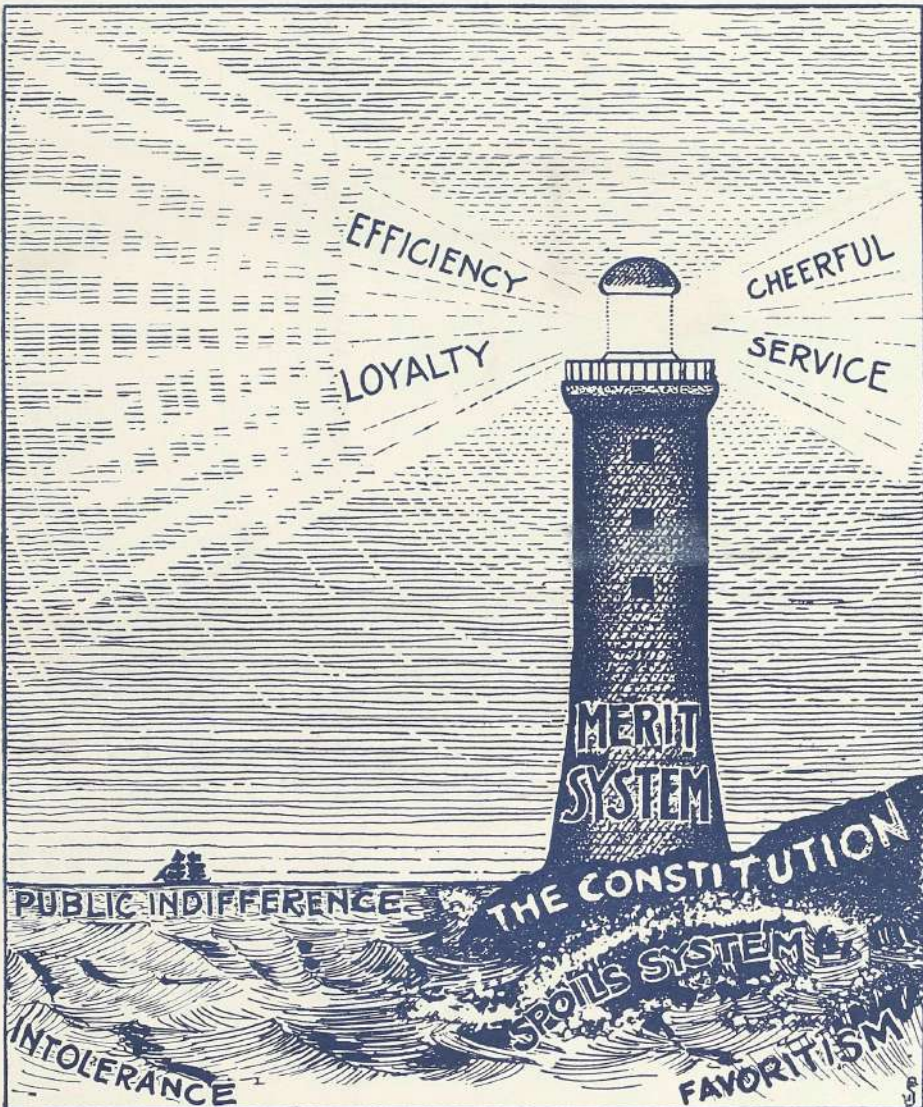




# THE STATE EMPLOYEE

OFFICIAL MAGAZINE OF THE ASSOCIATION OF STATE CIVIL SERVICE EMPLOYEES OF THE STATE OF NEW YORK



## PRESERVE THE CONSTITUTION

*Article V, Section 6, Constitution of the State of New York*

Appointments and promotions in the civil service of the State, . . . shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; . . .

*Refer to Page 3*



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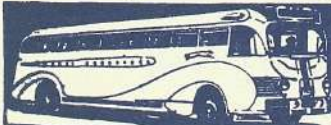
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VOL. 7.

MARCH, 1938

NO. 3.

## Legislative Report of Counsel

By John T. DeGraff, Counsel

The 161st annual session of the Legislature, which ended officially on March 18, was one of the shortest and most harmonious sessions on record and one of the most successful in the history of the Association with respect to the number of civil service bills that were passed. Although the clocks were stopped officially at 5 P.M. on the 18th, the session actually continued until 6:16 P.M. on the 19th. The "last day" of the session lasted over thirty-two consecutive hours, an all-time record for continuous sitting.

During the session 4453 bills were introduced in both houses. Of these, 1059 were passed and sent to the Governor, approximately 600 having been passed on the last day. As this issue goes to press, 926 bills are before Governor Lehman to be signed or ve-

toed during the thirty day period ending April 17. The remaining 133 bills, which passed before the closing days of the session, have already been signed, no bills having as yet been vetoed by Governor Lehman. No bills affecting civil service employees have yet been signed or vetoed although there are now over 40 civil service bills before the Governor awaiting action.

The session was characterized by an amazing increase in the number of civil service bills before the Legislature. Over 400 bills affecting the civil service status, pension rights and working conditions of civil service employees were introduced. This substantial increase was due in part to the activities of the C. I. O. and other newly organized New York City

groups but, as anticipated, few, if any, of the bills sponsored by these small groups were passed and the number of civil service bills awaiting action by the Governor is only slightly larger than in previous years.

The legislative program of the Association was unusually successful. More bills sponsored by the Association were passed than ever before and if these bills are signed by the Governor substantial progress will have been made in perfecting the administration of the civil service law and improving the working conditions of State employees. Among the bills passed, which were sponsored by the Association or introduced at its request, are the following:

1. The Feld-Ostertag bill con-

*Continued on Page 5*

## The Constitutional Convention

Constitutional conventions are comparatively rare events. One hundred and sixty-one years ago next April 20th, our first State Constitution was adopted at Kingston. Since that time there have been held six Constitutional Conventions in this State. These conventions occurred in 1801, 1821, 1846, 1867, 1894 and 1915.

On April 5th next, in conformity with a referendum carried by the electorate on November 3rd, 1936, by a vote of 1,413,604 to 1,190,257, one hundred and sixty-six delegates, made up of three from each of the fifty-one Senatorial Districts and fifteen at large, will convene in the State Capitol at Albany to conduct the eighth State Constitutional Convention.

Since July 8th, 1937, an unofficial committee of forty-two citizens appointed by Governor Lehman and headed by Supreme Court Justice Charles Poletti, have been engaged in collecting data and preparing material of a factual nature relating to important phases of government to aid in the considerations of the Convention delegates.

The Preamble to our State Constitution impresses all by its tone of genuine sincerity — "WE, THE PEOPLE OF THE STATE OF NEW YORK, GRATEFUL TO ALMIGHTY GOD FOR OUR FREEDOM, IN ORDER TO SECURE ITS BLESSINGS, DO ESTABLISH THIS CONSTITUTION." The very piety of the phrasing lends a grandeur possessed

by few public documents. Following the preamble are the pledges of the franchise, and of trial by jury, freedom of religious worship, freedom of speech and of the press, the right to assemble peaceably and petition the government, property protection and the essential guarantees of orderly government.

Every citizen is vitally interested in the soon to be held Constitutional Convention. State Civil Service employees have a keen interest not alone because their rights are particularly mentioned in Section 5 of the Constitution, but as good citizens informed and active in State government they may lend important aid to the deliberations of the delegates. These are troubled times

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# Summary of Legislation Pending

The following is a complete list of all bills of interest to civil service employees introduced in both houses of the Legislature. This summary is continued from February issue of this magazine, and with those appearing in the January and February issues, gives you a complete record of every bill introduced, with action noted as of the day of adjournment.

## SENATE

- Int. 977, Print 1073—Senator Mahoney—** Prohibits discrimination on account of race, color or creed in selection or appointment to civil service positions of state or civil divisions or cities, with right to review by person aggrieved; includes, dismissals, suspensions and promotions. (Same as A. 1269.) Civil Service Committee.
- Int. 1016, Print 1116—Senator Page—** Includes nurses with veterans in provision relating to removal, transfer and reinstatement of civil service employees, and gives preference for reinstatement to veterans, volunteer firemen and nurses. (Same as A. 1690.) Civil Service Com.
- Int. 1018, Print 1118—Senator Berg—** Gives disabled war veterans and nurses preference in retention of positions abolished or reduced through lack of appropriation or work. (Same as A. 1672.) Civil Service Com.
- Int. 1019, Print 1119—Senator Berg—** Provides that age limitation for employment in state or local civil service shall not apply to honorably discharged veterans with certain exceptions. (Same as A. 1417.) Passed both houses, to Governor.
- Int. 1021, Print 1121—Senator Feinberg—** Provides for retirement purposes allowance for certain military service to employees in State correctional institutions. (Same as A. 1445.) Passed, to Governor.
- Int. 1072, Print 1172—Senator Fischel—** Relates to annual increments to State civil service employees by striking out qualifying provision "unless his service for year immediately preceding shall have been found to be inefficient and unsatisfactory" under rules established by department heads. (Same as 575.) Civil Service Com.
- Int. 1079, Print 1179—Senator Garrity—** Prohibits removal from civil service of World War veterans except for incompetency or misconduct shown after hearing. (Same as A. 1435.) Passed, to Governor.
- Int. 1147, Print 1266—Senator Garrity—** Fixes minimum salary of \$144 per month and increases maximum salary from \$120 to \$160 for laundry supervisors in institutions under mental hygiene dept., and appropriate \$10,000. Finance Com.
- Int. 1227, Print 1349—Senator Desmond—** Provides that no salary increase of state civil service employees made prior to July 1, 1938, shall decrease or limit an increment prescribed by Salary Standardization Act, and appropriate \$15,000 to pay for such increments. (Same as A. 1810.) Finance Com.
- Int. 1263, Print 1397—Senator Kleinfeld—** Provides for certain adjustments of salaries in state civil service so that salary of employee which is less than minimum of grade to which position is allocated or less than specified rate, shall be increased to minimum of grade and increased annually by increment until salary corresponds to maximum of grade he has been allocated, and appropriates \$550,000. (Same as A. 1680.) Civil Service Com.
- Int. 1279, Print 1900—Senator Fischel—** Provides, for state employee retirement purposes, time during which member was absent on leave with or without pay after Jan. 1, 1921, and was on preferred eligible list shall not constitute interruption of continuous employment, such time however not to count in determining length of total service. (Same as A. 1658.) Passed, to Governor.
- Int. 1290, Print 1424—Senator Wojtkowiak—** Allows credit to members of state retirement system for prior service of veterans and army nurses in U. S. Dept. within state. (Same as A. 1439.) Passed, to Governor.
- Int. 1344, Print 1485—Senator Schwartzwald—** Provides supt. of mental hygiene institutions may subject to civil service law, remove officer or employee for cause in writing, employee having the right to hearing represented by counsel. (Same as A. 717.) Finance Com.
- Int. 1345, Print 1486—Senator Schwartzwald—** Provides that employees of mental hygiene institutions who are heads of families must be allowed to live outside the institution and receive additional sum of \$10 a month with certain exceptions. (Same as A. 277.) Finance Com.
- Int. 1385, Print 1554—Senator Kleinfeld—** Creates board of appeals and review for hearing grievances relative to allocations established by temporary salary standardization board for civil service employees, provides for public hearing at which representatives may appeal and make recommendations, permits civil service commission to make temporary reallocations and appropriates \$75,000. (Same as A. 1750.) Finance Com.
- Int. 1409, Print 1579—Senator Corning—** Provides no employee in institutions within mental hygiene dept. who has been in non-competitive class for at least six months, shall be removed by supt. except in accordance with subd. 2, section 22, civil service law. (Same as A. 2085.) Passed, to Governor.
- Int. 1420, Print 2374—Senator O'Brien—** Defines "group life insurance" to include insurance covering members of an association of civil service employees numbering not less than 5,000 having common employer and formed for group life insurance purposes, comptroller being authorized to de-
- duct from employee's salary insurance premiums. (Same as A. 1772.) Passed, to Governor.
- Int. 1432, Print 2466—Senator Twomey—** Strikes out the amounts fixed as salaries for employees of parole division, executive dept., and gives board power to fix all salaries. Passed Senate, Assembly Rules Com.
- Int. 1466, Print 1653—Senator Crawford—** Provides appointing officer must make request for open competitive examination for filling vacancy, in writing to appropriate civil service commission giving reasons why it is impracticable to fill vacancy by promotion. (Same as A. 1902.) Civil Service Com.
- Int. 1574, Print 2347—Senator Williamson—** Provides for a bureau of appeals and salary classification in state civil service dept. for all competitive and non-competitive classes of state employees and appropriates \$25,000. Civil Service Com.
- Int. 1629, Print 1860—Senator Berg—** Provides that the division of housing shall be in the executive dept., instead of the dept. of state and requires approval of governor for all appointments of officers and employees. Passed, to Governor.
- Int. 1661, Print 1910—Senator Coughlin—** Defines, for purposes of state employees' retirement system, prior service to include service with American Expeditionary Forces, subsequent to Nov. 11, 1918, prior to June 30, 1919. Passed, to Governor.
- Int. 1668, Print 1917—Senator Twomey—** Authorizes allocation of funds from the discretionary fund of social welfare dept., to civil service dept., for expense in connection with civil service examinations for local public welfare depts. and also from expended balances of reappropriations for local welfare purposes. (Same as A. 2100.) Passed, to Governor.
- Int. 1688, Print 1945—Senator Fischel—** Provides for examinations and regulation of practice of stationary engineering by a board in state labor dept. and appropriates \$20,000. Labor Com.
- Int. 1711, Print 1968—Senator Page—** Provides at option of member of state employees' retirement system final average salary shall mean average annual compensation earned as member of system, during any five consecutive years of membership, such years to be selected by applicant. Passed, to Governor.
- Int. 1720, Print 1977—Senator Thompson—** Allows credit to members of state employees' retirement system for prior service as postmasters and assistant postmaster in 1st, 2nd and 3rd class post offices. (Same as A. 2041.) Pensions Com.
- Int. 1738, Print 2016—Senator Fischel—** Requires advisory commission on physically handicapped persons to cooperate with state and local civil service commissions to end that there shall be no discrimination against such

Continued on Page 6

# Legislative Report of Counsel

*Continued from Page 3*

**tinuing the Temporary Salary Standardization Board for the purpose of hearing appeals from allocations and creating a classification unit in the Civil Service Commission for the purpose of hearing appeals from titles.**

This bill was unquestionably the most important civil service measure before the Legislature this year. It provides in substance that the Temporary Salary Standardization Board shall be continued and extended until December 1, 1938, with power to make such revisions in the allocations made last year as may be deemed just and equitable. \$10,000 is appropriated for the use of the Board.

Of even greater importance is the creation, in the Department of Civil Service, of a permanent Classification Division with an appropriation of \$25,000. The Classification Division, which consists of three members, has power to reclassify positions in order to make necessary corrections in the haphazard titles that have developed in the State service over a period of years. The Board is given broad powers to make necessary corrections before October 1, 1939, and, after this temporary period of adjustment, its powers are limited to those which are essential to keep the classification up to date. All appeals from salary allocations are required to be made to the Standardization Board before July 1, 1938, and appeals to the Classification Division, on the basis of title, are required to be made before October 1, 1938.

It is important for all employees to recognize the separation of jurisdiction of these new agencies of the State. The Standardization Board has no power to change titles. Its function is limited to assigning employees having a certain title to one of the grades in the schedules established by the Feld-Hamilton law. The Classification Division has no power to allocate positions to grades. Its functions are limited to the classification of titles and when a title is established for a certain position the employee occupying that position is automatically entitled to the salary fixed for the title.

For example, if all Junior Social Workers have been assigned to Grade 1-a in the Welfare Service, at a sal-

ary of \$1200 to \$1700 and they feel that the position should be allocated to a higher salary grade, they may, individually or as a group, appeal to the Temporary Salary Standardization Board, which has the power to allocate all Junior Social Workers to Grade 1-b or 2-a if it comes to the conclusion that a higher salary for the position is justified. If, on the other hand, a person appointed and holding the title of Junior Social Worker has for a long period been assigned to do the work of an Assistant Accountant and is receiving a salary less than that paid to other Assistant Accountants, his remedy would be to appeal to the Classification Division to have his title changed to correspond with the duties of the position he has actually been occupying for a number of years, and he would then automatically be assigned to the same salary grade to which other Assistant Accountants have been assigned. It is necessary to provide funds in the budget before a change in salary can be made and no changes in salary can be effective until the fiscal year following the date when the change is recommended by the Standardization Board or the Classification Division.

The Feld-Ostertag bill also contains provisions that when present employees are working at less than the minimum established for their grade, new appointments shall be made at the lowest salary then received by present employees holding the same title in the same promotion unit and that one of the present employees shall then be forthwith increased to the minimum. Consequently, in departments where new appointments are being made, many present employees will receive substantial increases in addition to the increments prescribed by the Feld-Hamilton law and will reach the minimum of their grade much more rapidly than the terms of the original Feld-Hamilton law provide.

The Feld-Ostertag bill sets up the necessary machinery whereby inequities and inequalities in the application of the Feld-Hamilton law may be corrected. Every employee who feels that his position was improperly allocated, or that his title is not appropriate to the duties of his position, will

have an opportunity to be heard before an agency empowered to make necessary corrections in order that a sound foundation may be laid for the application for the "career service" principle embodied in the Feld-Hamilton law.

**2. The McElroy-Ehrlich bill, providing that employees in the Department of Mental Hygiene shall be allowed sick leave at the rate of fourteen days per year, cumulative for a period of two years.**

All State employees, except the 12,000 or more employees in Mental Hygiene institutions, now receive sick leave under rules established by the Governor's Cabinet in 1933. For some reason the Association has never been able to understand, employees in the Mental Hygiene institutions have received no sick leave whatever. This bill corrects this unfortunate situation by establishing a reasonable period of sick leave for this large group of employees.

**3. The McElroy-Ehrlich bill prescribing a six day week for State Employees in the Department of Public Works employed on the canals and bridges.**

This group of employees has been working seven days every week for nine months out of every year. The adoption of this bill is in furtherance of the policy continuously championed by the Association of providing reasonable working hours for Civil Service employees and, like the adoption of the eight-hour day in State institutions, is another step forward in the Association's efforts to improve the working conditions of the employees of the State. Governor Lehman has provided an appropriation in the supplemental budget so that the 6 day week will be inaugurated commencing on July 1st, this year.

**4. The Corning bill, which gives civil service protection to employees in the non-competitive class in the Mental Hygiene institutions.**

Although over 10,000 employees in the noncompetitive class in Mental Hygiene institutions have made civil service a life work, they now have no protection whatever from removal and can be dismissed at any time, with or without cause, and without any explanation whatever. This bill gives to

*Continued on Page 16*

# Summary of Legislation Pending

Continued from Page 4

persons applying in civil service; in taking examinations they may request the furnishing of an amanuensis. (Same as A. 2185.) Passed, to Governor.

**Int. 1743, Print 2212—Senator Rogers—** Gives members of state employees' retirement system credit for service as delegate or employee of constitutional convention and defines annual compensation to include compensation earnable and allowances of expense or maintenance in lieu thereof received by delegate, official or employee, and relative to notice of election. Passed, to Governor.

**Int. 1783, Print 2070—Senator Feinberg—** Provides widow of retired guard or employee of correction dept. shall be paid on his death one-half of retirement allowance. Passed, to Governor.

**Int. 1839, Print 2152—Senator McNaboe—** Provides any person in civil service against whom charge of misconduct has been sustained may be removed or suspended after hearing, without pay for not exceeding 30 days. Passed, to Governor.

**Int. 1853, Print 2175—Senator Feld—** Adds two new salary grades for general administrative service of state with minimum salaries of \$8,500 and \$11,000 and changes minimum for second grade. (Same as A. 2247.) Civil Service Com.

**Int. 1943, Print 2287—Senator McNaboe—** Prohibits employment in classified civil service of state, civil division or city or as superintendent, principal or teacher in public school or academy, state normal school or college, of persons advocating overthrow of government either by oral or written word or by aid in organization and defines criminal anarchy and communism. (Same as A. 2389.) Passed, to Governor.

**Int. 1958, Print 2305—Senator McNaboe—** Provides whenever an appointing power requests an open competitive examination to fill vacancy, such request shall be made in writing to the commission indicating reasons why vacancy cannot be filled by promotions and requires that reasonable notice of public hearing be given employees and representatives. Third Reading, Senate.

**Int. 1996, Print 2398—Senator Garrity—** Fixes minimum and maximum annual salaries and annual increments for the prison safety service including guards, keepers, officers and similar positions. (Same as A. 2186.) Pensions Com.

**Int. 2007, Print 2417—Senator Fischel—** Provides when compensation of members of state employees' retirement system is paid from special or administrative fund, all contributions including share of administrative expense, otherwise payable from state treasury shall be paid from such special or administrative fund. Passed, to Governor.

**Int. 2024, Print 2459—Senator Rogers—** Places in classified service of the civil

service of state, all officers, employees and assistants employed by the constitutional convention of 1938. Assembly Rules Com.

## ASSEMBLY

**Int. 1268, Print 2988—Mr. Andrews—** (Same as S. 974.) Civil Service Com.

**Int. 1269, Print 1389—Mr. Andrews—** (Same as S. 977.) Civil Service Com.

**Int. 1270, Print 1390—Mr. Andrews—** (Same as S. 978.) Civil Service Com.

**Int. 1291, Print 1411—Mr. Roach—** Extends to employees of Dannemora State Hospital right to board outside and allows compensation in lieu thereof. Senate Penal Institutions Com.

**Int. 1361, Print 1444—Mr. B. J. Moran—** Provides for retirement at age of 70 of honorably discharged U. S. war veteran employed in state or municipal service, with pension equal to 50 per cent of salary or compensation received during last year of service. Civil Service Com.

**Int. 1332, Print 1460—Mr. Justice—** Permits civil service commission to refuse to examine or certify any person seeking position in competitive class, who is not a citizen for two years and resident of state for one year prior to application. Civil Service Com.

**Int. 1347, Print 1480—Mr. Jarema—** Permits civil service employees, reinstated by enactment of law after being unlawfully removed, to receive compensation from date of removal. Civil Service Com.

**Int. 1349, Print 1482—Mr. McLaughlin—** Provides for reinstatement to former or similar position in competitive civil service class of honorably discharged World War veterans without examination, under certain conditions. Passed, to Governor.

**Int. 1351, Print 2890—Mr. Pease—** (Same as S. 598.) Third Rdg. Assembly.

**Int. 1390, Print 1534—Mr. Owens—** Increases maximum salaries for guard captains of state prisons from \$2,500 to \$2,800 and provides for salary of lieutenant at \$2,600. Passed, to Governor.

**Int. 1417, Print 1573—Mr. Devany—** (Same as S. 1019.) Civil Service Com.

**Int. 1418, Print 1574—Mr. Dooling—** Defines "work week for civil service employees" of state or any political division to mean five days in any calendar week. General Laws Com.

**Int. 1435, Print 1591—Mr. Ostertag—** (Same as S. 1079.) Civil Service Com.

**Int. 1439, Print 1595—Mr. Peterson—** (Same as S. 1290.) Third Rdg., Assembly.

**Int. 1445, Print 1601—Mr. Sherman—** (Same as S. 1021.) Third Rdg. Assembly.

**Int. 1457, Print 1613—Mr. Austin—** Provides that no credit shall be allowed or disallowed for oral examinations for civil service positions unless nature of duties require regular contact with public; announcement must be made that oral examinations will be given; no oral examination shall constitute more than 15 per cent of total

examination credit. Civil Service Com. **Int. 1458, Print 1615—Mr. Crews—** Provides that civil service employees in competitive class against whom charge of misconduct is preferred and sustained may be removed, or suspended without pay for not to exceed thirty days. Third Rdg. Assembly.

**Int. 1474, Print 1630—Mr. Schwartz—** Provides for the grading of bedding inspectors in labor dept. without reduction in salary and appropriates \$1,000 for salary increases. Ways and Means Com.

**Int. 1617, Print 1800—Mr. Andrews—** (Same as S. 724.) Ways and Means Com.

**Int. 1638, Print 1821—Mr. Newell—** Defines for civil service purposes the service of a "civil division" to include all offices and positions in any subdivisions of the state other than those in state or city service. Passed, to Governor.

**Int. 1645, Print 1836—Mr. Crews—** Allows members of state employees' retirement system, for purpose of prior service credit, full service year for any service of 60 days or more rendered in any calendar year in time of war. Pensions Com.

**Int. 1658, Print 2878—Mr. Babcock—** (Same as S. 1279.) Passed, to Governor.

**Int. 1672, Print 1867—Mr. Glancy—** (Same as S. 1018.) Civil Service Com.

**Int. 1680, Print 1875—Mr. Goldberg—** (Same as S. 1263.) Ways and Means Com.

**Int. 1687, Print 1882—Mr. Monaco—** Provides for two days' rest in seven for all employees of competitive or non-competitive class of classified service of state civil divisions and cities. Rules Com.

**Int. 1690, Print 1885—Mr. Sherman—** (Same as S. 1016.) Civil Service Com.

**Int. 1721, Print 1939—Mr. Middleton—** (Same as A. 1919.) Pensions Com.

**Int. 1750, Print 1991—Mr. Justice—** (Same as S. 1385.) Ways and Means Com.

**Int. 1772, Print 2909—Mr. Piper—** (Same as S. 1420.) Passed, to Governor.

**Int. 1810, Print 2061—Mr. Goldberg—** (Same as S. 1227.) Civil Service Com.

**Int. 1902, Print 2165—Mr. Newell—** (Same as S. 1406.) Civil Service Com.

**Int. 1919, Print 2182—Mr. Hawkins—** (Same as S. 1721.) Pensions Com.

**Int. 2001, Print 2301—Mr. Ostertag—** Includes nurses with veterans in provisions relative to removal, transfer and reinstatement in civil service; provides any veteran or volunteer fireman with name on preferred list shall be certified in order of original appointment and permits veterans and volunteer fire men to inspect public records to determine vacancies. Civil Service Com.

**Int. 2041, Print 2358—Mr. Lupton—** (Same as S. 1720.) Passed, to Governor.

**Int. 2068, Print 2390—Mr. Leahy—** (Same as S. 1478.) Rules Com.

Continued on Page 11



# Civil Service Stewardship

The State Civil Service Department's report for 1937 as presented to the Governor, sets forth many interesting things. For instance, it states: "On one day alone, November 20th, more candidates were examined than the total number of candidates examined in the previous three years."

This great increase was caused by the transfer of TERA activities to the State Department of Social Welfare. Under Chapter 358, Laws of 1937, in order to qualify the employees who were transferred, examinations were held for all positions under the TERA. Requirements for entrance to the examinations had to be drawn liberally enough not to exclude any of the TERA employees from competition for the places which they had been holding.

Enormous numbers of candidates were attracted by these examinations, which included various grades of Clerk, Typist, Stenographer, Telephone Operator, Account Clerk, Statistician, Investigator and Social Worker.

We quote the following from the Report:

## STATISTICS RELATING TO EXAMINATIONS

	1935	1936	1937
No. of examinations held.	1271	1667	2909
No. of applicants . . . . .	35674	64480	207285
No. of persons examined . . . . .	18622	34011	155948

"Although this Department has always insisted that candidates for examinations be residents of New York State, still Rule LX, Subdivision 2, where requirements as to residence may be suspended by the Commission to any position requiring high, professional, scientific or technical qualifications, was used. However, it is now the definite attitude of the Commission first to hold an examination restricted solely to residents of the State of New York, and if, as a result of said examination, a proper list is not secured, then the Commission in its discretion will suspend residence requirements and allow non-residents to file applications.

"The work of the Temporary Salary Standardization Board empha-

sizes the need of an expanded classification unit in the Department of Civil Service in order to keep the classifications and titles of positions on a standard basis and in line with constantly changing conditions in the service. Furthermore, an extension of the standard classification to cover positions that have never been brought in is essential, if the idea of a career service is to become a reality. A sound classification plan is the foundation stone on which all other processes of effective personnel administration are based.

"The maximum compulsory retirement age is now fixed at seventy years, the same as the constitutional age limit for judges.

"The number of extensions granted under this amendment has been as follows:

1934—9	1935—57	1936—153
1937—230		

"In the movement toward development of a real career service, there must be considered the employees in the lower brackets, whose chance for promotion depends upon the retirement of those higher in rank. Any employee, truly expert, whose service is of unusual value, may be made available for special service after retirement, by appointment from temporary funds, while, at the same time, his retirement from the permanent service would permit the normal promotions to follow.

"The retirement at age seventy is actuarially sound, and the Commission on Pensions agrees with the Civil Service Commission in recommending that Section 62 of the Civil Service Law should be amended to fix the compulsory retirement age at seventy, without exception, other than the specific exceptions already made in the law for elective officers, legislative employees, appointees of the Governor and certain others.

"The new duties imposed upon this Department as well as the greatly increased exercise of the usual functions, have overtaxed the personnel and facilities of the Department. If this Department is to carry on its work successfully, and with any degree of promptness, it will be necessary to increase its staff and to obtain additional files, furniture and other equipment."

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THE COMMODORE

FRANK J. CROHAN, President

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HON. FRANCIS L. McELROY

Although comparatively new in the Legislature, having served in the State Senate for 1937 and 1938, Senator Francis L. McElroy has definitely made himself a friend of State civil service workers. He successfully sponsored a bill providing for a six-day week for canal and bridge employees through the Legislature, as he did with a measure providing for fourteen days sick leave per year for institutional employees.

Senator McElroy represents the County of Onondaga. Mr. McElroy is Chairman of the Senate Committee on Villages, and is a member of the Finance, Codes, Internal Affairs, Conservation, Agriculture, Cities, Insurance, Labor and Industry and Rules Committees.

Mr. McElroy graduated from Ovid High School, and after an enlistment in the U. S. Navy, he resumed study at the Syracuse University Law School and graduated in 1923. He is a member of the law firm of Searl & McElroy, with offices at 2001 State Tower Bldg., Syracuse. Is a member of the Onondaga County Bar Association, New York State Bar Association, Syracuse Chamber of Commerce, American Legion Post 41, Knights of Columbus, Gamma Eta Gamma and various other civic and fraternal organizations.

Senator McElroy is married, and resides with his family at 103 Wellington Road, DeWitt.



HON. A. SPENCER FELD

Known to the thousands of State employees as the man who put "career" in State Service, Senator A. Spencer Feld needs little introduction to members of this Association. He was co-sponsor of the Feld-Hamilton Bill, better known as the Career Law. Again during the 1938 session, he, with Assemblyman Ostertag, successfully sponsored through the Legislature the Association's very important bill to improve the Career Law, which is explained in another part of this magazine.

Senator Feld represents the 20th District, which is part of New York County. He is Chairman of the Senate Public Education Committee, and is a member of the Finance, Judiciary, Taxation and Retrenchment, Codes, Excise, General Laws, Public Health and Military Affairs Committee.

Mr. Feld graduated from Public School 36, DeWitt Clinton High School, C. C. N. Y., and New York Law School. He taught in the New York City school system in 1911. He was admitted to the bar in the State of New Jersey in 1915 and in New York in 1922. He was a member of the Assembly for 1925 and 1926 and in the later year was elected to the State Senate. Senator Feld served in the World War as 2nd Lieutenant Aviator.



HON. LEON A. FISCHEL

With good judgment and integrity, Senator Leon A. Fischel, Chairman of the important Senate Pensions Committee discharged his duties. He was also co-sponsor of the Association's bill which provided that time which an employee was out of service on a payless leave of absence, or on a suspended list, did not cause a break in continuous service for retirement purposes.

Senator Fischel, who represents the 17th Senatorial District, which is part of New York County, is also a member of Motor Transportation and Traffic Regulations, Conservation, Cities, General Laws, Civil Service, Labor and Industry, Public Printing and Revision and Engrossed Bills Committees.

He received his elementary education in Public School 18, and graduated from DeWitt Clinton High School. He was recipient of a Regent's scholarship and spent one year at C. C. N. Y., completing his course at New York University Law School in 1924. He was admitted to the bar in 1926. He is an active member of the Grover Cleveland-Osceola Democratic Club and has his law office at 19 West 44th St., New York City.



## The Same Master

Eight years ago the attitude of the legislators who gathered at the State Capitol toward workers and especially toward workers in the State civil service was quite different from that displayed during the past two sessions. It would not be true to say that political nerves were less sensitive, or that members of the 1938 Legislature were less alert to political diplomacy than those of 1925 or 1930. The diplomacy is more in line with facts, more human and less narrow. Then, too, an appreciation of the kinship with employees in executive and administrative branches of State government is more apparent. The efficient legislator does not set himself apart from the rest of State government, but walks side by side with the men and women to whom he passes on the responsibility for State activities. He has come to know that the laws which he enacts for the good of the people have neither life nor substance, except that given by executive and administrative employees—human beings and living servants of the same master as he himself.

The legislator's old time suspicion of organized State employees, the ancient fear that those who work when organized make unpleasant requests, and the feeling that a legislator should shut himself up in a shell of silence, distrustful and apart, and accord only polite words and handshakes to representatives of State workers has passed "like the morning mist before the sun away." This Association takes modest credit for the present happy situation. Beginning with its renewed activity in 1930 and to the present day it has presented the State worker's problems to legislators as to the problems of fellow workers in the same vineyard. Knowing that economic truths can be treated scientifically and that modern methods of picturing facts directly and graphically are appreciated by busy legislators, the Association utilized booklets, charts and personal explanation in a thousand and one cases. The results speak for themselves—legislation to provide better civil service functioning, better salaries, better working conditions as to health and vacation and sick leaves, shorter hours, and many other sound employment practices. The

honest plea that human values must be considered in carrying out great public projects, voiced again and again by the Association, found response in a legislative mind that has caught the vision of a better State service growing out of a better understanding of the worker's side of the story.

If space would permit, we should like to mention the names of the many legislators who last year and this year have made it a part of their service to the people to give intelligent and sympathetic attention to civil service measures when presented with the sincerity and earnestness and unselfishness of the State civil service worker as represented by the officers, committees, the counsel and the Executive Secretary of the Association of State Civil Service Employees. This year, more than any previous year perhaps, legislators have had an opportunity to weigh the character of legislation and the exactness and clarity of proposed statutes, and the correctness of form of bills, prepared by representatives of the Association. The Association does not bully or boast as to its statutory proposals. It recognizes that it has no power to legislate, but only to advise as to legislation and to inform members of the Legislature on features of civil service legislation. Legislators have had an opportunity to appraise the hasty, ill-devised, inadequately prepared bills often proposed by groups shouting noisily but apparently with little understanding of how to deal with legislative problems or procedures. After the legislative experience of self-appointed champions of civil service workers displayed in this year of 1938, we are more certain than ever that State civil service employees from Montauk Point to Niagara Falls believe in employing sense and reason rather than ballyhoo.

We both thank and congratulate the Legislators of 1938, and we look forward with pleasure to a continuation of the fine spirit of cooperation now existing between the Association of State Civil Service Employees and the elected legislative representatives of our mutual master—the people of the State of New York.



## AT YOUR SERVICE IN NEW YORK

Be sure to stop at the Hotel Lexington on your next visit to New York. Here you will find every one attentively waiting to serve you.

The Hotel Lexington is centrally located, just a few blocks from Grand Central Station and convenient to the shopping and theatre districts.

The rates are reasonable, too. From \$3.50 single, \$4.50 double. Each cheery, comfortable room has bath and radio.

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## HOTEL LEXINGTON

48th ST. AT LEXINGTON AVE.

Charles E. Rochester, Manager

## H. R. S. H. News

The bowling team of the Hudson River State Hospital, Poughkeepsie, had a special match with the State Comptroller's team from Albany. Preceding the match, the H. R. S. H. team acted as host to the visitors for dinner.

Members of the Comptroller's team were Quinn, Harlfinger, Downs, Price and Burgess. Members of the H. R. S. H. team were Trutner, Marcus, Brennan, Lafleur and Whalen. Although the Hospital team's total pinnage was 2944 to the Comptroller's total of 2904, the Comptroller's team won two out of three games by very slight margins. High man on the Albany team was Downs with 627, on the Hospital team, Lafleur with 659. Lafleur also had high single of 268.

The Misses Mary E. Belton and Dorothy J. Hicks, and the Messrs. Edward J. Johnson and John Livingstone attended the 20th Annual Dinner Dance of the State Association at Albany, February 24th, and reported that a most delightful and entertaining evening was had by all.

Mr. Andrew J. Delaney, Steward of Hudson River State Hospital, acted as host for a meeting of stewards of institutions of the Department of Mental Hygiene on Wednesday, February 23rd. This meeting is an annual event.

Mr. John Livingstone, Executive Committee member of the Association of Employees of the Department of Mental Hygiene, and Carlton Nuhn, Delegate of H. R. S. H., attended a meeting of delegates of all institutions affiliated with the Mental Hygiene Association at Albany, March 8th.

## Civil Service News in State Journal

This Association has been advised by the New York State Journal that their magazine, issued weekly, will contain up to the minute news and information on civil service examinations, eligible lists, etc., and takes pleasure in passing this information on to its readers.

The business and editorial offices of the New York State Journal are located at 182 State Street, Albany, New York.

## Constitutional Convention

*Continued from Page 3*

in which to consider such important things as Constitutional questions involving as they do, "life, liberty and the pursuit of happiness." The popular referendum shows that a goodly percentage of the people are mindful of the sacredness of Constitutions and are loath to recommend changes. Daniel Webster's stirring declaration as to the Federal Constitution rings out as the consensus of feeling at this time toward our State Constitution—"I hold the Constitution to be the bulwark, the only bulwark, of our liberties and of our character."

Doubtless those who attend this Convention will be sobered by the task as have the delegates to previous Conventions. When a man handles a delicate piece of bric-a-brac or a priceless jewel he does so with care and somewhat of awe. Thus do we vision a convention elevated and exalted by the delicacy and worth of the priceless freedoms and liberties with which they must treat in their daily sessions. No subject will be unimportant.

Since those early days of 300,000 souls to the present population of 13,000,000, we have carved out sixty-two counties, we have built sixty cities, we have created 555 incorporated villages. We have moulded the greatest State in the Union. We are proud of our wealth and humble, too, for every good citizen realizes that with much distress and want on every side, we have real building yet to do. Laws alone will not bring happiness nor prosperity. Only economic and social justice, born of unselfish statesmanship with a piety akin to that revealed in the Preamble to the Constitution will bear fruit in our Constitutional Convention of the summer of 1938.

Civil Service employees can best appreciate the value of Constitutional guarantees by looking to the Federal Government where no such safeguards exist. In the Federal Service, dependent upon changing Congresses and the pressure of political expediency, with no bulwark of Constitutional provisions upon which the waves of selfishness and of greed may spend themselves in vain, the "pie counter" and "grave

for the boys" often hold sway and callous partisanship stoops to toss human values about as so much soil upon the open plain.

State Civil Service workers have rights in the Constitution which they must guard as of value to their State and to themselves. Theodore Roosevelt once said that the merit system was as sacred as the public school system.

Your Association, through its officers, its counsel and its headquarters is alive to the importance of the Constitutional Convention. It has made arrangements to keep in touch with every proposal. It will not sleep while Constitutional government is the topic of the day. It will be true to its traditions and to its ideals. As always it gives assurance to all of the people, that State Civil Service employees not only guard what is right but that they hold ever high the torch of true progress.



in the

**De Witt Clinton  
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The "funspot" of smart Albany. Always a good timethere. Three full hours of smooth music, dancing, sophisticated entertainment. After shopping, after work, before dinner...any day...COME for a wonderful time.

**4 to 7 EVERY afternoon  
INCLUDING Sunday**



# BUSINESS AND PROFESSIONAL DIRECTORY

State employees are urged to give special consideration to this directory, arranged alphabetically, of business and professional firms and to patronize those listed herewith. When patronizing them, mention that you saw their advertisement in THE STATE EMPLOYEE:

## BEAUTY SHOPPES

**Edde Beauty Salon**  
Specializing in Permanent Waves  
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105 No. Pearl St., opp. Strand Theatre  
Telephone 4-2518

## CURTAINS AND VENETIAN BLINDS

**The Curtain Shop**  
Curtains—Spreads—Draperies  
66 So. Pearl St. — Tel. 3-4534  
Discount to State Employees

## ELECTRICAL APPLIANCES

**Champagne's Radio Store**  
Radio — Frigidaire — Electrical  
Appliances  
41 Beaver St. — Tel. 3-5417  
Expert Repair and Service

**J. Harry Kane, Shelvador Refrigerat-  
ers.** Radios, Washers, Vacuum Clean-  
ers & Sewing Machines. Repairing  
and Servicing. 170 N. Pearl St. (Next  
Palace Theatre). Tel. 4-2010.

## FLOOR COVERINGS

**Clark Carpet Co.**  
Floor Coverings Specialists  
112-114 No. Pearl St., Albany  
Phone 5-3418

## FLORISTS

**Banker's**  
New Location—121 N. Pearl St.  
Just above Orange St.  
Phones—3-4250, 3-4258 and 3-4259

## FURNITURE

**John B. Hauf, Inc.**  
"The House of Quality." 175 Central  
Ave. Phone 4-2104. Furniture that  
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## GIFTS

**The Linen Chest,  
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37 Maiden Lane — 4-3218

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Lawyer's, 39 Maiden Lane, formerly  
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## JEWELERS

**John A. Regan & Co., Jewelers**  
Diamonds, Watches, Jewelry. Expert  
Watch Repairing, Temporary Address,  
36 Maiden Lane. Phone 3-0566.

## KODAKS

**F. E. Colwell  
& Co.**  
Kodaks and Photographic Supplies  
13 James St., Albany

## MUSICAL

**Modern Music Shop  
and Studios**  
540 Broadway. Tel. 3-9500  
The latest popular sheet music, player  
rolls and records.  
Band and orchestra instruments.  
Instructions on all musical instru-  
ments.

## OPTICIANS

**Louis J. Berben**  
Dispensing Optician  
36 Maiden Lane — Phone 3-0566  
3 Doors Below No. Pearl St.

## PAINTS, WALL PAPER

**Sherwin-Williams**  
Paint and Wall Paper Headquarters  
480 Broadway — 324 Central Ave.  
Albany, N. Y.

## PICTURE FRAMING

**Capital Glass Co.**  
Attractive modern mouldings and  
frames at reasonable prices  
355 Central Ave. — Phone 5-9711

## RIDING EQUIPMENT

**Army and Navy Store**  
90 So. Pearl St., Albany  
Riding Habits and Boots for men,  
women and children—Cut Prices

## SHOE SPECIALIST

**T. Arthur Cohen**  
M. W. Locke Shoes  
New Address,  
81 Chapel St.

## STAMP EXCHANGE

**U. S. Br. Col. Foreign Singles, Blocks,  
Sheets, Rarities. Finest stock in north-  
ern N. Y. Approvals—want list filled.**  
61 Columbia St., Albany.

## STATIONERY

**C. W. Lewis**  
Office Supplies  
91 North Pearl Street  
Tel. 4-3615

## UNIFORMS

**Doyle's Uniform Shop**  
Nurses' Uniforms, Maids' Uniforms,  
Smocks for Men and Women. Broad-  
way Arcade. Phone 4-8520.

## WINES & LIQUORS

**Winchell & Co., Inc.**  
Wine and Spirit Merchants  
59 State St., Albany  
Prompt City Delivery — Phone 4-5618

## Legislative Summary

Continued from Page 6

**Int. 2085, Print 2437—Mr. Brenner—**  
(Same as S. 1409.) Health Com.

**Int. 2100, Print 2452—Mr. Moffat—**  
(Same as S. 1668.) Ways and Means  
Com.

**Int. 2143, Print 2830—Mr. Gittleson—**  
Abolishes mental hygiene dept., trans-  
fers all its functions and powers to  
health dept., also certain functions  
and powers of social welfare dept.,  
labor, education, agriculture and  
markets, conservation depts. of divi-  
sion of water power and control re-

lating to health, and provides for a  
statewide system of public medicine  
and long-range health program and  
appropriates \$1,000,000. Ways and  
Means Com.

**Int. 2185, Print 2564—Mr. E. S. Moran—**  
(Same as S. 1739.) Rules Com.

**Int. 2186, Print 2565—Mr. Ostertag—**  
(Same as S. 1996.) Passed, to Gov-  
ernor.

**Int. 2220, Print 2626—Mr. B. J. Moran—**  
Provides that maximum compulsory  
age for members of state service shall  
not apply to an honorably discharged  
soldier, sailor or marine veteran of  
any war in which U. S. participated.  
Passed, to Governor.

## Books At Discount

The Association is now able to  
secure for you the latest fiction, bi-  
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books at a considerable saving. If  
you desire a book, first direct a let-  
ter to the Association, Room 156,  
State Capitol, Albany, and first get  
a quotation before making your pur-  
chase. The saving will surprise you.

# Worker Responsibility

The State of New York has now at hand and ready to function the machinery and the law to assure good State service with social and economic justice for its civil service employees. This statement is made with the belief that the Feld-Ostertag bill, and other measures relating to civil service protection, hours of work, and sick leaves passed by the 1938 Legislature will be signed by Governor Lehman.

What a splendid situation this is! Ten years ago, State civil service workers were the poorest paid, thousands were on a twelve-hour day and the security of tenure was little regarded. Respect for State service as a career was at a low ebb, and consequently morale among workers was deplorable and citizen criticism was becoming severe.

Today the merit system is being applied more completely and more intelligently than ever before as to the recruitment of workers. The civil service law contains definite lines of promotion as to responsibility and as to salary. Means for justice in classification of positions on the basis of duties and responsibility are made available under the new law. Hours of work, sick leaves and vacations are on a more equitable basis than at any time. Salaries are still low and inadequate in many cases, but nominal additional appropriations can quickly adjust to the Feld-Hamilton minimums and each year from July 1st will see greater justice as to the yearly income of employees. The retirement system is sound and old age is provided for to a substantial extent.

To Governor Lehman must go great credit for this upbuilding of employee welfare. He was mindful of shortcomings, heard appeals of the Association and was in a position to grant relief and he did so in a magnificent way. To especially progressive legislators and to more social minded legislatures, a high degree of credit is due also. Some sympathetic heads of administrative departments have given impetus on a front particularly inactive or reactionary for years. Historical frankness requires that we point out an understandable attitude of aloofness on the part of the Civil Service Commission during

these years of active battle for improvement of employment needs. But we need not dwell on this point. There are signs now of positive interest in civil service laws dealing with vital employment practices and of the taking of initiative in supplying adequate functioning of the Civil Service Department as the employment agency of State government. The State Civil Service Commission that would not recognize the substantial support given to it by the Executive and Legislative branches of government, and the call of present day social philosophy that the Commission assume a vigorous leadership in assuring good working conditions among the employees of the people themselves, would be lax and unworthy indeed.

Today, upon the State Civil Service Commission rests a direct responsibility for the effective administration of new laws and old laws, all safely grounded in the Constitution of the State, to the end that efficiency, and social and economic justice reign in the State's labor policy as it applies to State activities and to civil service workers. The establishment of the new unit of classification in the Civil Service Department will in itself supply a development that will give vast strength for better organization of public functioning.

In a broad sense, the main responsibility for efficient service to the thirteen million citizens of this State rests upon the civil service workers. "Each worker's attitude toward his job, his conscience or lack of it, his cooperation with other workers or his lack of it, and his good disposition toward the employer or his lack of it, are communicated to all other workers, and, for that reason, either promote or undermine the well-being of the service as a whole." We have quoted the foregoing from a little booklet, "Rights and Wrongs in Industry" because we believe no one could state the worker's responsibility more clearly. It is very uncommon, but not wholly lacking in State service, as in industry, to find laggards and parasites. And, in State service as elsewhere, it is usually such persons who are direct agitators of unrest. There is no

place for this type of worker in State civil service. Trained fitness is not the only mark of a civil servant under merit system selection. Character ranks with fitness in every test. The employee's industry, eagerness, efficiency, and spirit of cooperation and helpfulness, provide the only true mirror of character. Every employee must observe the great principle illuminated by Shakespeare's immortal lines:

"This above all; to thine own self be true,

And it must follow, as the night the day

Thou canst not then be false to any man."

Falsity to duty or even failure to give an abundant measure of service in any position accepted in a people's government is little short of treason.

As a recognized defender of the merit system, a sincere promoter of good State service, and the representative of State civil employees, this Association is justly proud of its part in bringing about the fine improvements now a fact in State civil service. It recognizes that there are two important enemies of employee welfare — inefficient employees, unfair appointing and directing officials. Against both of these groups the Association places itself on record, and definitely so. We will not defend employees who will not give wholeheartedly to State service; we will combat special privilege and unsocial action in employment matters from whatever source. This we regard as the way of loyalty and as justification for the expressed confidence of citizens, executive, legislative and administrative heads, and of the largest employee body of State workers ever bound together in membership in a single organization in this or any other country.

**For Adults — 2 and 3 room apts. for May 1st. Heat, hot water, refrig., janitor service. Walking distance State Bldgs., 390 Madison Avenue.**



# Facts and Falacies About Classification

*Based on a Monograph by  
Dr. Ismar Baruch  
Chief of the United States Personnel  
Classification Division*

*Prepared for  
THE STATE EMPLOYEE  
By the Classification Unit of the New  
York State Department of  
Civil Service*

In the past twenty-five years in cities, counties, states, and central governments of this and other countries, public personnel administration has been marked by many surveys and studies designed to develop, put into effect, and maintain "duties classification plans" for positions in the units of government concerned. The underlying philosophy of duties classification is not difficult to understand. In order that the various personnel functions of government may be carried out in an effective and equitable manner, the mass of individual positions of varying kinds and grades involved must be arranged under some sort of orderly system. Similar positions must be segregated in the same classes which must be labeled and defined, and each individual position must be identified with its particular class and known by the class title or label. This classification must be based on the current duties and responsibilities of the position concerned, this being the only method that makes the resulting duties classification plan of effective use for purposes of personnel administration, budgeting and departmental administration.

It should be clearly understood that a duties classification plan is not an end in itself but a tool or device for accomplishing the many and varied ends of personnel administration. Such a plan is valuable to the point of being indispensable because it names positions uniformly, defines these names, provides all pertinent information about their duties and responsibilities in standard form, and arranges them in a logical pattern of relationship. One of the most important characteristics of a properly prepared and maintained duties classification plan is that it is the one sound basis for a pay plan under which pay scales can be systemat-

ically related to work performed, and under which equal pay can be assured for equal work within and among all organization units. Of equal importance is the necessity for a standard duties classification to aid the Civil Service Department in recruiting, testing and certifying applicants for employment. At the same time, such a plan is of great consequence to operating departments in that it sets up a common job language, furnishes the departments with a definite means of expressing their exact personnel needs to the Civil Service Department, the Division of the Budget, and the Legislature, and, generally facilitates most of the other personnel and fiscal processes of department operation.

## Just What Is Duties Classification?

Classification, whether one classifies jobs, commodities, or anything else consists of **placing things in classes**. One places in the same class the things that are alike in most respects and in different classes the things that are different in those respects.

Systematic and standard names and definitions are part and parcel of any process of classification. The various classes found and recognized in the process must be identified by **distinctive** names, numbers, or symbols so that they may be similarly understood by all concerned.

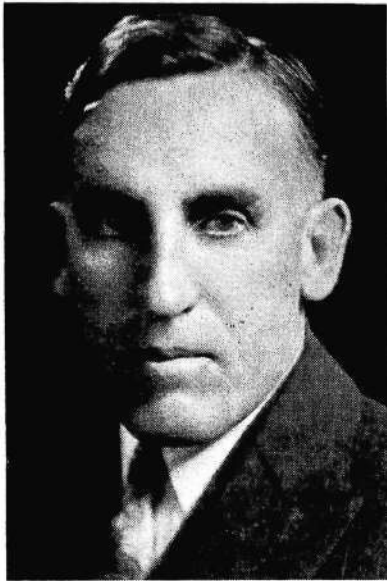
Since in this case the classification of **positions** on the basis of their duties and responsibilities is being discussed, it is essential that there should be a clear understanding of what is meant by a "position."

A "position," in personnel terminology and administration is a unit composed of assignments of work and responsibility requiring the services of one employee. It may be full-time or part-time, temporary or permanent, occupied or vacant. At any given time, a position is characterized by and consists solely of all its duties and responsibilities as they may exist at that time. So long as these duties and responsibilities remain the same the position itself remains the same, regardless of any other consideration. The duties and responsibilities of any given position, are, how-

ever, not always fixed and unchangeable. They may change from time to time, abruptly or gradually, and for any one of a number of different reasons. Since a position is characterized by its **current** duties and responsibilities it follows that when these changes materially the position itself changes. It is not the same position it was before. A material change in the duties and responsibilities of a position thus has the effect of creating a new position, different to the extent that the new duties and responsibilities are different from the old ones.

Any approach to the solution of problems of salary administration and personnel administration, to be effective, demands that the same scale of pay and the same qualification requirements shall apply to positions involving the same work. By the same token, differences in the work of various positions should be reflected by corresponding differences in qualification requirements and scales of pay. To apply this policy to all positions in any service requires: First, the identification and grouping together of positions which involve equal work and therefore call for equal pay scales and equal qualification requirements, and second, the determination of the kinds and degrees of differences among these **groups**, that is, whether one is higher or lower than another and to what extent. Simply stated, the work of each position is taken as the basis for classification, those positions involving work sufficiently similar to warrant like treatment are placed in the same class and then all the classes of positions are arranged according to kind of work and in such order of difficulty and responsibility as to show how each class of positions is related to all other classes in these respects. This completed, a basis is provided upon which decisions as to salary scales and qualification requirements may be **systematically, consistently, equitably and effectively** rendered.

To Be Continued in Next Issue



HON. W. ALLAN NEWELL

A proven champion of the merit system is W. Allan Newell, Chairman of the Assembly Civil Service Committee. As head of this important committee Mr. Newell acted continuously in the good interests of civil service and the merit system. Employees should appreciate his efforts as guardian of civil service in the Assembly.

Mr. Newell represents the First District of St. Lawrence County, and was Mayor of Ogdensburg in 1928 and 1929. He is a graduate of Potsdam Normal School and Williams College, receiving his A.B. in 1905. He married in 1917 to Edith deLano Judson, and has two children, Claire and Judson.

Being an official of several manufacturing organizations has not prevented Mr. Newell from rendering valuable service during his public life, being appointed by Governor Roosevelt in 1930 to the St. Lawrence Bridge Commission. Mr. Newell is also president of the N. Y. State Theo. Roosevelt International Highway Association.

He is also an active member of the American Legion, B. P. O. E., DePeyster Grange and the Sons of the Revolution.

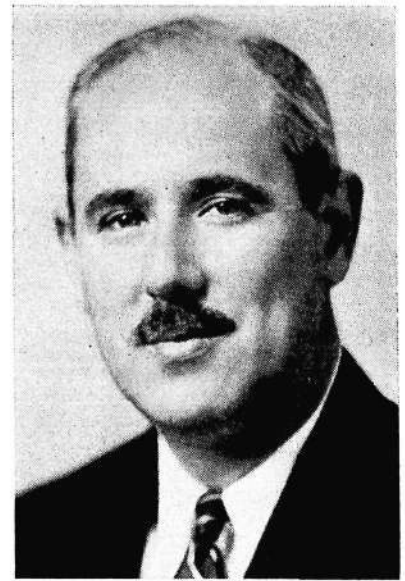


HON. HAROLD B. OSTERTAG

One of the most consistent champions and strong supporters of the cause of civil service employees at all times is Assemblyman Harold B. Ostertag. Many major legislative measures, which space does not permit listing, benefiting State employees have been sponsored by Mr. Ostertag. Chief among these is the eight-hour day for institutional employees, which was successfully sponsored in the 1936 session of the Legislature and enacted into law. In the 1937 session he sponsored a bill extending this law to other large groups of institutional employees. In 1938 he was co-sponsor of the Feld-Ostertag Bill to improve the Career Law, which is of such importance to thousands of State employees, and which is now awaiting action by the Governor. His measure, establishing adequate salary schedules for prison employees also was passed by both houses of the Legislature.

Mr. Ostertag represents Wyoming County. He is Chairman of the Assembly Committee on Villages, and is a member of the Committees on Labor and Industries, Military Affairs and Penal Institutions.

He is a graduate of Attica High School and the Chamberlain Military Institute. He is a member and past commander of the Harder-O'Connell Post, American Legion, having served for over 23 months in the A. E. F. in France.



HON. HAROLD B. EHRLICH

Many improvements in the working conditions in State service are the result of the untiring efforts of Assemblyman Harold B. Ehrlich, representing the second district of Erie County. Mr. Ehrlich will be remembered for his sponsorship of shorter working hour legislation for State institutional employees; the six-day week for canal employees, legislation for which was approved this year; and the fourteen-day sick leave bill for institutional employees which he championed through the Legislature so successfully this year.

Mr. Ehrlich is a graduate of Hutchinson Central High School and the Law Department of Buffalo University. He is a practicing attorney at 553 Ellicott Square Building, Buffalo, since 1922, handling many important cases for the United States Government, as an Assistant U. S. Attorney from 1928 to 1933.

He is a member of the Bar Association of Erie County, Lawyers Club of Erie County, Montefiore Club, Past Master of Perseverance Lodge of Masons No. 948, member of Fraternal Order of Eagles No. 46, and of Independent Order of Odd Fellows. He is married, residing with his wife and family at 151 Claremont Ave., Buffalo. Mr. Ehrlich has been connected with many charitable and philanthropic enterprises.

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## Spring Styles

### As a Stylist Sees Them

By Nellie Torrance  
Skidmore College

Two characteristics of the spring wardrobe are line and color. Line, you know, appeals to our intellect and color to our emotions. This is readily understandable. To observe color requires only a glance but to note the lines of a dress requires far closer observation. This spring we please our emotions and place navy in the lead. It is a sensible basic color around which to build a spring and summer wardrobe. It is difficult to find colors which do not harmonize with navy. Yellows, reds, wines, greens and all the pastel shades can be combined, with safety, in a dress with a navy blue coat.

For business wear in the warm months, navy presents a most business like appearance. It can be relieved with a touch of white in the form of a collar, cuffs, beads, a belt or any of the other innumerable accessories. This problem of clothes for business wear will be dealt with in a later article.

### Blues Other Than Navy

Other blues for spring will be dark purply blues, metallic, green blues, hyacinth shades, pastels and the perennial turquoise. Pastels as always, will be important. The range of spring colors is so extremely wide that to name them all would be indeed a lengthy task.

### The Coat of Many Colors

The most exciting and universal spring color innovation is the use of many colors in one outfit. This, however, is not for the business office. You will soon realize what care must be exercised in selecting colors for such a costume. Brilliant ray ones are not used. One will not dare bring red with brilliant purple or raw yellow. But a soft rose, a dull purple and a golden yellow would be most harmonious. Should you indulge in a poly-color spring costume, be sure to select soft tones to be safe and at the same time present a pleasing color picture.

### Color, Then Silhouette

The color of your outfit makes the first impression but the silhouette is the next. Extremes from the straight pencil or stemline silhou-

ette, which fits into the business atmosphere so well, to the bouffant silhouette are being shown. If you possess a very small waistline, or a dashing personality, try a full-skirted dress. It is picturesque and can hide figure imperfections. When too narrow or too wide hips are covered by a very flared skirt, no one has any idea how much person is under the skirt and how much is merely the puff of the bouffant skirt.

The loosely full silhouette is carrying over into coats. Tailored slim coats will be worn too, probably much more than the full coats. If you purchased a man tailored suit last year it will be most wearable this year, with an inch or so taken off the hem.

Skirts are getting shorter. Such a change as that is one which we all conform whether or not we follow all the new innovations. Fifteen to seventeen inches from the floor is the correct hem-line placement, so Paris tells us. Broad, padded shoulders remain fashionable.

Hats are sensible this spring. We hope if you indulged in a tower hat last fall that you did not pay very much for it. It now belongs with the dodo and other items of the past. The beret, sailor, bonnet and classic will be the headwear as well as safe for the spring. The fantastic hat is now the exception, not the rule.

The spring prophecies and the spring clothes which have reached the retailer foretell that the style note for 1938 will be either a sleek silhouette or soft, picturesque fullness, accompanied by sensible hats.

## Canastota Clubber

Hats off to the Association member referred to in the Utica Press as the "Canastota Clubber." It seems his "persistence did it" when in the face of overwhelming odds (sprained ankle and cut thumb, and a hurt pride) he finally succumbed a deer by using his gun butt for a club. Although the complete story is too lengthy to print herein, it is certain that many Association members in the Utica District saved a copy of this unique story for anybody interested.

## Mental Hygiene

### Association Meets

On March 8th, the Officers and Executive Committee of the Association of Employees of the Dept. of Mental Hygiene met and discussed pending legislation of interest to employees. Officers are John McDonald, President, of Rochester State Hospital; Herman Redmond, Vice-President, of St. Lawrence State Hospital; and Lucy S. Baumgras, Secretary-Treasurer, of Marcy State Hospital. Executive Committee members are John Livingstone, Hudson River State Hospital; Guy Campbell, Rockland State Hospital; Fred O. Field, Willard State Hospital; C. C. Colesanti, Middletown State Hospital. They contacted members of the Legislature in the interest of all pending legislation.

Dr. Frank L. Tolman, Chairman of the Association's Salary Committee conferred with the group, and thoroughly discussed and considered the extension of the career law to the thousands of employees of the Mental Hygiene Institutions. A formal resolution was presented and adopted in this regard, and is now being acted upon by the various units which make up the organization.

On the following day delegates from the various units of the Association throughout the State assembled. Those attending included Harry Blake of Brooklyn State Hospital; Joseph W. Sarrow of Buffalo State Hospital; C. H. Sandwick and R. E. Colburn of Gowanda State Hospital; Marvin Angel of Harlem Valley State Hospital; G. C. Nuhn, of Hudson River State Hospital; W. H. Baumgras and E. Truax of Marcy State Hospital; Thomas Stevens, R. Romer and C. C. Colesanti of Middletown State Hospital; Lewis W. Baldwin of Rochester State Hospital; G. H. Cook and Clyde Simpson of Utica State Hospital; R. K. Roach and E. E. Fritts of Willard State Hospital; Wm J. Callahan and P. Donahue of Syracuse State School and L. W. Wattes and H. C. Ferris of Wassaic State School.

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## Legislative Report of Counsel

*Continued from Page 5*

this group of employees the same protection that is accorded to employees in the competitive class by providing that no such employee, who worked for a period of over six months, may be dismissed unless charges in writing are preferred against him and he has been given a reasonable opportunity to make an explanation in writing.

**5. The O'Brien-Piper bill, which authorizes group life insurance for an association of Civil Service employees.**

The Association has under consideration a group life insurance policy, but before this policy can be obtained it is first necessary to amend the insurance law. If this bill becomes a law, the Association will this year be able to offer life insurance to its members at a cost of less than half the present cost of individual life insurance policies.

**6. The Garrity-Ostertag bill, which brings under the Feld-Hamilton law all employees in the Department of Correction.**

This bill provides that guards in the State prisons shall be paid a minimum salary of \$2,000 and a maximum salary of \$2600, and increases other salaries proportionately in order to bring all employees of the Correction Department under the Feld-Hamilton bill at salaries proportionate to those now affected by this measure.

**7. The Feld-Newell bill, which amends the Feld-Hamilton law by adding two additional grades in the General Administrative Service.**

The present grades in the General Administrative Service are lower than those in the Professional Service and this amendment adds two grades so that the schedule in the General Administrative Service will be the same as the schedule in the Professional Service.

**8. The Crawford-Newell bill, which provides that when an appointing officer makes application for an open competitive examination to fill a position, a notice to that effect shall be posted in his department and in the Department of Civil Service for 15 days before the request is acted upon by the Commission.**

This bill is designed to give employees an opportunity to present to

the Commission facts tending to show that the vacancy should be filled by promotion instead of open competitive examination. Under the present practice employees rarely know that an examination is to be called until they read the announcement. It is then too late to present the question because the Commission has already made and announced its ruling. This bill gives employees reasonable opportunity to present the facts to the Commission before its decision is made and will go a long way, we believe, toward solving the ever-present problem as to whether vacancies should be filled by promotion or by open competitive examination.

**9. The Fischel-Babcock bill defining "continuous service" under the Retirement System.**

Subdivision 3 of Section 61 of the Civil Service Law specifies the amount of pension that is allowable when an employee is dismissed, through no fault of his own, after having twenty or twenty-five years of "continuous employment." Under a ruling of the comptroller, an absence from the payroll due to illness for a period as short as one day constitutes an interruption of "continuous employment" and bars such employee from receiving the retirement allowance specified for continuous employment. This is a particularly strict interpretation and it seems wholly unfair to deprive an employee of the pension allowable for "continuous employment" solely because he may have been off the payroll for a week or two due to illness or other causes beyond his control. This interpretation would, for example, bar hundreds of employees in the Department of Public Works from the benefits of this pension because they received a "payless furlough" of one month during the depression in 1932. This bill corrects this situation by providing that time during which a member was on leave of absence without pay, or time during which a member was on a preferred list established under section 31 of the Civil Service Law, shall not be deemed an interruption of "continuous employment" although such time is not counted in determining the length of his total service.

**10. The Feld-Todd bill, which was supported by the hundred of**

**nurses in the State service and which provides that a person now holding a license as a trained nurse may exchange this license for a license as a registered nurse.**

There are now approximately 600 trained nurses in the State and this bill provides that this group may be admitted to the registered nurse group without further examination.

**11. The Fischel-Babcock bill, which provides that any member of the Retirement System may, upon request, be granted a hearing before the comptroller with respect to any determination affecting his retirement allowance.**

This is an important measure because, under the present practice, there is no satisfactory method of reviewing a determination by the comptroller in the courts. This bill prescribes the procedure whereby determinations may be made and reviewed in an orderly manner in accordance with established legal principles.

**12. The Nunan-Pease bill, which brings forest rangers under the terms of the Feld-Hamilton law.**

**13. The Newell bill, which renumbers certain sections of the Civil Service Law, to correct the confusion caused by the fact that there are now three sections all numbered 31-b.**

Among the bills supported by the Association which failed of final passage, are the following:

The Nunan-Fitzpatrick bill permitting employees who are members of the Mental Hygiene Retirement System to transfer to the State Employees Retirement System passed the Senate but failed to pass the Assembly.

The Fite bills authorizing the restoration of time service, liberalizing the requirements with reference to commutation and providing that no employee in the Mental Hygiene institutions, who is permitted to live outside the institution, should be required to take more than one meal a day in the institution, were killed in committee.

In the next issue there will be a complete report on all civil service bills before the Legislature and a final report on all bills signed by the Governor



## Central Canal Chapter Dines

By Edwin J. Foster

The First Annual Dinner and entertainment of the Barge Canal Civil Service Employees' Association—East Central Chapter—with headquarters in Utica, N. Y., was held Sunday evening, February 27th, at the Moose Home in that city. This is the newly formed affiliate organization of the State Association, composed entirely of canal workers of the Utica Area, Little Falls to Lock 22.

Among the guests of honor were Senator Wm. H. Hampton and Assemblyman John J. Walsh, both of whom spoke on legislation pending of interest to canal employees, in particular, the six-day week. Also speaking was William Robinson,

District Engineer in charge of Canals and Waterways, who spoke on "Efficiency of Operation and Maintenance." State Marshal Wm. Hicks of Utica gave an interesting talk on "Criminology" and his experiences with crime and criminals throughout the country.

A varied program of entertainment was then given, and obviously a good time was had by the over fifty members present.

The committee in charge consisted of Chairman Sidney Deming, Ray Peters, Owen Egelston, R. J. Clarke and E. J. Foster.

The next meeting of the Chapter will be held March 8th at 252 Genesee St., Utica.



HON. ERASTUS CORNING, 2d

One of the most fair and just measures introduced in the 1938 Legislature, benefiting thousands of State employees, was sponsored by Albany's own representative in the Senate, Senator Erastus Corning, 2d. This bill, which passed both houses and now awaits the action of Governor Lehman, provides that non-competitive class employees of State institutions, who have served at least six months, be given the same protection as competitive employees in cases of dismissals.

Senator Corning is Chairman of the Senate Commerce and Navigation Committee, and is a member of the Finance, Internal Affairs, Conservation, Civil Service, Cities, Pensions, Public Printing, Revision and Engrossed Bills, and Reapportionment Committees.

He was educated at Albany Academy, Groton School and Yale University, from which he was graduated in 1932. He is secretary-treasurer of the Albany Associates, Inc., a general insurance agency. He is married having one son. He served in the Assembly in 1936 and was elected to the Senate in November of that year.

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## New Books

### FICTION

**Academic Procession**, by J. H. Parker. Harcourt. \$2.

The foibles, machinations and jealousies that arise among the faculty members of a men's college, as well as the activities of faculty wives are amusingly depicted.

**Celia**, by E. H. Young. Harcourt. \$2.50.

Leisurely, mellow tale of a young-middle-aged Englishwoman and her family, distinguished by the author's customary charm of style, penetrating characterization and gently ironic humor.

**Katrina**, by Sally Salminen; tr. from the Swedish by Naomi Walford. Farrar. \$2.50.

Proud, stalwart, gay Katrina deceived by a lying and blustering husband lives a hard but plucky life in a fishing and farming community on the Aland Islands.

**Twittering Bird Mystery**, by H. C. Bailey. Doubleday. \$2.

One of the best of recent mystery stories.

**Young Henry of Navarre**, by Heinrich Mann; tr. from the German by Eric Sutton. Knopf. \$3

A long exciting historical novel, centering in the fascinating person of Henry of Navarre, from his childhood until he became king of France as Henry IV in 1589.

### NON-FICTION

**Andrew Jackson**, portrait of a president, by Marquis James. Bobbs. \$5.

The years of Jackson's presidency are pictured authentically in all their color and drama by a narrator skilled in characted portrayal.

**Four Hundred Million Customers**, by Carl Crow. Harper. \$3.

An American business man in China draws upon his diverse experiences and dealings with the Chinese in this readable interpretation of the Chinese people.

**Journalist's Wife**, by L. T. Mowrer. Morrow. \$3.50.

This engrossing and attractive narrative tells of the author's life with her husband in Italy during Mussolini's rise to power, in Germany during the rising of the Nazis, in Paris during the Fascist menace, and the effect of his assignments on their personal lives.

## Recent State Publications

*A selected list of documents, submitted by the Legislature Reference Section of the New York State Library and on file in the Library.*

### Department of Correction

Correction, Vol. 8, No. 1, January, 1938.

Bulletin of the Bureau of Criminal Investigation, New York State Police, Vol. 3, No. 1, January, 1938.

ABC News (of) the New York State Liquor Authority, Vol. 5, No. 6, January, 1938; Vol. 5, No. 7, February, 1938.

New York State Planning News, Vol. 2, No. 1, January 18, 1938.

New York National Guardsman, January and February, 1938.

### Department of Health

57th Annual Report for the Year Ending December 31, 1936, Vol. 1.

Monthly Vital Statistics Review, Vol. 18, No. 11, January, 1938.

Health News (weekly), Vol. 15, Nos. 1, 2, 3, 4, 5, S-5, January, 1938.

### Insurance Department

Fees and taxes charged insurance companies under the laws of New York, together with abstracts of fees, taxes and other requirements of other states for 1938.

### Department of Labor

Industrial Bulletin, Vol. 17, No. 1, January, 1938.

Activities of the public employment services in New York State, report for September, 1937.

### Mental Hygiene Department

Psychiatric Quarterly, Vol. 12, No. 1, January, 1938.

44th Annual Report of Craig Colony, Sonyea, N. Y., 1937.

Annual Report of the Central Islip State Hospital, 1937.

67th Annual Report of the Buffalo State Hospital, 1937.

Assistance to the blind in New York State, applications and cases under care, December, 1937.

Old age assistance in New York State, November, 1937.

Aid to dependent children in New York State, November, December, 1937.

44th Annual Report of the New York State Woman's Relief Corps Home, Oxford, N. Y., 1937.

### Department of State

New York State Bulletin, Vol. 10, No. 7, January 15, 1938.

### Department of Taxation and Finance

Report of Motor Vehicles in New York State, November, 1937; January-November, 1937.

Accident Statistics, November, 1937.

### State Education Department

Safety education, a section of Part III of A Guide to the Teaching of Health in the Elementary School

School Bus Requirements and Recommendations (effective Feb. 1, 1938). (University of the State of New York Bulletin, No. 1122).

University of the State of New York Bulletin to the Schools, Vol. 24, Nos. 5-6, November 15-December 1, 1937.

New York Libraries, Vol. 16, No. 1, November, 1937.

Food for Forums, January 1, 1938.

56th Annual Report of New York Agricultural Experiment Station, Geneva, N. Y., for the fiscal year ended June 30, 1937.

Games for 4-H Clubs, Home Bureaus, and Groups in the Home. (Cornell Extension Bulletin 369).

Oats and Barley on New York Farms (Cornell Extension Bulletin 376).

Growing Tomatoes for Market (Cornell Extension Bulletin 377).

Grinding the Farm Tools (Cornell Extension Bulletin 378).

Christmas Decorations (Cornell Extension Bulletin 379).

Plow Adjustment (Cornell Extension Bulletin 381).

New York State 1938 Agricultural Outlook (Cornell Extension Bulletin 382).

### New York State Legislature

Standing Committees of the Senate, 1938 (Legislative Document, 1938, No. 4).

Standing Committees of the Assembly, 1938 (Legislative Document, 1938, No. 5).

### Saratoga Springs Authority

Place of Carbon Dioxide Baths in the Treatment of Diseases of the Circulation (Publications of Saratoga Spa, No. 7, 1937).

Saratoga Spa, Its Place in the Treatment of Rheumatic Disorders (Publications of Saratoga Spa, No. 8, 1937).



# Where Are The Other 10,000 ?

As this issue of THE STATE EMPLOYEE magazine goes to press the total Association membership for 1938 exceeds that for the entire year of 1937. This is indeed encouraging. But while we have 15,000 members, we cannot but ask: "Where are the other 10,000! All were benefited, and membership dues are small indeed.

We believe that we have a type of organization that appeals to reasonable men and women and one that will be copied more and more as time goes on. The workers chosen to lead this Association from its very beginning were men and women who were willing to make sacrifices of time and effort in order that there might be no hint of labor racketeering. The dues of \$1.00 per year were fixed at a low figure so that there might be no temptation to exploitation. Hundreds of good men and women throughout the world preceded them in guilds and societies in like unselfish work helpful to obtaining economic and social justice for salaried and wage earning groups. Every day brings fresh proof that workers must have sound organization. Every day brings warning to workers not to trust blindly to unknown leaders. It is only a step from reason to racket in groups of uncertain leadership. Politics and power and easy money in the form of dues lure the hireling, and men and principles are left to perish as sheep. Labor organizations must exist to serve the employee and the employer or they fail to justify their existence. Your Association has

done more to improve the character of State service than any other institution, and it has done more to improve the conditions under which its members work than any other labor group any time or in any jurisdiction. It deserves the membership support of every State civil service employee. It asks that support. It is mindful that human nature does not always respond to high motives. Joseph was sold into bondage by his own brothers. Out of ten lepers who were cleansed by the power of God, only one returned to give thanks, and the question, "where are the other nine?" was justly raised. Forgetfulness of benefits, failure to stand by each other for the common good, and indifference and neglect are humanity's greatest enemies. Letting George do it, enjoying good gained by others without grateful helping, hitchhiking while another pays the bills, should all be beneath the dignity or the honor of a true servant of the State. These things just do not fit in with the cardinal principles of the merit system and therefore of those selected as civil service employees.

State civil service workers need a single, State-wide organization devoted to good public service and to good working conditions. They have such an Association—in fact the outstanding public service organization of the United States—and that Association now asks the workers who are not members to join for 1938 so that we may all have a part in the splendid service rendered by the Association and so that we may all go forward together to

new problems and new victories. 15,000 have responded! Let's hear from the other 10,000.

There is no organization more important to you than the one which has to do with your job. Join your fellow workers today.

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