

Civil Service LEADER

America's Largest Weekly for Public Employees

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Helsby On PERB

See Page 3

KENNEDY: PUBLIC EMPLOYEES NEED RAISES NOW—THIS YEAR

CSEA Adds Welfare Fund Demand To 20 Per Cent Wage Increase Resolution

By JAMES F. O'HANLON

Acting with boldness and determination, some 1,000 delegates attending a special session of the Civil Service Employees Assn., not only approved a resolution calling for a 20 percent salary increase for public employees but also issued a demand for a welfare fund that would be administered by the Employees Association.

Solomon Bendet, chairman of the Salary Committee, told the delegates at their meeting in the Commodore Hotel that "the demand for a welfare fund should come as no surprise to the State. New York City organizations get welfare funds from the City for their membership. We aren't asking for anything more. It's one of those so-called 'normal bene-

fits' that everyone else is getting and we are entitled to it, too."

Under the proposal, the State would contribute \$150 a year for every State worker — whether he were a CSEA member or not — to a fund to be administered by the Employees Association for the purpose of providing such items as a dental plan, drug plan, optical plan and supplementary benefits.

Pay Resolution

The complete salary resolution reads:

● Be it resolved, that the Association seek a salary increase of 20 percent across-the-board for all State employees, with a minimum increase of \$1.00 per employee.

● Be it resolved, that the Association seek Legislation that would make permanent the non-contributory pension system, the 1/60th benefit for each year of service, the \$2,000 paid-up death benefit at the time of retirement and the increase of this ben-

efit to at least \$10,000, the three-year death benefit, and the "Death Gamble" statute.

● Be it resolved, that the Association sponsor or support legislation which would provide for a lump sum payment for all accumulated, unused sick leave credits upon retirement or death.

● Be it resolved, that the Association sponsor or support Legislation to establish a noncontributory retirement plan with guaranteed benefits for each member of the State Retirement System equal to 1/60th of final average salary for each year of service, commencing with service begun on or after July 1, 1937, with no diminution of present benefits for any members.

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Don't Repeat This!

'Big Guns' Help Civil Service On Constitution

ONE of the great fears of local government employees concerning the current Constitutional Convention was that delegates might yield to the strong pressures being exerted by local government officials to reduce the mandating powers of the Legislature.

It so happened, however, that some of the "biggest guns" in the Convention went to battle for civil servants on this particular issue. Furthermore, it was the second time around because the restrictive proposal had been defeated once before, only to be reintroduced in a somewhat different form.

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Says The Future Of Civil Service Must Be Protected

By PAUL KYER

Sen. Robert F. Kennedy told a crowd of cheering Civil Service Employees Assn. delegates that public employees in New York State need a pay raise "right away—this year" in order to maintain a quality civil service which can help solve the enormous problems facing the nation.

Senator Kennedy, principal speaker at a dinner in the Commodore Hotel where a special CSEA delegates' session was held last week, described public employment as one of the routes by which the poor, the disenfranchised, the underprivileged could travel to a "decent level of prosperity."

"If you people now working for government are not paid adequately, if your working conditions and retirement benefits are not of the best, then we are offering these fellow Americans a goal that will have disappeared by the time they reach it. We must protect you now so that your children will be protected in the future."

Senator Kennedy drew thunderous applause when he said to his audience: "Our schools may not open next week; our subways stopped running last year; our municipal hospitals were nearly crippled last year, too. But did we not create these crises when we

denied public employees the basic collective bargaining rights we guaranteed their brethren in private industry a generation ago? Did we not shape these crises when we failed to live up to the principle of comparability in pay and thereby left thousands of public employees behind as our nation's productivity grew?"

Describing other crises faced by the nation and its towns and cities, Senator Kennedy said the problems of air pollution, unemployment, transportation and urban redevelopment would, in the main, have to be solved by government.

On the problem of the unemployed, Kennedy said "we have thousands of needed works and tasks which can use willing and able minds. We need new services of all kinds in schools, hospitals, clinics and in our police stations."

Opportunity For Both

The Senator then pointed out that this increase in necessary public employment "will mean

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Delegates Stamp OK On Dues Hike

Delegates debated the financial future of the Civil Service Employees Assn. at a special meeting in the Commodore Hotel here last week and came to the conclusion that a dues increase of 25 cents per week was necessary.

The new price of admission to the 151,000-member organization will now be \$26 per year, or about

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RECEPTION — Sen. Robert F. Kennedy, center, is seen as he was surrounded by delegates on entering the Commodore Hotel last week to address a dinner of Civil Service Employees Assn. The event, at which he was principle speaker, ended a special CSEA delegate's session.



—Continuation Pictures by Whitestone Photo

OVATION — Sen. Robert F. Kennedy received this standing ovation after delivering an address to delegates attending a special meeting of the Civil Service Employees Assn. last week. The event was held in the Commodore Hotel, New York City.

DON'T REPEAT THIS

(Continued from Page 1)

On both occasions, William van den Heuvel, vice president of the Convention, led the floor fight against the measure for the Democrats and Earl Brydges, Convention minority leader, carried the battle for the Republicans.

The fact that van den Heuvel is one of Sen. Robert F. Kennedy's closest associates and that Brydges is Majority Leader when the State Senate is in session certainly didn't escape notice of fellow delegates, who beat down the second proposal by a margin of 125 to 48.

Peter J. Crotty, Erie County Democrat who is chairman of the important Committee on Labor, Civil Service and Public Pensions, fought the measure because, he said, the new Constitution already takes away the right of public employees to strike and the new amendment would have set a double penalty on civil servants by denying them the right to petition the Legislature for redress of grievances.

The proposal in question essentially would have required the Legislature to provide the monies

for any mandated benefits for local government employees or else make such legislation subject to approval of two sessions of the legislature.

Double Jeopardy

It was this latter stipulation that caused van den Heuvel to oppose the measure the first time around. "The Legislature can raise taxes and pass lotteries in one session. It would have been incredible discrimination against public employees to ask them to accept a double-jeopardy situation when dealing with the Legislature."

Former New York City Mayor Robert F. Wagner, also a convention delegate, went to bat for civil servants on this issue and so did Moe Weinstein, Assembly Majority Leader, among others.

All of this is just further proof of the political weight civil servants now carry with the public figures that count. Under the

banner of the Civil Service Council On Constitutional Convention, more than 300,000 public employees from all parts of the State were united in a single voice to fight for the Merit System and the protection of civil servants in the new constitution. New York City Fire Battalion Chief Henry Fehling is chairman of the council and some of his strongest support came from police and fire organizations and a highly-effective committee of the 151,000-member Civil Service Employees Assn. that is under the direction of Duncan MacPherson of Albany.

The great successes this group has had is a powerful omen that the forthcoming session of the Legislature should prove to be one of the most successful in the history of civil service. Most of the "big guns" will be in action there, too, and their concern for civil service now is sure to be evidenced again next year.

Think of the price of a false alarm. It could cause death to a fireman.



Travel Topics

By JERRY DeLUISE, Vice President Civil Service Travel Club

HERE'S a new column that we hope you will enjoy. It will appear in these pages frequently and its purpose is to bring news of the jet-propelled world of travel and vacations available to you public employees during the coming year.

Even before we went to press the word was out that Civil Service Travel Club was preparing a bigger and more exciting travel program than that offered this past season.

To answer first things first—YES, there will be another one-week trip to London for members of the Civil Service Employees Assn. (and ONLY OSEA members) departing November 18 and returning on the 26th, Thanksgiving week. Despite rising costs of hotel rooms, etc., the price will stay at \$299 and will again include jet transportation, the Hilton Hotel, a night at the theater, sightseeing — and breakfasts.

The word is already out on this one so in order to get aboard you'd better write immediately to Irving Flaumenbaum, 711 Eighth Ave., New York, N.Y. 1003. A deposit check of \$50 per person made out to Irving Flaumenbaum will help assure you a seat.

November will also see the first offering of a long weekend in Las Vegas, which so many of you have asked for. The dates for this lively jaunt are November 16 to 19 and the total price of only \$195 will include jet transportation, hotel rooms, meals at many restaurants and night clubs, and plenty of entertainment.

This, too, is a limited tour and immediate application should be made to Samuel Emmett, same address as above. Deposit checks of \$50 should be made out to Mr. Samuel Emmett.

In the meantime, if there is any way I can be of service to you for individual or group travel please don't hesitate to call or write. The name: Jerry DeLuise. The address: 711 Eighth Ave., New York, N.Y. 10036. The telephone: (212) Circle 7-7780. The motto: Service.

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At County Meeting

PERB Head Helsby Outlines Role Of Public Employees And Employers Under Law

"The public is the third party at the bargaining table in dealing with civil service employees." This is how Dr. Robert D. Helsby, chairman of the new Public Employees Relations Board described the new theme of labor relations for public employees in New York State under the Public Employees' Fair Employment Act.

The act was the result of studies by the Taylor Committee, appointed by Governor Rockefeller to seek a substitute for the Condon-Wadlin Act which governed public employees' labor activities.

Helsby described his new job as "exciting and challenging" to some 200 delegates to the County Division chapters' meeting during the special delegates' meeting of the Civil Service Employees Assn. at the Commodore Hotel last week.

Chairman of the meeting was S. Samuel Borrelly, chairman of the County Division, CSEA.

Since the public, in recent years has demanded a larger say in how their tax dollars are spent,

Helsby asserted, they are taking a new role in public employees' problems. Under PERB, they are one side in a triangle, along with the employee representatives and those of government.

"The Condon-Wadlin Act had an unsatisfactory history," Helsby advised, noting that it, "did not take a positive approach toward building a constructive labor relations policy for public employees."

Following the Transit Authority strike called by the late Michael Quill, fiery leader of the Transport Workers Union in 1966, Governor Rockefeller was quoted as saying that "now is the time to change our policy of labor relations" and he appointed the Taylor Committee.

Helsby noted that the members of the PERB were looking forward with enthusiasm and optimism to the success of the board.

"For the first time it gives the public employee the right to be represented by the organization of his choice," he said. Continuing, Helsby added that public employers are, for the first time, required to bargain directly with the employees.

"The policy of government — from the political subdivisions to the national scene—is that public employees do not have the right to strike. The new law reiterates this policy and this is, so far, the most controversial section of the law.

"It does, however, set up impasse procedures. After all, since an employee has no right to strike, he must have certain other things."

Helsby outlined the use of local

PERBs, noting that they could be very important since really effective bargaining should start at the local level. However, he added, "the composition, rules and regulations of the local boards must be substantially the same as that of the State.

Many of the questions plaguing employees on the implementation of the Public Employees' Fair Employment Act and the PERB were answered during the question-answer session that followed Helsby's formal discussion.

A group of these questions and answers follow:

Are official or employees allowed to serve on local PERB's?

The composition of the board must be neutral. The State Board will review all local boards for

(Continued on Page 14)



PERB SESSION — Robert D. Helsby, left, chairman of the newly-created Public Employees Relations Board, is seen as he conferred with S. Samuel Borrelly, chairman of the CSEA's County Division. Local government delegates to a special session of the Employees Association heard Helsby discuss the new function of the PERB.

Suffolk Chapter Political Action Unit Is Approved

State delegates of the Civil Service Employees Assn., last week gave the Suffolk County CSEA chapter authority to take political action, if necessary, against the Suffolk County Board of Supervisors.

The threat of political action came as a result of the county's proposed local law which would mandate an election among the county's employees to determine what labor organization will represent them under the State's new Public Employees Fair Employment Act.

Facts Overlooked

CSEA contends that the county has overlooked initial facets of the new law which state that recognition can be given to an organization claiming a clear majority of county officials through methods of checking the payroll deduction of dues, or other evidence and that the election mandate was the "last resort" in the proceedings.

The approval, in the form of a resolution, was the final piece of legislation taken up by the more than 500 delegates attending the Special Delegates meeting at the Hotel Commodore in New York City.

Watchdogs

The resolution gave a clear majority of the county's more than 6,000 employees, which the Suffolk County chapter represents, the authority to establish a political action committee which will study the action of county officials. The committee will recommend either endorsing or opposing county candidates in the upcoming elections.

Irving Flaumenbaum, president of the 40-000-member Long Island conference of the CSEA, said the move which will consider the taking of political sides is unprecedented in the history of the Association.

Non-Teaching Aides Request Recognition From Buffalo B. Of E.

BUFFALO — A unit of the Civil Service Employees Assn. petitioned the Buffalo Board of Education for recognition "as the sole bargaining agent" for the 1,000 non-teaching employees of the Buffalo school system.

The petition is necessary under provisions of the new Public Employees Fair Employment Act, the successor to the Condon-Wadlin Law, which went into effect in the State on Sept. 1.

The group seeking recognition is the Buffalo Competitive unit, Erie chapter, CSEA, headed by Joseph V. Drago, an employee of the Buffalo Police Department.

"All the units in the chapter," said Neil V. Cummings, the chapter president, "are preparing the necessary papers to secure recognition as bargaining agent from all the local governments involved."

(Continued from Page 1) new possibilities of promotion and advancement for you." He added, "... these new employees will need guidance—you can supervise them. They will need education—you can teach them. They will need, in sum, the experience and wisdom of those who are veterans of public employment."

Kennedy drew further applause when he illustrated this theme by saying "The same effort then, which can give new hope to the poor, can provide new opportunity and new careers for those now in civil service—opportunity for you to develop new skills and to provide yourselves with new horizons. The same effort which employs those now without jobs will help you. But the success of this effort depends also on adequate pay for all of you—now. For if your position is not improved, any promises made to those less fortunate is bound to prove an empty one. Our task is thus two-fold—public service employment for the unemployed and adequate pay and other benefits to those now in civil service. One cannot succeed without the other. Both are essential."

Tax Reforms

Senator Kennedy also made a major policy statement at the CSEA dinner when he called for quick and total reform of the country's income tax laws.

Citing figures which claimed some of the country's millionaires were paying less taxes than the average working man, Kennedy called for a minimum tax of 30 per cent of true worth for the truly wealthy and an increase in the current annual wage income

tax exemption for a four-person family from \$5,000 to \$7,000.

He also opposed the Johnson Administration's call for a 10 per cent tax surcharge, claiming it would eat up a good part of any wage gains made by employees this year. Kennedy said acceptance of his tax reform proposals would provide the U.S. Government with the tax revenues it claims it now needs.

The Senator ended his speech by describing the leading role civil servants are now playing in creating a better nation and urged them to give even further effort.

He cautioned, however, that "... we cannot—we must not—build the America of the future and ignore the world around us. If America remains an island of affluence in a sea of poverty, the result can only be a disaster, for a billion and a half people who lack even the promise of a decent life will remain—restless and impatient, unwilling to exist as passive victims of tyranny or poverty."

Senator Kennedy drew a standing ovation when he said "I

know that you do not mean to leave this kind of world to your children. But if you do not care, who will?"

In Attendance

Gary Perkinson, former CSEA public relations director and now director of Information Services for the State Teachers' Retirement System, made a return appearance at the dinner in the form of toastmaster. Those who were on the dais who spoke briefly included H. Lee Dennison, Suffolk County Executive; Robert Helsby, new head of the Public Employees Relations Board; Lea Lemieux, chairman of the CSEA Social Committee, and Joseph P. Feily, CSEA president.

Feily, who is stepping down after eight years in office, said "All of you have helped me so very much and I'm sure you will not mind if I take this occasion to single out three people who were invaluable, not only to me but to all of you. I want to particularly cite the efforts of Lea Lemieux of the Social Committee; Solomon Bendet of the Salary Committee, and Grace Nulty, who did such a fabulous job with the Resolutions Committee."

Also on the dais were Jerry Finkelstein, publisher of The Leader; John T. DeGraff, CSEA counsel; Sen. Seymour Thaler, State Civil Service Commissioner Michael Scelsi; Ted Wenzl, CSEA first vice president; Irving Flaumenbaum, second vice president; Charles E. Lamb, third vice president; Fred Cave, Jr., fifth vice president; Hazel Abrams, secretary, and John Hennessey, treasurer.

Career Employee Upped

ALBANY—Clifford P. Tallcott, a career employee in public welfare, has been named deputy commissioner for welfare administration in the State Department of Social Services. He succeeds George W. Chesbro, who was named first commissioner for the department recently.

Tallcott will be responsible for the direction of the five department area offices outside New York City that supervise 63 local social services departments.

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City Offers Exam For Chief Supervisor Of Radio Operations

The New York City Department of Personnel is accepting applications until Sept. 26 for an examination for promotion to chief supervisor of radio operations.

Applicants must have served for at least six consecutive months preceding the test date as supervisor of radio operations in the Municipal Broadcasting System. The test will be held on Dec. 18.

For applications, contact the application section, Department of Personnel, 49 Thomas Street, Manhattan.

Civil Service Television

Television programs of interest to civil service employees are broadcast daily over WNYC, Channel 31. Next week's programs are listed below

Monday, September 11

- 4:00 p.m.—Around the Clock—N.Y.C. Police Department training program.
- 6:00 p.m.—Community Action—Ted Thackrey moderates program.
- 7:00 p.m.—TV Shorthand—Manpower Education Institute presentation.
- 7:30 p.m.—On the Job—N.Y.C. Fire Department training program: "Search."
- 9:00 p.m.—New York Report—Lester Smith hosts interviews between City officials and visiting newsmen.

Tuesday, September 12

- 4:00 p.m.—Around the Clock—N.Y.C. Police Department training program.
- 7:00 p.m.—TV Shorthand—Manpower Education Institute presentation.
- 8:00 p.m.—Behind the Laws—Analysis of recently passed State laws: Program 8—Uniform Justice Court Act.

Wednesday, September 13

- 4:00 p.m.—Around the Clock—N.Y.C. Police Department training program.
- 7:00 p.m.—TV Shorthand—Manpower Education Institute presentation.
- 7:30 p.m.—On the Job—N.Y.C. Fire Department training program: "Brush Fires."
- 10:30 p.m.—Community Action—Ted Thackrey moderates program.

Friday, September 15

- 7:00 p.m.—TV Shorthand—Manpower Education Institute presentation.
- 4:00 p.m.—Around the Clock—N.Y.C. Police Department training program.
- 7:30 p.m.—Brooklyn College Presents—"Preparation for Arrest." Shows what happens to a person who is arrested.
- 10:00 p.m.—Behind the Laws—Program 8—Uniform Justice Court Act.
- 8:00 p.m.—Behind the Laws—Program 8—Uniform Justice Court Act.
- Saturday, September 16
- 7:00 p.m.—Community Action—Ted Thackrey moderates program.
- 7:30 p.m.—On the Job—N.Y.C. Fire Department training program: "Brush Fires."

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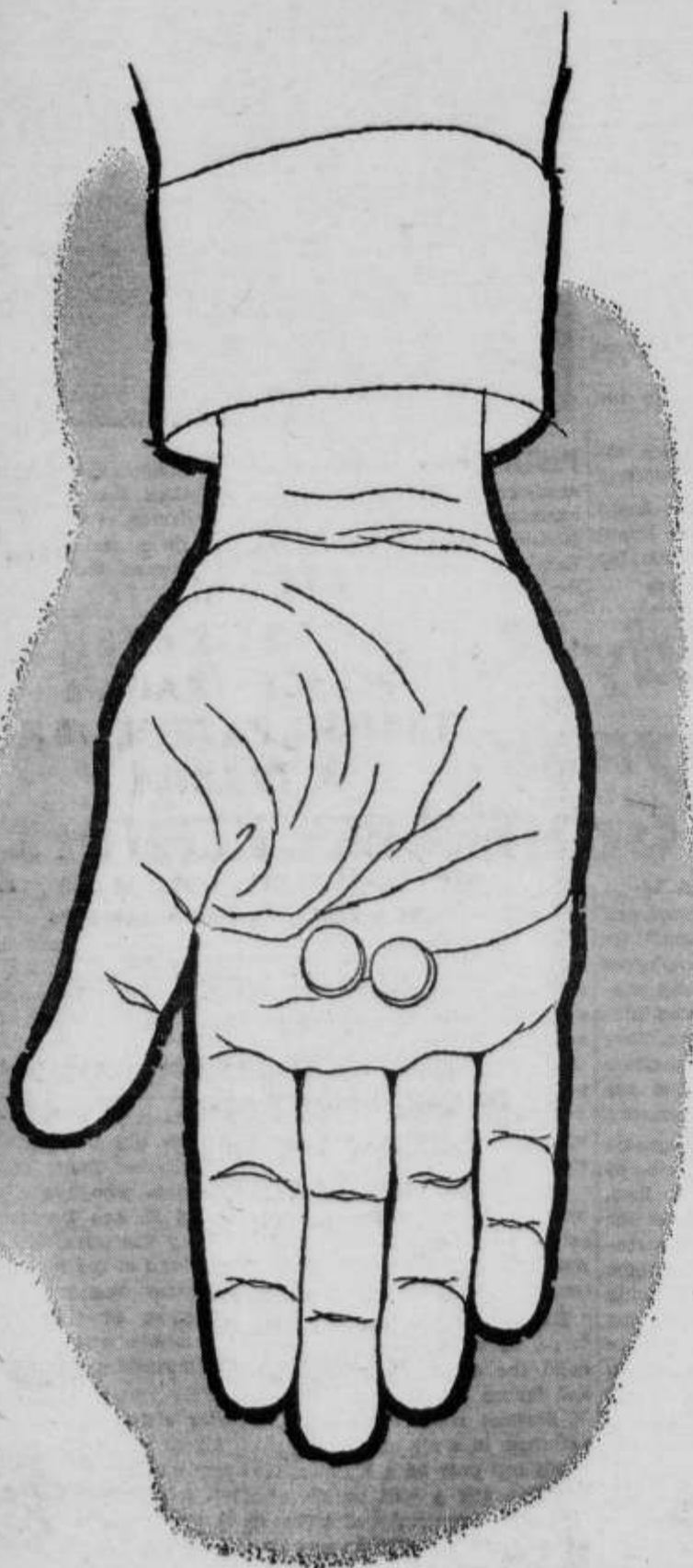
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TUESDAY, SEPTEMBER 12, 1967



A Better Civil Service For A Better America

SEN. Robert F. Kennedy warned last week that America the Beautiful is in great danger of becoming much less than beautiful. His references were not only on the much-publicized urban decay affecting the nation's physical appearance but also the stigma of the poor, the uneducated, the discriminated against, the disenfranchised who share none of the wealth and thus are a blot on the country's political and philosophical morality as well.

Most government employees are aware of their involvement in solving the problems of air pollution, redevelopment of cities, education and welfare. Not all of them, however, are aware of their involvement in the future of their fellow, but poverty-stricken, Americans.

As Senator Kennedy pointed out, this country has a long, historical tradition of creating hope in the hearts of the poor that the United States was the land of opportunity where by dint of hard work, study and ambition, a happier, more secure life loomed for the future.

One area where this is eminently possible, he noted, is the field of public employment. Despite all criticisms of the Merit System, no area of work in the nation is so free of discrimination, political tampering and job worry. Public employment, therefore, represents a high goal for many of our still-underprivileged people and for this reason, Senator Kennedy sensibly observed, good wages, work conditions and retirement benefits must be preserved in civil service. To do otherwise would be cheating future public employees by offering a goal that would no longer have any value when reached.

There is, too, a practical side to keeping public employment one of the most desirable jobs in the country. Senator Kennedy said he believed that with all government must do to solve America's serious problems, many more workers must be hired in the public sector. The swelling of these ranks would most certainly provide current civil servants with ever-widening opportunities for promotion and advancement in the technical and managerial fields. This further improvement in the desirability of public service would not only help keep the good veterans now on the job in service but would make it an even more sought-after field of work in the future.

Senator Kennedy has issued an engaging challenge by inviting civil servants to better their own lot and to secure a better future for their children by engaging whole-heartedly in the battle against a deteriorating American dream. He has issued an equal challenge to government by insisting that a well-paid civil service must be created and maintained as part of the struggle for "America the Beautiful."

Police Best Seller

ALBANY—The Division of State Police has issued a "second edition" of what they call a "best seller" in police circles.

It's another printing of a 577-page "Manual for Police" that is sent without charge to local police departments.

The late Police Superintendent Arthur Cornelius Jr. had supervised the new edition, revised and expanded, calling it "one handbook of basic information a policeman needs to carry out his duties on day-to-day basis."

\$1,000 Richer

ALBANY—Mrs. Gail Gardner of Schenectady is \$1,000 richer today, and she isn't a State lottery winner either. In fact, as an employee of the State Tax Department she isn't eligible for lottery awards.

She earned her \$1,000 award by suggesting a revision of key punch record cards that will save the State about \$18,000 a year.

It is strictly a merit award.

To Keep Informed, Follow The Leader.

LETTERS

TO THE EDITOR

A Shave And A Raise

Editor, The Leader:

To the two LPN's who feel that they have a legal gripe on the increment raise of the barbers and hair dressers.

1. This is the first increment raise in the past eight years, and yet its not enough for our profession. A grade eleven would have been more appropriate instead of a seven.

Be advised although our raise has been recognized it has not yet been put into our pay checks.

2. A barber has to go to school for a whole year plus a year and a half till he gets his master's, and we pay for this education out of our own pockets.

3. We are in constant contact with the patients. There is no margin for error in a man's haircut or shave.

4. I do not begrudge anyone a raise, so do not feel insulted because you are on the same level as a barber and hair dresser. I know you couldn't do my job, and my job is equally as important as yours.

EDWIN IRIZARRY, barber
C.I. State Hospital

Physical Therapist Merit Upgrading

Editor, The Leader:

In the past few years many titles in the Department of Mental Hygiene have been upgraded.

Rehabilitation has been stressed over and over again. It seems to me that physical therapy plays a big role in rehabilitation. If this is so, they why is the Department of Mental Hygiene absolving the physical therapy technicians, grade 8 and 11? They should be upgraded instead of dropped. Physical therapy aides, grade 5, certainly belong on a par with new attendants, grade 6.

OTTO KERNER
Deer Park, L.I.

P.D. Exam Reset

Patrolman examinations for both the Police Department and the Transit Authority Police, originally scheduled to be held on Nov. 4, have been rescheduled for early next year.

The reason for the rescheduling is that the City Department of Personnel has a backlog of approximately 7,500 men on tap for use by the two agencies. The backlog is the result of nine previous examinations dated back since June 15, 1965.

In announcing the postponement, Solomon Hoberman, City Personnel Director stated that the number of available men is sufficient to meet the present needs of both agencies.

There are over 5,800 men on eight eligible lists available to the Police Department and some 1,700 on the Transit list.

The Police Department is not expected to make any further appointments to its force until early next year. The Transit Authority is expecting to make some appointments in October.

Reappointed

Reappointment of Mrs. Joseph V Brown of Middletown, subject to Senate confirmation, as a member of the Board of Visitors to Middletown State Hospital has been announced by Governor Rockefeller.

Civil Service Law & You

By WILLIAM GOFFEN



(Mr. Goffen, a member of the New York Bar, teaches law at the College of the City of New York, is the author of many books and articles and co-authored "New York Criminal Law.")

Arbitrary Test Answers

NOT SO LONG ago, the lower Courts refused to direct the granting of credit on civil service examinations for answers different from the official answers even though the candidates' answers were equally as good or even better. Relief was possible only if the official answer was overwhelming proven wrong. This nonsensical rule required the examinee to guess which of alternative correct answers the examiner wanted. The Court of Appeals, however, reasserted in *Acosta v. Lang* its common sense rule that correct answers must be given credit.

SUPREME COURT Judge Jacob Markowitz recently reviewed the precedents governing judicial review of civil service examinations (*Hoffman v. Hoberman*, *New York Law Journal*, August 7, 1967). The *Hoffman* case was brought under Article 78 by a candidate for promotion to the positions of senior attorney in the New York City Department of Welfare. He contended that his answers for which he was not given credit were as good as or better than the official answers. He also contended that one of the questions was inappropriate to the position.

THE STATE Supreme Court in which Article 78 proceedings must be brought is a Court of original and unlimited jurisdiction. On the issue, however, of the propriety of examination questions, there are not many precedents. On principle, nevertheless, it is manifest that an examination must test merit and fitness for the position.

IN THE *Hoffman* case, Judge Markowitz expressed reluctance to review this problem, stating:

Even if the court were strongly persuaded that the petitioner is correct as to what the scope and content of the examination should have been, it would not be justified in interfering with an administrative determination based on a different view of what kind of examination would be better unless petitioner demonstrated that the respondents acted arbitrarily, unreasonably or capriciously.

AS SUMMARIZED by Judge Markowitz, court interference in matters of civil service examinations generally depends upon a showing of bad faith, departure from statutory or constitutional requirements, or arbitrary action.

IN ADDITION to *Acosta v. Lang*, as illustrative of the principles involved, the Court mentioned *Turel v. Delaney*, and *Shpritzer v. Lang*.

THE *TUREL* case involved the legality of a contract whereby the New York City Board of Transportation retained a physician to supply medical care under the Workmen's Compensation Law. The *Turel* petitioners were physicians on a civil service eligible list. The Court of Appeals held that the contract could not be upheld. It violated the command of the State Constitution that merit and fitness as established by competitive examination shall determine the choice of public servants.

IN THE *SHPRITZER* case, to the final solution of which Judge Markowitz contributed brilliantly, the Court of Appeals concurred with the Appellate Division opinion written by Judge Harold A. Steven overruling a long established practice that excluded policemen from promotional opportunities solely because of their sex.

IN MOST CASES, if it is established at the threshold that the action of the agency rested upon a reasonable foundation, the Court will not go further.

IN JUDGE MARKOWITZ'S view, the present petitioner did not establish a clear right to relief. He did not meet the burden of showing that his answers were better or at least as good as the key answers, as required by the *Acosta* decision. Accordingly, his petition was dismissed.

New Members

Governor Rockefeller recently announced the appointments of Mrs. James H. Righter of Buffalo, and Mrs. Richard C. Patterson Jr., of New York City, as members of the Governor's Committee for International Official Visitors. The committee comprises State officials and private citizens

Donovan Appointed

Dr. Bernard E. Donovan, Superintendent of New York City's Schools, has been appointed to Governor Rockefeller's Advisory Council on Youth and Work.

who represent the Governor in welcoming and dealing with foreign officials from all over the world.

Smithtown CSEA Requests Twelve Point Salary, Benefits Plan, Exclusive Recognition

SMITHTOWN — The recently-formed Suffolk Cooperative Library System unit of the Suffolk chapter, Civil Service Employees Assn., has approved a 16-point program to be negotiated with the library board of trustees.

The program is headed by a call for a 15 per cent across-the-board pay boost effective Jan. 1 and exclusive recognition of CSEA.

Other demands are for:

- Time and one-half after 35 hours;
- Fully-paid health and dental programs;
- Reimbursement for unused sick leave upon separation for employees with more than five years service;
- Additional increments, steps seven and eight, to salary plan;
- No grade limit for overtime compensation;
- Authorized leave with pay for CSEA officials on CSEA business;
- Non-contributory retirement program;
- Additional holidays on Election Day and the Friday after Thanksgiving;

- five years; four weeks after 10;
 - Guaranteed increment upon promotion;
 - Seniority system;
 - Vacations earned at rate of one day per month for employees with less than five years service;
 - Free egress from building after working overtime.
- Suffolk chapter president Robert Villa, who announced the chapter's approval of the program following a meeting with the library unit at chapter headquarters here last week, commented: "This is an ambitious undertaking for a re-

- Three weeks vacation after

Salamanca Chap. Requests Recog.

SALAMANCA—The Salamanca Common Council is considering a request by the Cattaraugus County chapter, Civil Service Employees Assn., that the CSEA be recognized as the bargaining agent for all Salamanca City employees. The request was filed under the

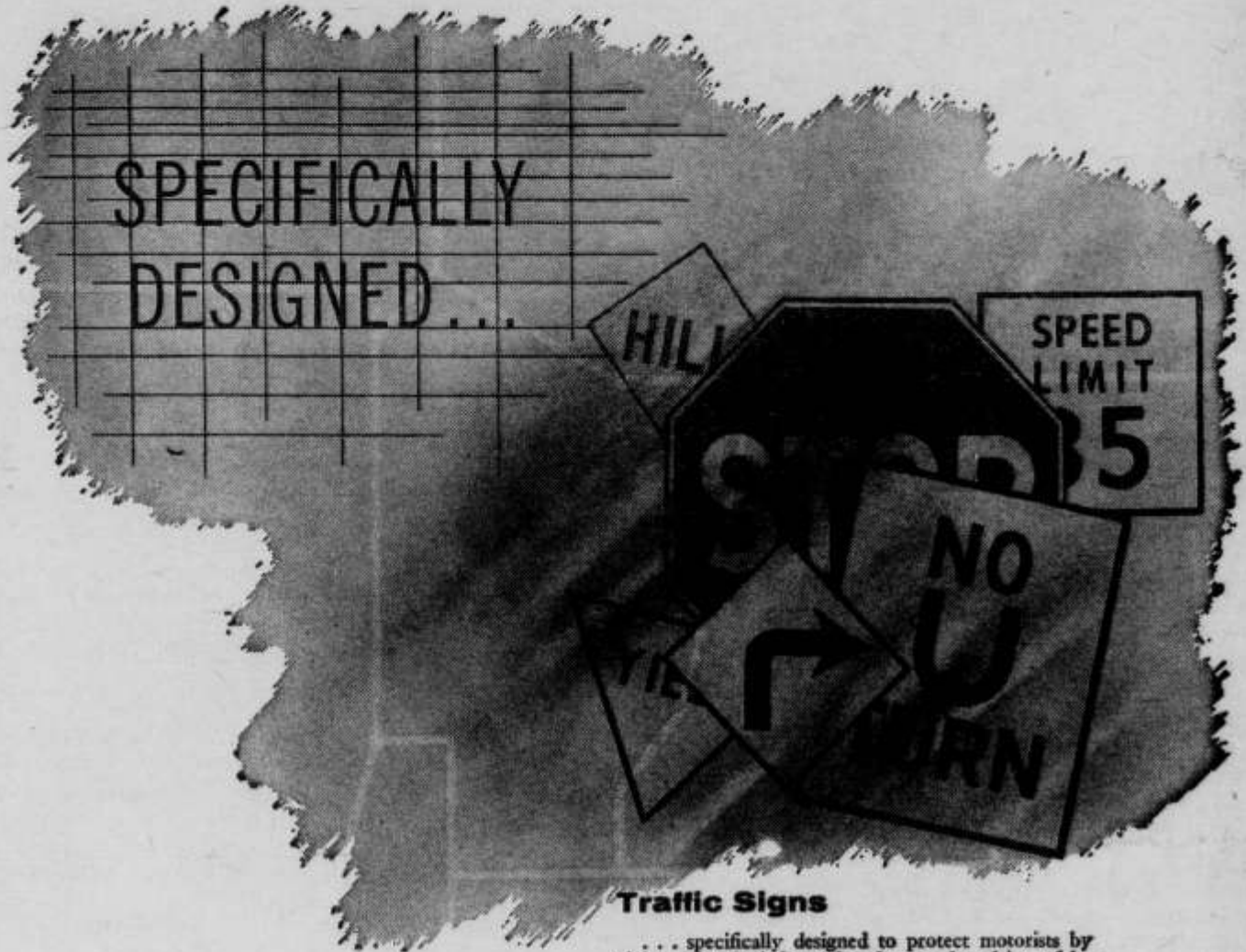
recently-formed unit, and this unit will have the services of the chapter in achieving these advances on behalf of the employees."

new Public Employees Fair Employment Act, which became effective Sept. 1.

John Panado of Olean, president of the Cattaraugus CSEA unit, sent the letter to the Salamanca Council.

On Bd. of Visitors

Louis J. Milltier of Hamburg, has been appointed by Governor Rockefeller, subject to Senate confirmation, as a member of the Visitors to Craig Colony School and Hospital.



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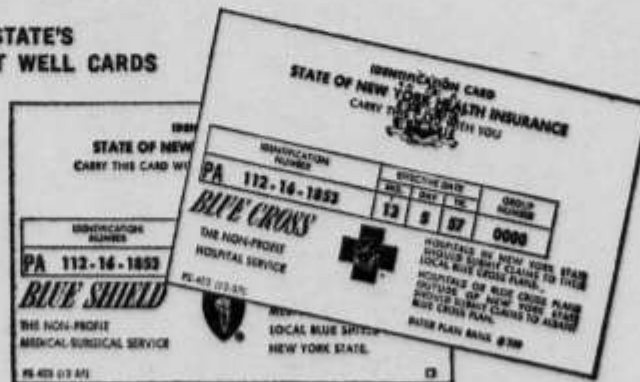
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Candid Camera Report On CSEA Special Delegates Session



—Photo Montage by James F. O'Hanlon

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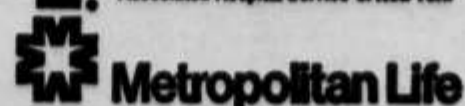
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Suffolk CSEA's Non-Teaching Luncheon To Be Held Sept. 16

PORT JEFFERSON—Legislators who supported a bill to protect non-teaching school employees from losing benefits when their districts go on austerity budgets will be saluted by the Non-Teaching Committee of the Suffolk chapter, Civil Service Employees Assn. at its annual legislative luncheon here Sept. 16.

All Suffolk senators and assemblymen will be saluted for backing the bill introduced by State Senator Bernard Smith (R-Northport) and Assemblyman John McCarthy (R-Huntington). The bill passed the senate last year, but failed to win action in the assembly. The legislators will be asked to press for action at the next legislative session.

The meeting will also seek competitive civil service status for basic custodial titles. A. John Willis, executive secretary and chief examiner of the Suffolk County Civil Service Commission, has been invited to speak. His commission several years ago made the entering custodial positions exempt from competitive examination.

Also scheduled for discussion are the new State Public Employees Fair Employment Act and the 1/60th retirement provision now available for adoption by local school boards.

The program was announced by John Reilly of Smithtown Central School District No. 1 and chairman of the chapter's non-

teaching committee. Reilly said field representative John D. Corcoran Jr. will act as moderator and field representatives Ed Cleary and Arthur Gray will also participate in detailing CSEA benefit programs.

Suffolk chapter president Robert Villa hailed the program. "This shows that the Suffolk chapter will pave the way for all non-instructional employees in the State. The Smith bill is a major objective."

Successor

Appointment of Mrs. Florence M. Tietenberg, Willisboro, as a member of the Lake Champlain Fridge Commission, succeeding her late husband, Harry Tietenberg, has been announced by Governor Rockefeller.

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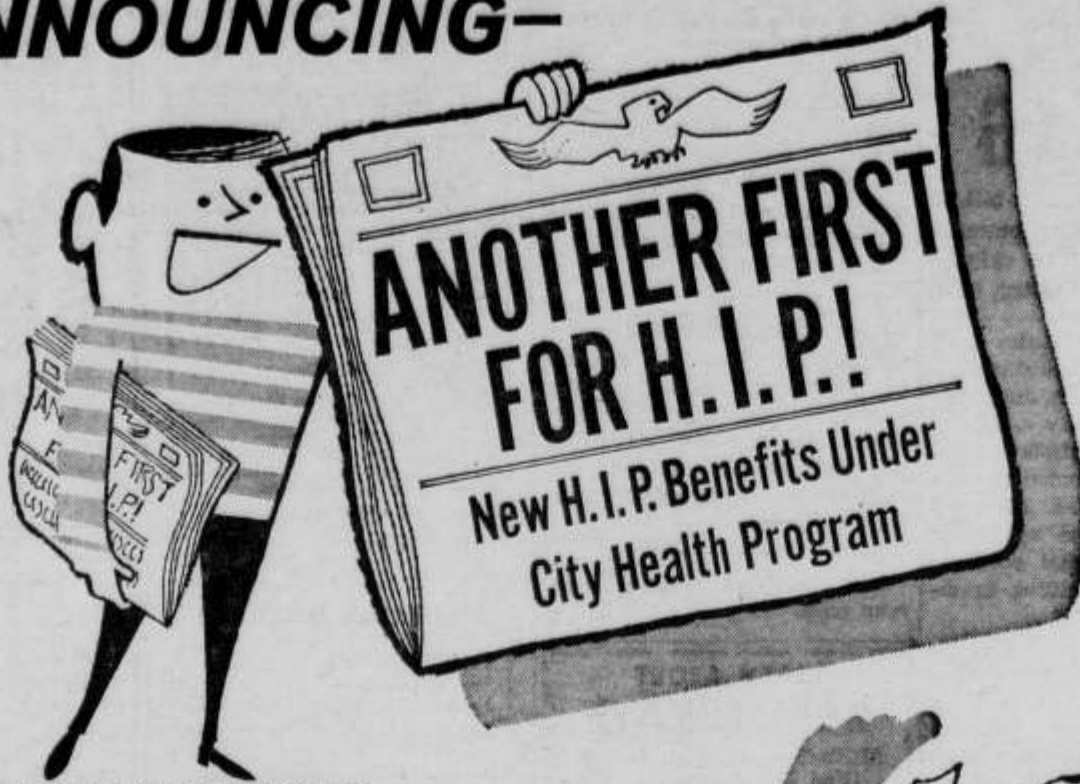
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County Meeting Hears Helsby

(Continued from Page 3)
composition and to assure that the board is impartial and objective.

Suppose a county board, despite overwhelming evidence that an organization has a majority of employees, rules that an election will be required. Can this be challenged?

While these matters cannot be categorized, the board makes decisions after a hearing on the facts in such cases.

Since the law seems to be hazy on unit determinations who will determine the appropriateness of a unit?

Guidelines—not determinations—will be published within a week on this subject.

Who will determine the board to represent employees of the Ju-

dicial Conference?

This is a fringe area and must be investigated by the State board.

Since there are penalties against employees for striking, what penalties are imposed against the employers who fail to bargain in good faith?

A very serious penalty. If an employing jurisdiction fails to bargain in good faith or causes extreme provocation, the employees may strike without penalty. The State Board or the courts will determine the lack of faith or the provocation.

Our county sets its budget on the last Thursday in September. We have set up a meeting on Sept. 12. Unless we agree on a package very quickly, we may not be included in the budget. What happens then?

The first year the situation will be messy. If things are done in a rush, employees will be done a disservice. By next year, the situation will be clarified and this cannot happen.

When do we start bargaining?

A good time would be about 120 days before budget submission. However, negotiations can start at any time. Sixty days before budget submission, unless an agreement is reached, an impasse is deemed to exist. Then the full facilities of the PERB is put into effect to break the impasse before budget submission.

If a county sets up a board, can a village within the county use this board?

If the county board accepts the requests from the village, the State PERB will accept the request also.

Is there a deadline on a local jurisdiction recognizing a bargaining agent?

No deadline but the law states that it must be done in a "reasonable time."

Onondaga Chapter Considering Merger With Onondaga Group

SYRACUSE — Approval by the Civil Service Employees Assn. of the group's constitution is all that is needed to complete the merger of the Onondaga County Employees Association with Onondaga chapter, CSEA.

CSEA—whose members approved the merger last week—will be the second bargaining unit formed under Onondaga chapter's "umbrella." It will be known as the Onondaga Employees Unit (OEU) of Onondaga chapter.

Mrs. Hilda Young, Onondaga chapter president, said the group is now working on a constitution to present to CSEA through the chapter.

OCEA had the second largest membership among local public employees—Onondaga chapter has the largest.

Mrs. Lois Crow will continue as head of the OCU group, remaining as president of the bargaining unit. The other officers also will continue to direct the unit.

Mrs. Young said at the weekend that neither the City of Syracuse nor Onondaga County have yet named Public Employees Relations boards, although the new Public Employees Fair Employment Act went into effect Sept. 1.

CSEA Demands Welfare Fund

(Continued from Page 1)

● Be it resolved, that the Association sponsor Legislation which would provide for the payment of The Civil Service Employees Assn., Inc. of \$150 per employee annually which shall be used by the Association for the purpose of establishing a welfare fund to provide additional benefits for State employees such as a dental plan, drug plan, optical plan, and supplementary benefits.

It is to be noted that large segments of public employees have this benefit.

● Be it resolved, that the Association sponsor or support Legislation which would make the State Health Insurance Plan completely noncontributory for all State employees and their dependents effective April 1, 1968, and

● Be it further resolved, that the Association take the necessary steps to make a completely noncontributory State Health Plan for employees and dependents mandatory in all political subdivisions of the State.

Another Special Session

In another new action, delegates voted for a special session at which any negotiations agreed upon by the CSEA and the Rockefeller Administration would have to get final approval of the delegate body. Any wage gains made by CSEA for State workers would also be proposed for employees in political subdivisions on a mandated basis, Bendet said.

Grace T. Nulty, chairman of the Resolutions Committee, then led the action on other resolutions which dealt with gaining benefits for both State and local workers, as well as dealing with special problems in public employment. A full report on this part of the business session will appear in next week's issue of The Leader.



WELCOME — Joseph F. Feily, CSEA president, right, is seen as he welcomed Sen. Robert F. Kennedy to a dinner which ended the delegates session held in New York City last week. At left is Lea Lemieux.

Education Chapter Clam Bake Scheduled For September 15

ALBANY — Final plans for the Education Department chapter, Civil Service Employees Assn., Clam Bake, to be held on Sept. 15, at McKown's Grove, Albany, were made at a recent meeting of the chapter's social committee, according to Rudy Walloe, chairman.

John Acker, chairman of prizes and events, announced that the afternoon would be devoted to social and athletic games with bingo commencing at 2:30 p.m. Prizes for the winners, include houseware items, pottery, stationery and plastics.

Athletic events will be started at 3:45 with a three legged race for men, followed by one for the women. Larry Weaver has been selected as the judge for the event. He will be assisted by a committee of judges of his own choosing.

Immediately following, the sack races will take place and this portion will be judged by a committee headed by George Le Fleur. The next event will be an egg throwing contest with Kay Thompson's committee judging, and, last, at 4:30 p.m., a bathroom tissue pulling contest, will be judged by Carmela Spano and her panel of judges.

For the evening, Acker has planned an old fashioned dance contest featuring a waltz, mod dance and polka to the music of Mack Brothers Orchestra, starting at 7 p.m. The judges for these events will be headed by John Wilson.

The lady and gentleman adjudged the winning couple in each contest will be awarded an attractive trophy. The presentation of the trophies is scheduled for 8 p.m.

The committee has also selected an array of door prizes to be awarded. The door prizes include a pair of tickets to the Hellman Theatre, an electric roaster, a transistor radio, several flashlights and a bottle of imported wine.

Walloe stated that reservations will close on Sept. 13. Tickets may be obtained from any CSEA representative, Mrs. Ethel Bellew, or Walloe. Afternoon refreshments will consist of clams, sausage, chowder, hot dogs, soft drinks and beer. The bake will be served promptly at 5 p.m. and will include clams, chicken, corn, potatoes, salad, dessert and coffee.

Nassau Chapter's Annual Dinner—Dance On Sept. 30

MINEOLA—The 19th annual dinner-dance of the Nassau chapter, Civil Service Employee Assn., has been scheduled for Sept. 30 at Carl Hoppl's restaurant in Baldwin, it was announced by chapter headquarters.

Chapter president Irving Flaumenbaum will act as master of ceremonies, with a program including dinner, dancing until 2 a.m., a Broadway floor show and brief remarks by invited guests, who include Governor Rockefeller, County Executive Eugene H. Nickerson, Hempstead presiding supervisor Ralph G. Caso and legislators. Tickets, at \$8.60 each, may be secured from chapter headquarters here.

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Jewish State Aides Set Meeting

The Jewish State Employees of New York State will meet on Wednesday, Sept. 27 at 6 p.m. at 20 Centre St., Manhattan in room 639, according to Mrs. Rose Strow, association president.

Plans for the Fall and Winter season will be discussed at the meeting. Prospective members are

also invited, Mrs. Strow, added.

Because of the sell-out crowds attending past Chanukah dinner-dances, tickets for this year's affair, scheduled for Dec. 13 at the Sheraton-Atlantic Hotel are on a first-come, first-served basis, according to Nat Rogers and his sub-committee.



PRESENTS CHARTER — Earl Vandermeulen, trustee of the Suffolk Community College, presents the charter for the Suffolk Community College unit of the Suffolk chapter of the Civil Service Employees Assn. to Katherine Wotton, the president of the new unit. Dr. Albert M. Amermany, the president of the College looks on at the right.

CSEA Asks Recognition

Bridge Authority Adopts Unused Sick Leave Law

CATSKILL — The New York State Bridge Authority, meeting here recently, has voted to adopt the "Unused Sick Leave Law" which became effective Sept. 1.

Under this law, the employees' unused sick leave will be converted to a dollar and cents basis to be used to pay health insurance premiums when they retire. The law to date, only covered State workers, and not political subdivisions and authorities.

The Bridge Authority chapter, Civil Service Employees Assn. has also requested recognition from the Authority as the sole bargaining agent in matters of negotiating wages, working conditions and the settlement of grievances as provided for in the Public Employees' Fair Employment Act, effective September 1, 1967.

Capital Conf. Names Kolothros Legislative Head

ALBANY — Harry A. Kolothros of the State Office of General Services is the new chairman of the legislative Committee of the Capital District Conference of the Civil Service Employees Assn.

Kolothros, active in CSEA affairs for 20 years, will be in charge of the committee research into civil service measures and of its drive for State pay raises and other fringe benefits.

Serving with him are Wilma McCormick, Workmen's Compensation Board; Ann Malo, Social Services; John Merozkowski, Mt. McGregor and Donald Blake, State University.

Kolothros is a member of the board of directors of the General Services chapter and a member of the Statewide CSEA Education Committee.

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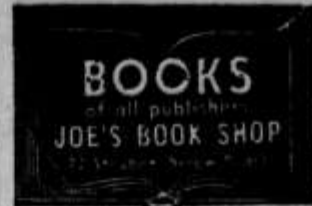
CSEA Candidates To Attend Western Conf. Dinner Sept. 23

BUFFALO — John J. Hennessey of Buffalo, a candidate for reelection as treasurer of the Civil Service Employees Assn., and Claude Rowell of Rochester, a candidate for fourth CSEA vice president, have been invited, along with other candidates, to the Sept. 23 meeting of the Western Conference, CSEA.

The meeting will be held in J.N. Adam Hospital in Perrysburg, N.Y. with a dinner at the American Legion Post, Gowanda, N.Y.

Renamed

ALBANY—Ben Regan of New York City has been reappointed to the Port of New York Authority by Governor Rockefeller for a new term ending in 1978.



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| Monday | |
|--|-----------------------|
| American Constitutional Law | 9:05 a.m.— 9:55 a.m. |
| Public Administration in the Political Process | 9:30 a.m.—12:00 Noon |
| Latin American Politics | 10:10 a.m.—11:00 a.m. |
| Theories of Economic Development | 1:00 p.m.— 3:30 p.m. |
| Problems of Metropolitan Areas | 4:45 p.m.— 7:15 p.m. |
| American Federalism | 4:45 p.m.— 7:15 p.m. |
| Research in Public Administration | 4:45 p.m.— 7:15 p.m. |
| Belief Systems in Administration | 4:45 p.m.— 7:15 p.m. |
| Micro-Economic Theory | 4:45 p.m.— 7:15 p.m. |
| Chief Executive | 7:30 p.m.—10:00 p.m. |
| Comparative Public Bureaucracies | 7:30 p.m.—10:00 p.m. |
| Industrial Organization and Public Policy | 7:30 p.m.—10:00 p.m. |
| Political Theory and Analysis II | 7:30 p.m.—10:00 p.m. |

| Tuesday | |
|---|----------------------|
| Legal Environment of Public Administration | 9:30 a.m.—12:00 Noon |
| Development of Cities | 1:30 p.m.— 4:00 p.m. |
| Macro-Economic Theory | 1:30 p.m.— 4:00 p.m. |
| Control of Foreign Policy | 4:45 p.m.— 7:15 p.m. |
| American Political Thought | 4:45 p.m.— 7:15 p.m. |
| The United Nations | 4:45 p.m.— 7:15 p.m. |
| Governmental Financial Systems and Administration | 4:45 p.m.— 7:15 p.m. |
| Economics of Natural Resources | 4:45 p.m.— 7:15 p.m. |
| Methods of Empirical Research | 7:30 p.m.—10:00 p.m. |
| Contemporary Political Theory | 7:30 p.m.—10:00 p.m. |
| Applied Communication Theory | 7:30 p.m.—10:00 p.m. |
| Econometrics I | 7:30 p.m.—10:00 p.m. |

| Wednesday | |
|--|-----------------------|
| American Constitutional Law | 9:30 a.m.— 9:55 a.m. |
| Public Administration in the Political Process | 9:30 a.m.—12:00 Noon |
| Latin American Politics | 10:10 a.m.—11:00 a.m. |
| Legal Environment of Public Administration | 1:30 p.m.— 4:00 p.m. |
| Labor Organizations | 1:30 p.m.— 4:00 p.m. |
| Political Behavior | 4:45 p.m.— 7:15 p.m. |
| Urban Politics | 4:45 p.m.— 7:15 p.m. |
| Totalitarian Political Systems | 4:45 p.m.— 7:15 p.m. |
| Quantitative Methods in Public Administration | 4:45 p.m.— 7:15 p.m. |
| Regional Economic Theory | 4:45 p.m.— 7:15 p.m. |
| Federal Courts | 7:30 p.m.—10:00 p.m. |
| Principles of International Relations | 7:30 p.m.—10:00 p.m. |
| Public Personnel Administration | 7:30 p.m.—10:00 p.m. |
| International Trade and Finance | 7:30 p.m.—10:00 p.m. |
| Introduction to Mathematical Economics | 7:30 p.m.—10:00 p.m. |

| Thursday | |
|---|-----------------------|
| American Constitutional Law | 9:05 a.m.— 9:55 a.m. |
| Latin American Politics | 10:10 a.m.—11:00 a.m. |
| Politics in Developing Countries | 1:30 p.m.— 4:00 p.m. |
| Collective Bargaining | 1:30 p.m.— 4:00 p.m. |
| Constitutional Law: Federal System | 4:45 p.m.— 7:15 p.m. |
| Comparative Government in Democracies | 4:45 p.m.— 7:15 p.m. |
| Theories of Administrative Organizations | 4:45 p.m.— 7:15 p.m. |
| Survey of Administrative Management | 4:45 p.m.— 7:15 p.m. |
| Monetary Theory | 4:45 p.m.— 7:15 p.m. |
| Administrative Law I | 7:30 p.m.—10:00 p.m. |
| Histry of Political Theory I | 7:30 p.m.—10:00 p.m. |
| Financial Administration and Budgetary Policy | 7:30 p.m.—10:00 p.m. |
| Model, Simulation and Gaming | 7:30 p.m.—10:00 p.m. |
| Organizational Behavior | 7:30 p.m.—10:00 p.m. |
| Fiscal Policy | 7:30 p.m.—10:00 p.m. |

| Friday | |
|----------------------------|----------------------|
| Government and the Economy | 9:30 a.m.—12:00 Noon |

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DINNER PARTNERS — Lea Lemieux, left, chairman of the CSEA Social Committee, and Sen. Robert F. Kennedy are seen at the dinner which ended a special CSEA delegates' session last week.



TOASTMASTER — Gary Perkinson, right, toastmaster for the dinner which ended a special meeting of the Civil Service Employees Assn., is seen as he drew a laugh on a remark about Sen. Robert F. Kennedy, center. Lea Lemieux, CSEA Social Committee chairman, is at left.



EDITOR — Paul Kyer, editor of The Leader, is seen as he entered the Commodore Hotel last week to attend a dinner that marked the end of a special delegates' meeting of the Civil Service Employees Assn. He is escorting Melissa Estabrook of New York City.

Crotty Lauds MacPherson & Finkelstein

Peter J. Crotty, chairman of the Constitution Convention's Committee on Labor, Civil Service and Public Pensions, sent two telegrams to the special delegates' session of the Civil Service Employees Assn. last week. They were read at the dinner in the Commodore Hotel which concluded the event.

In a message to Joseph F. Felly, CSEA president, he referred to Proposition 1390, which would have limited the power of the Legislature to mandate employee benefits in political subdivisions, and credited the work of Duncan MacPherson and the CSEA Committee on the Constitution for the "strong and effective" job they did in getting the proposal defeated.

A second telegram from Crotty congratulated Leader publisher Jerry Finkelstein for the "creative and imaginative" editorial support the newspaper and its staff have given to civil service goals in the Constitutional Convention.

Dues Increase

(Continued from Page 1)

a third of the money demanded by labor unions.

Joseph F. Felly, CSEA president, said the dues increase was necessary to pay for the new headquarters building nearing completion in Albany and for additional services that will be needed because of the ever-growing size of the Employees Association.

Opposition to the dues hike early in the debate was led by three members of the New York City chapter — Solomon Bendet, Seymour Shapiro and William Berman.

Delegates accepted the recommendation's of a special committee, headed by Irving Flaumenbaum, however, and agreed the new monies were needed. The increase is effective next April 1.

Sorry, Carl Gangi

The Leader apologizes to Carl Gangi, an employee of Gowanda State Hospital for having taken unusual liberties with the spelling of his name under a picture in the Aug. 8 issue in which he was being presented his third merit award in 31 years of service to the State from Gowanda State's director, Dr. J. Rothery Haight.

Syracuse Chapter Dinner On Sept. 18

The Civil Service Employees Assn.'s Syracuse chapter president, Mary L. McCarthy has announced a dinner meeting to be held Sept. 18 at Emil's Restaurant. Representatives of the twenty State departments are expected to attend and review the plans and programs for the coming year. The following chairmen of committees have been selected: Membership—Mrs. Ethel Chapman; Finance—Raymond Field; Grievance—Richard Cleary; Public Relations—Helene Callahan; Insurance—Agnes Weller; Civic Affairs—Kenneth Squires; Legislation—John Splann; Education—Margaret Obrist; Inter-Chapter Affairs—Charles Carroll.



HANDSHAKE — Sen. Robert F. Kennedy, right, got a handshake from Irving Flaumenbaum, CSEA second vice president, as he left a dinner for CSEA delegates at which the Senator spoke. Looking on are Jerry Finkelstein, Leader publisher, left, and Joseph F. Felly, CSEA president in rear.

Watertown Mayor Sees CSEA Receiving Bargaining Rights

(From Leader Correspondent)

WATERTOWN — Both Watertown City officials and leaders of employee organizations are forecasting that the City Council will, prior to the 1967-68 fiscal year, have recognized at least three worker groups for collective bargaining.

Mayor Theodore Rand said that "while it would be preferable" to be able to do business with one employee organization, it appears now that "at least three will be in the picture." He identified them as:

The Jefferson chapter, Civil Service Employees Assn.

The Fire Fighters union local.

Other City employees are expected to win CSEA recognition as bargainer for the rest of the municipal employees because a union is reportedly withdrawing its application for recognition in favor of CSEA.

William A. Flower, who made the first recognition request to the City Council, said recently he feels the union members in the Public Works, Water-Electric and Park Departments would be "better off under the CSEA banner."

Mayor Rand has indicated he feels the City Council, when it is prepared to enter into contract

negotiations may engage the services of a qualified labor relations expert.

The mayor says that "so little is known of the complicated State Fair Employment Law" that the city council feels it should "hire the best labor relations talent available to launch the first contract negotiations."

Meanwhile, with the St. Lawrence County Board of Supervisors prepared to back the CSEA bid for employee representation, it is expected that the City of Ogdensburg Council might be faced with the same complications as Watertown's — separate bargaining groups including firemen and police.

The Jefferson County Board of Supervisors is also said to look with favor on the CSEA bid.

Pass your Leader on to a non-member.



ENTRANCE — The Leader camera caught this picture of Sen. Robert F. Kennedy as he arrived at the Commodore Hotel last week to address delegates of the Civil Service Employees Assn. Also seen are Duncan MacPherson, center, chairman of the CSEA Constitution Convention Committee, and James F. O'Hanlon, right, executive editor of The Leader.