasion Day, Governor Thomas E. Dewey issued the following proclamation to the citizens of New York State:

Every day we approach closer to the hour when the vanguards of the United Nations, the defenders of the freedom of mankind will set foot on the soil of fortress Europe. For two years the people of this free Republic and all our gallant Allies have been preparing for this mighty effort.

Right now we are at the moment of greatest tension. We have been warned to expect heavy casualties, so it is with a mingling of hope and anxiety that we await the outcome. Our enemies are the most formidable and ruthless the world has ever known, with a war machine which represents the last word in human organization and ingenuity.

It is fitting that we approach this hour, not in the spirit of vainglory and boasting, but of quiet, steadfast courage, gravity and humility. It is a fitting occasion for us to remember and address to the God of our fathers the words, "Still stands Thine ancient sacrifice, an humble and a contrite heart."

THEREFORE, I Thomas E. Dewey, Governor of the State of New York, do hereby proclaim "D" Day—the day of invasion—as a

DAY OF PRAYER

throughout the State of New York and I urge that the moment we receive word the invasion has begun, all the people in our State join in prayer, whether in their own homes or in their regular places of worship, and pray to Almighty God for the success of our armed forces and the safety of our valiant fighting men. I further suggest that the clergy of the State of New York make special preparation for receiving the people in their various churches on that day.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the City of Albany this third day of May in the year of our Lord one thousand nine hundred and forty-four.

THOMAS E. DEWEY
BY THE GOVERNOR:
Paul E. Lockwood
Secretary to the Governor.



The home of New York State Employees' Retirement System,
256 Washington Avenue, Albany, N. Y.

Soldier Licenses

"The State Employee," cognizant of the numerous queries from members of the armed forces on the question whether they require licenses to hunt or fish in New York State, takes pleasure in publishing this explanation furnished by the State Conservation Department:

ALBANY, APRIL 12—Does a member of the armed forces need a license to hunt or fish in New York? Yes, and then again no, Conservation Commissioner John A. White pointed out today in outlining the law which the Legislature designed to aid visiting service men and at the same time help prevent undue pressure on the State's fish and game resources in areas near Army or Navy camps.

Briefly, here's the situation.

If a member of the armed forces is stationed officially in New York State a license is needed. Non-resident service men are entitled to licenses at the resident price.

If a member of the armed forces is stationed officially outside New York State and desires to hunt or fish in this State a license is not required provided, however, that (1) the hunting or fishing is done during furlough or leave (2) that the service man is a resident of New York State and (3) if a non-resident that he be accompanied by a resident who, like himself, also is stationed outside the State. Otherwise, a license is required at resident rates.

Deer hunting licenses still are necessary in all cases. The regulations outlined are effective until July 1, 1945.

JAMES G. TEBBUTT

MARSHALL W. TEBBUTT, JR.

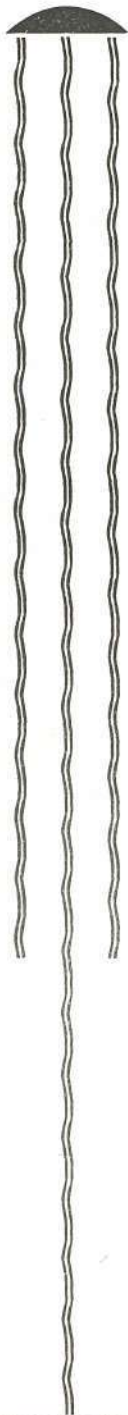
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A man's job should have much to do with promoting a man's happiness. Collections of jobs build churches, schools, museums, parks, theatres, and homes. These facts are what make membership in an organization having to do with jobs so important.

State employees are no longer beset as workers with the question: "What labor group shall we belong to?" They have their own organization. Thirty thousand State workers in a constructive movement have built up in their Association not only an institution for themselves, but a model for public groups in other states and countries.

In New York State there is only one state-wide, all state-employee organization, and that is the one which the workers created with their own hands and which they have nurtured with loyalty to the position of the outstanding labor organization among public workers in the United States.

A membership card in the Association of State Civil Service Employees is proof of your loyalty to state service and to your fellow state employees.



The Welcome Mat Is Out For YOU and Your Family at Saratoga Springs

PLAN TO COME to Saratoga Springs this Summer. Spend your vacation here. You'll truly enjoy this kind of living and the wide variety of social, recreational and natural advantages afforded. Nature has endowed Saratoga Springs with health-restoring and curative assets unequalled anywhere. The State and local community have developed recreational facilities for every age and taste. And Saratogians are skilled in a hospitality that assures you and your family a cordial welcome and a pleasant, healthful stay.

Saratoga Springs ranks high as a place in which to relax, to play, to live. Comfortable homes, cottages and hotel accommodations to meet your means are available, though early reservations are advisable. Farm-fresh food, clean, bracing Adirondack air, mineral waters, and the many facilities for physical and mental enjoyment will make all the days of your stay comfortable, invigorating and happy. Come to Saratoga Springs this Summer . . . for the finest vacation you ever had.

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