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The State Employee

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Story of State Government

CHAPTER VII: DIVISION OF THE BUDGET

The following article is the eighth of a series of articles on New York State Government. This series is in charge of our Editorial Board Member, A. K. Getman of the State Education Department Staff. The next article of this series, which will discuss the State Department of Social Welfare, will be contained in the October issue.

By HON. ABRAHAM S. WEBER
Director of the Budget

I WHY SHOULD THERE BE A DIVISION OF THE BUDGET?

The constitutional convention of 1915 marked the beginning of a new epoch in the political history of New York.

The period from 1915 to 1940 has seen a thorough modernization of the State government by a complete administrative reorganization of its departments and by the establishment of an executive budget system.

It is truly said, constitutional reform is the condition precedent to most far-reaching administrative improvements—that the competence of administration determines the extent of the effectiveness of popular government.

Administration must have democratic policy at its heart as well as the mechanical ability to effectively attain the ends of the State.

New York State's record of social reform and advancement in this epoch upholds this contention of the necessity and inseparability of an effective democracy and a properly organized administrative mechanism infused with the incentive and atmosphere only real executive leadership can give.

Accordingly the Division of the Budget was established as the "staff" agency to assist the Governor in carrying out the well recognized principle of administration; viz: the chief executive should be responsible for the preparation annually of a complete and integrated fiscal program for the State to be submitted to people's elected representatives for their consideration.

The Governor's responsibility, however, does not end here.

As the chief executive, he is also responsible for the direction and control of the budget as passed by the Legislature. And the Division of the Budget is his staff agency in the execution of this obligation.

Of late years, some people have urged the abandonment of the executive budget system in favor of a more complete legislative budget control. Basis for their argument is their disagreement, in most cases, with the fiscal policy of the administration in power, and not with the system itself.

This attitude is really indefensible.

The budget agency is merely a tool of the chief executive and the Legislature. These are the agencies which actually determine fiscal policy, and theirs is the responsibility for it.

And so it should be in a representative democracy.

The Division of the Budget is a management agency, indispensable in any well functioning organization.

To cry for its abolition would be to cry for the eradication of all schools because one did not like what is taught.

Fundamental "standards of appraisal" set up to evaluate New York State's government structure which have led to the establishment of the executive budget system are often obscured in the heat of controversy over particular budget proposals. A review of these standards which formed the basis for State government reorganization recommended by the 1915 Constitutional Convention is timely here.

The standards were not the result of purely theoretical considerations, but were and are based on the judgments and rules "drawn from common sense in the conduct of business enterprises and the experience of this and other countries in their efforts to develop



HON. ABRAHAM S. WEBER

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democratic and efficient government." *
1915, pp. 1-2, Albany, 1915.

"Briefly characterizing the assumptions which are used as a basis of criticism, it is held: that proper machinery must be set up so that the opinions of the people may be brought to bear immediately and directly on the agents of government through voters at election; that machinery must also be set up for making executive officers responsible and responsive to public opinion; that the only way which has been found for doing this as a matter of experience is to provide for responsible leadership, i.e., to make it the duty of the executive definitely to formulate plans and proposals for legislative action, and not to permit him to dodge responsibility by submitting a general lecture on political principles or public morals; that by requiring the executive to take the initiative in matters which vitally affect administration, refusal to grant his requests, and in the form submitted, will raise a clear cut issue that the people can understand; that such leadership is essential to responsible government, and such definition of issues essential to democracy itself—the only alternative being irresponsible government and domination by a 'political boss.'

"Starting from these general assumptions or principles, it is urged that the activities of the Legislature should be directed primarily to determination of large State-wide policies and scrutiny of administration, rather than to the initiation of everything large and small, doing its business largely behind closed doors, and accomplishing its ends through methods of 'log-rolling.' Nothing could be more helpless than a democracy with a representative government without any kind of leader." **

Justification for existence and performance should always be first considerations of a budget agency in the execution of its work.

This justification is set forth in the preceding statements and should lend significance to the following outline of the work and organization of the Division of the Budget.

II THE WORK AND ORGANIZATION OF THE DIVISION OF THE BUDGET

A. Authorizing Law

The organization of the Division within the Executive Department is authorized by Sections 13 and 14 of the Executive Law; viz:

"Section 13. Divisions. There shall be in the executive department the following divisions:

1. The division of the budget" . . .

"Section 14. Division of the budget; director; general duties. The head of the division of the budget shall be the director of the budget who shall be appointed by the governor and hold office during his pleasure.

He shall receive a salary to be fixed by the governor within the amount appropriated therefor.

It shall be the duty of the director of the budget to assist the governor in his duties under the constitution and laws of the State respecting the formulation of the budget and the correlating and revising of estimates

* *The Constitution and the Government of the State of New York—An Appraisal*, N. Y. Constitutional Convention,

** *Ibid.*

and requests for appropriations of the civil departments, and also to assist the governor in his duties respecting the investigation, supervision and coordination of the expenditures and other fiscal operations of such department.

The director, subject to rules prescribed by the governor, may appoint and fix the compensation of subordinates and employees of the division within the amounts appropriated therefor."

B. Scope of the Work

This is a simple statement of essential duties and glosses over the real scope of the work which must be accomplished by a small force of some twenty examiners, responsible for formulating and controlling an annual State budget of approximately \$400,000,000.

The magnitude of the work program is even greater than this because of the necessity of budgeting and controlling moneys in addition to the \$400,000,000 appropriated annually.

All of the moneys received from the Federal government to be spent by various State agencies for social security, education, health, national defense, and conservation must be reviewed and segregated or allotted as well as that of self-supporting State agencies—i.e., the State Insurance Fund.

Many people have the idea that budgetary work begins in October with the submission of the budget requests from the departments and ends February 1 with the submission of the budget by the Governor to the Legislature.

During this actual budget formulation period the average work day tends to exceed twelve hours and the working week approaches seven days. The remaining seven months of the year, from February to October, also has a most extensive work program that does not allow for any relaxation. As a matter of fact the work in this more normal period often requires the hiring of temporary and expert services to meet the minimum requirements.

A budget system is more than the construction of a financial plan, it includes just as essentially the requirement of seeing that the plan is managed as it was authorized by the Legislature and determined by the Governor.

The budget agency must also be constantly at work collecting and analyzing data relative to the needs of the departments and their institutions and in reviewing, coordinating and formulating new administrative methods and procedures.

In addition to these duties there is a considerable amount of work required in the preparation of memoranda for the Governor and occasionally for the Legislature concerning bills to be acted upon which are of definite budgetary significance both in the immediate future and in the long run.

And as is true of all governmental agencies, the Division spends considerable time in public relations and publicity work. Many requests for information concerning all phases of State government, as well as fiscal matters, are directed or referred to the budget office. In addition to this routine work, the office prepares press releases to aid the Governor in keeping the public properly informed concerning the fiscal affairs of the State.

C. Annual Work Program

1. Budget Work in Relation to Expenditures:

Sending-out of Forms. Return of Tabulated Forms of Requests.

a. Budget forms and instruction sent out in July.

b. Forms with tabulated past expenditures, current year's appropriations, requests and explanation sheets returned by October 15th.

There are twenty-one different form sheets used covering requests for "personal service," "maintenance and operation," "special repairs," and "capital outlays."

Requests Made Up Into Budgets and Copies Sent to Legislature.

c. These requests, upon their return to the Division of the Budget, are bound into Departmental budget forms. Seven sets of each Departmental budget are made up for the following persons:

- (1) Governor
- (2) Director of the Budget
- (3) Comptroller
- (4) Assembly Ways and Means Committee (2 sets)
- (5) Senate Finance Committee (2 sets).

Analysis of Budgets for Hearings.

d. The budgets are then checked and analyzed by each departmental budget examiner. Summaries and questions are then prepared for the hearings which are scheduled for each department during the last week in October and the first three weeks in November.

Hearings.

e. At the hearings, the Governor and the Director of the Budget, with the aid of departmental budget examiners, go through the budgets asking questions of the department heads and subordinates in the presence of representatives of the Legislature. These legislative representatives also have had copies of the requests and have made analyses and ask such questions as they desire. These hearings are recorded and the minutes are prepared in book form for reference as required in making budgetary allowances.

Analysis After Hearings—Determination of Governor's Recommendation.

f. After the hearings are held, any further analysis required is completed and each budget examiner goes over each budget with the Director of the Budget and the final allowances are determined, subject to the review and determination of the Governor.

Preparation for Printer of Volumes 1 & 2.

g. The budgets are then prepared for the printer in Volume I. Volume II contains the appropriation bill of allowed requests recommended by the Governor, which is also prepared at this time.

Preparation and Use of Governor's Budget Message.

h. At this time, the various tables, summaries and explanatory material, and the Governor's Message concerning the budget, are prepared for the printer. This message summarizes the whole State financial picture. The message is in the front of each Volume I of the Budget Document, and separate copies are printed for distribution to the newspapers.

Contents of Budget Document.

i. The following statement outlines the form and content of the Budget document:

Volume I is of approximately 1,200 pages and is composed of the following sections:

- (1) Governor's Message
- (2) Summary Tables
- (3) Explanation of Revenue Estimates
- (4) Summary Tables
- (5) Budget Report in Detail
 - (a) Section I. Regular and Immediately Available allowances to State departments
 - (b) Section II. State Aid to Localities
 - (c) Section III. Unemployment Relief
 - (d) Section IV. Debt Service
 - (e) Section V. Legislative and Judiciary Requests.
 - (f) Section VI. Capital Outlays from current revenues and bond funds.
 - (g) Schedule X or Summary of Receipts and Expenditures of Moneys Not Paid into Treasury and Not Appropriated.

Volume II is of approximately 1,100 pages and is made up of actual appropriation and revenue bills according to the following divisions:

- (1) Regular appropriations for State departments
- (2) Immediately available appropriations for State departments
- (3) Capital Outlays and Highway Maintenance and Repairs
- (4) Refundable and Reimbursable appropriations
- (5) Reappropriations
- (6) State Aid to Localities
- (7) State Debt Service
- (8) Legislative and Judiciary appropriations

(Continued on Page 170)

*Governor's
Supplemental
Budget.*

- (9) Unemployment Relief
- (10) Recommended Appropriations of Bond Funds for Building Construction
- (11) Revenue Bills.

j. After the regular Budget is submitted by the Governor on or before February 1st, the Division gets to work on making up the Governor's Supplemental Budget, which must be submitted within thirty days.

This contains:

- (1) Corrections of errors
- (2) Corrections of omissions
- (3) New items required because of some emergency situation which arose after the original budget was finally made up
- (4) Items on which time was needed to get additional information before recommendation.

*Other Work
Done by
Division of
the Budget.*

k. This completes the work of the Division of the Budget so far as making up a particular year's budget is concerned for presentation to the Legislature.

After the presentation, however, the Division is called on for aid and information for the legislative committees in their consideration of the budget.

After the Governor's budget is finally acted on, some separate and additional appropriation bills for purposes other than those recommended by the Governor, are considered by the Legislature and passed. These appropriation bills and other bills having financial implications are reviewed carefully by this Division and memoranda are presented thereon to the Governor recommending veto or signature and stating the reasons therefor.

In addition to this work, the Division is constantly busy with:

- (1) Gathering data for informed budgetary action on requests
- (2) Approving segregations of lump sum appropriations
- (3) Making periodic allotments of funds appropriated or authorized for expenditure by various State agencies
- (4) Approving the filling of vacant positions
- (5) Making studies and analyses of departmental organization and procedures for budgetary purposes
- (6) Working on classification and reclassification of positions through the Division's representative in Classification

Board of Civil Service Department

- (7) Working on salary standardization through the Director of the Budget as a member of the Salary Standardization Board
- (8) Inspection trips all over the State to schools, institutions, parks, canal and other State offices
- (9) Approving or disapproving requests for transfers of Maintenance and Operation moneys from one category to another
- (10) Directing sale or transfer of excess or worn-out equipment, properties, etc.
- (11) Making special studies such as Survey of Special Services, Salary Standardization, Maintenance Allowances and State Press Releases
- (12) Answering requests for information on State financial matters sent in by civic groups, other governmental units, and many individual and business concerns.

The above has given a very brief sketch of what the Division of the Budget does in relation to State expenditures. There is, however, one other phase of budgeting just as vital as expenditure control and not yet mentioned; that is, the determination of tax policy.

2. Budget Work in Relation to Revenues:

*Estimating
of Current
Fiscal Year
Receipts.*

a. In order to know what the year-end financial position of the State will be, revised estimates of the current year's expected revenues must be made. This is done by the Division of the Budget and the Governor in cooperation with the Taxation and Finance department. This knowledge must be available during the budget preparation period, in order that decisions of policy in relation to the budget being formed, can be made. The information is also required, in order that the Director of the Budget may enforce any orders decided upon by the Governor in relation to restriction of departmental expenditures within the budget appropriations in force during the current fiscal year.

*Estimates
of Next
Succeeding
Year's
Revenues.*

b. Estimates of revenue in the next succeeding fiscal year must also be made in order that the Governor may further determine the policy required to be followed in granting requests in the budget for the forthcoming fiscal year, and also,

(Continued on Page 191)

Safety For Life and Property

Editor's Note: This is the second of a series of excellent articles by Commissioner Mealey. The first article dealt with the safety problem generally and with the car operator's responsibility in particular. This article deals with "The Car," "The Bicycle" and "The Pedestrian." State employees are interested as citizens and as part of a State Government devoted to the promotion of safety of its citizens.

By CARROLL E. MEALEY
Commissioner of Motor Vehicles
State of New York

THE BICYCLE

The bicycle has made a comeback. Not since the days of "a bicycle built for two" has the bicycle enjoyed such popularity as today.

But with the bicycle's return, there has come an inevitable upturn in the curves denoting bicycle deaths and injuries. In the past five years, bicycle deaths have doubled in the nation.

Until 1938, when bicycle deaths dropped sharply, and the number of accidents and injuries declined slightly, New York State's cycling accident record of recent years had been one of continuous growth.

Bicycle accidents, deaths and injuries in 1935 in this State totaled 1,730, 30 and 1,794, respectively. The following year, the corresponding figures jumped to 2,084, 52 and 2,127. And by 1937, they had increased to 2,383, 54 and 2,442.

Last year, despite the fact that deaths dropped to 52, the number of accidents rose to 2,747 and the number of injuries to 2,818.

What may be news to some cyclists is the fact that the bicycle is classified as a vehicle in the New York State Vehicle and Traffic Law—and as such, is required to conform to the same traffic regulations as the automobile. The law also requires that bicycles be equipped with adequate brakes and steering mechanism, a signalling device, front and rear reflectors and use of a headlamp at night.

The Bureau of Motor Vehicles has issued a bulletin on "Safe Cycling" which sets forth the following requirements and safety suggestions:
BE SURE:

That your bicycle is always in good condition. Become your own safety inspector and check up daily.

That the steering mechanism of your bicycle is in good working order—never attempt to ride a wheel that steers poorly. To avoid accidents you must have your bicycle under full control at all times.

That your brakes are "adequate" and kept that way. Your life may depend upon their quick action.

That you have a bell, horn or other signalling device attached to your bicycle which will produce a sound sufficiently loud to serve as a "danger warning." It is courteous and necessary to signal your intentions to others on the highway.

That your bicycle has front and rear reflectors of a type approved by the Commissioner of Motor Vehicles and that each reflector is attached so that it may be visible for at least 200 feet when opposed by the headlights of an automobile travelling with undimmed headlights.

That you have a lamp attached to the front of your bicycle which when lighted will be visible from a point 55 feet ahead. This lamp must project either white or yellow light and must be lighted if your bicycle is in use during the period of one-half hour after sunset to one-half hour before sunrise.

AND REMEMBER:

Pedestrians always have the right of way.

Obey general traffic rules and regulations, particularly STOP signs and traffic signals.

Watch for cars pulling away from parking places.

Give hand signals when you plan to turn or stop.

Don't ride too fast.

Don't try to carry bundles or ride "no hands."

Ride with both of your hands on the handle-bars.

Don't hitch rides on moving vehicles.

Don't ride passengers on your bicycle.

Don't attempt to pass automobiles ahead of you.

Keep to the right and ride close to the curb.

Ride if you can on streets where traffic is light.

Sound your horn or bell when approaching street intersections.

Don't coast, particularly in traffic.

THE CAR

The motor car is no safer than its operator. On the other hand, it can be said that the operator is no safer than his automobile.

You can expect neither safe nor economical operation from your car unless you give it the care and attention it deserves.

Vehicular defects do not of themselves cause a very impressive number of accidents—probably not more than five per cent of the total. But statistics on the subject are admittedly questionable and some authorities contend that mechanical failures figure to some extent in nearly every accident.

Certainly it is true that good brakes, while not always the instrument of preventing an accident, will render an impending collision less severe.

While New York State does not now require by law the periodic inspection of motor vehicles, the Bureau of Motor Vehicles strongly recommends that car-owners voluntarily have their automobiles checked over at least twice annually.

Careful handling and keeping the car in roadworthy condition will not only lessen the possibility of accident, but will, at the same time, pay dividends in the form of more economic operation and the increased pleasure of driving a car in which you have complete confidence.

Brakes should be checked occasionally for efficiency and equalization to insure simultaneous grip, and worn linings should be replaced. You can save on brakes by driving in such a manner that sudden stops and continual braking are not necessary.

Don't risk driving a car which is not equipped with good tires—with good treads on all four wheels. Keep

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the tires properly inflated for increased safety and economy in operation. Blowouts annually cause many disastrous traffic accidents.

Have headlights tested at least twice a year for proper adjustment. Keep lenses and reflectors clean. If your car is not equipped with the new sealed beam headlights, carry a spare bulb—the “one-eyed” car is a menace. Use the lower beam of your headlights in lighted areas and when meeting traffic on unlighted highways.

Other equipment which should be given an occasional check-up to insure safe operation includes the steering mechanism, horn, windshield wiper, exhaust system (as a safeguard against carbon monoxide gas leaks) and rear-view mirrors. Always keep the windshield and other glass clean and free from stickers to insure unobscured vision.

It is well to remember, however, that perfect condition of the car cannot alone insure its safe operation. Its limitations are essentially those of the operator.

Before leaving the subject of the motor car, I would like to discuss very briefly a factor which is not thoroughly understood by many operators—that of stopping distances. Most accidents, fatal and non-fatal, occur on dry roads in clear weather when many drivers feel that they can with impunity “step on the gas.”

Stopping, or “braking distances,” these operators should remember, increase alarmingly with speed. For example, at 15 miles an hour, you can stop in 13 feet, after applying brakes, if the brakes are in average condition. But at 30 miles an hour, your braking distance will be 50 feet—at 40 miles an hour, 90 feet—at 50 miles an hour, 150 feet—at 60 miles an hour, 250 feet.

These figures assume that brakes are good and that the road surface is of the most favorable type. They deserve study.

THE PEDESTRIAN

Year in and year out, well over half of all New York State traffic deaths are in the pedestrian classification.

During 1939, the number of those who walked to their death in motor

accidents was 1,271. The figure represents 52.3 per cent of the total traffic deaths for the year.

We have surrounded the automobile operator with numerous regulations designed to promote safe and orderly movement of traffic. But the pedestrian, as a class, has been left to shift for himself with the result that his walking habits are haphazard and dangerous, and pedestrian deaths have remained fairly static.

From this generalization must be exempted the children, particularly those of school age. In the past few years, as a result of the spread of safety education in the schools, which is now compulsory in New York State, child deaths have declined gratifyingly. Young America is learning how to walk safely.

The Bureau of Motor Vehicles conducted a statistical study of pedestrian accidents which developed the somewhat surprising fact that while operators have been blamed for most of the accidents, pedestrian acts contribute to nearly 60 per cent of the fatal and nearly 75 per cent of the non-fatal pedestrian accidents.

While it is true that proper crossing facilities are not always provided for pedestrians and it is also true that many operators are definitely careless of the safety of persons crossing the street or walking on the highway, it is also true that pedestrians, particularly the adult pedestrians, are as a class heedless to a degree inviting disaster.

Safe walking practices are so simple that there can be no excuse

for jaywalking in the streams of traffic which pour through the modern city.

If the pedestrian would simply be patient enough to cross the streets only at intersections—and then only on the green signal, if there is control by signal—New York State could “save” 600 to 700 lives every year.

Pedestrians who cross against the signal, who come out into the roadway from between or behind parked cars, or who cross at points other than intersection are undergoing unnecessary risks which may very likely end in injury or death.

As a matter of fact, the Vehicle and Traffic Law requires pedestrians to cross with the signal at intersections and sets forth the fact that pedestrians must yield the right of way to vehicles between intersections. The law also requires the operator to exercise due care for the safety of pedestrians.

Pedestrians on the open highway are required by law to walk on the left side of the roadway, facing oncoming traffic. If this is placed in general practice, and if persons walking on the highway at night carry a light and step off the pavement when cars pass, the rural pedestrian slaughter will be reduced to a minimum.

In short, common sense practices of walking will prevent pedestrian accidents. Pedestrian obedience to signals and regulations is as essential for pedestrian safety as the caution and obedience of the operator.

Civil Service LEADER

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Chapters, Hail!

In thirty years of Association history, no movement has given greater impetus to unity and strength in State employee organization than the enthusiastic response on the part of groups of State civil service employees located in cities and institutions outside of Albany to the plan for affiliating more closely with the Executive Committee and Headquarters of the Association through the formation of local Chapters. Obviously, the Association must function in practical ways at the seat of State Government at Albany in order that its officers and committees may be in close contact with executive, legislative and administrative heads of State government. It is at the seat of State Government that State policies as to civil service, administrative activities, budgets, payrolls, hours of work, vacations, retirement and all other State matters are decided. Obviously, also, the active interest and support of every single member of the Association is vital to the officers and committees who are seeking to promote the objectives of the whole membership.

The first chapter was formed in New York City in 1935 with an approximate membership of 350. This chapter has now grown to a membership close to 4,000. The chapters range in size from 52 members in the Waterford Canal Floating Plant Chapter to 4,000 in the New York City Chapter. The last chapter to be formed which was formally approved by the Executive Committee on August 27, 1940, is the Albion State School Chapter, with a membership of 162.

While discussing the matter of membership growth, it is interesting to note that two chapters of the Association, namely, the Pilgrim State Hospital Chapter and the Rockland State Hospital Chapter, both of which were organized less than a year ago, each with a couple hundred members, have both grown to a present membership in excess of 1,000. There are other examples of corresponding growth. Since the organization of our Rome State School Chapter in 1938, membership has grown to 740 out of a possible 748 employees of the institution. In

every locality where a chapter has been organized, membership and healthy participation in Association activities has developed.

Wherever there is a local group or association numbering fifty or more State workers who wish to form a chapter of the Association, they need only to correspond with Association Headquarters and a speaker will be sent to explain the features of organization and affiliation. Affiliation by newly or presently organized local groups with the Association as a Chapter is not difficult and does not change in any way the status of the group so far as its local social, athletic or recreational activities are concerned. The dues so far as the Association is concerned are not increased in any way, and Association dues remain only one dollar a year. The local chapter selects its own officers and committees without any suggestions or interference by the Association, and decides what chapter dues should be assessed if any. The local chapter does, however, through chapter organization, become a united and effective arm of the Association, with greater means of presenting its ideas as to Association policies and with greater prestige in the locality because of its direct and official affiliation with the State-wide Association. The splendid achievements of the Association of State Civil Service Employees, its tremendous increase in membership in ten years from 800 to 34,000, the many splendid services which it renders members, and the recognition which it is receiving everywhere as the outstanding public employee organization of the United States, constitutes the reasons for the remarkable increase in the number of chapters and in the intense and loyal interest taken by the chapters in Association progress and accomplishments.

The desirability of functioning through chapters, or, in other words, of group action lies in the readiness with which an individual member far removed from Albany may appeal jointly with many others to State officers and committees through chapter officers and delegates with convenience and economy

of effort. Then, too, a local chapter gives notice to a community of the ability and alertness of State employees to act for greater community and individual well-being. It is an appropriate means of contacting local citizens as to the activities of State government and, when chapters are active, it affords through public meetings opportunity for interchange of ideas and for increased local interest in all civic affairs.

Association Chapters are now an important part of the civic and institutional life at the following places:

Albion State Training School
Attica State Prison
Auburn State Prison
Batavia State School
Bedford Hills State School
Buffalo
Central Islip State Hospital
Public Works Employees,
Chautauqua County
Creedmoor State Hospital,
Queens Village
Dannemora State Hospital
Elmira State Reformatory
Hudson State Training School
Ithaca State Hospital
Kings Park State Hospital
Letchworth Village, Thiells
Public Service Department,
Motor Vehicle Inspectors
Napanoch State Institute
New York City
Oneonta State Hospital
Pilgrim State Hospital, Brentwood
Rochester
Rockland State Hospital,
Orangeburg
Rome State School
Syracuse
Utica
Warwick State School
Wassaic State School
Waterford Canal Floating Plant
Waterford State Shop
West Coxsackie State Institute
Woodbourne Prison.

After a fair trial of the Chapter idea of local organization, the officers of the Association urge all local groups of whatever present affiliation to unite with other like groups as chapters of the Association of State Civil Service Employees.

EDITORIAL PAGE

THE STATE EMPLOYEE

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Joseph D. Lochner - Executive Secretary



A Secret Ballot

It should be pointed out that the Association has a secret ballot form which may be used by members if they prefer. The process is to omit the name and membership card number on the printed ballot. After the ballot is marked, it may be placed in a sealed envelope and the sealed envelope labeled "ballot." This envelope may then be enclosed in an outer envelope which contains the name of the employee and his card number. The right of the employee to vote is checked at headquarters, the inside sealed ballot is abstracted and placed in the ballot box unopened. The sealed ballot is opened only by the Board of Canvassers on the night of the election. It is impossible for the Board of Canvassers or anyone else to know who cast the ballot.

It is evident that some means must be adopted to be sure that non-members are not casting ballots. The above procedure is prescribed by the Association's Constitution and has worked successfully as indicated. Of course, most members are not concerned whether or not their ballots are secret, but, as indicated, the above procedure can well be adapted if any member wishes.

The Front Cover

The young lady who obligingly posed for the photograph on the front cover is a civil service employee of the State Department of Audit and Control, Albany, Miss Mary McFerran.

Miss McFerran was asked to portray the average State worker whose vacation has just ended. She is indifferently tearing up the "Welcome Back" sign prepared by her fellow workers, is thinking about the outstanding events of her summer vacation, and is getting ready to tear into the work piled on her desk.

Had we asked Miss McFerran to smile, our readers could see how much more attractive she really is.

Choose Good Government

The campaign—political campaign—is with us again. Citizens of our Nation have never before faced such a critical period. We say this with full regard for early and middle-period crises in the affairs of the United States. Surely we of this country have passed beyond the circus type of campaign. Unless our educational efforts have lifted us above petty considerations we shall spend long hours in parades and rallies and be over enthralled with these and with verbal bombosity. Surely sober times must turn us to deeply serious consideration of every element of the political situation. We must ask ourselves how best to aid in salvaging civilization, what contribution can we make toward security of life and property first and then what sacrifice is needed to preserve our homes, and churches and schools unto eventual social peace and happiness. We must examine the facts ourselves and not take partisan statements seriously.

Let us make no mistake in our evaluation of the dire need for clear thinking and courageous action with regard to our ballot. Our Nation is singularly blessed but it has a tremendous responsibility to maintain progressive leadership. We must recognize very humbly that we are the

greatest Nation in the World because of the strong moral and physical fibre of the founders, the intelligence and skill that have come out of our schools and also because we have tremendous natural resources, not the result of any individual or national action, but the direct gift of God. Those who look toward our shores today are not like the souls of earlier periods who sought peace with opportunity. The eyes that look today are the eyes of avarice and greed and they look out from souls that are as black with treason and crime and butchery as the most dreadful images ever conjured by the mind of man.

Just as in the merit system we seek to select men and women who are possessed of character and capability, so in the selection of a president and of congressmen and State and local officials we must inquire first into the objectives and policies and morality of our candidates and then into their training and experience. We learn of their character from their associates and their every day attitude toward church and home and school and sound institutions, and we learn of their efficiency by their known careers and their accomplishments and their apparent understanding of current problems. If they have ever filled public office we measure them by their actions more than by their words.

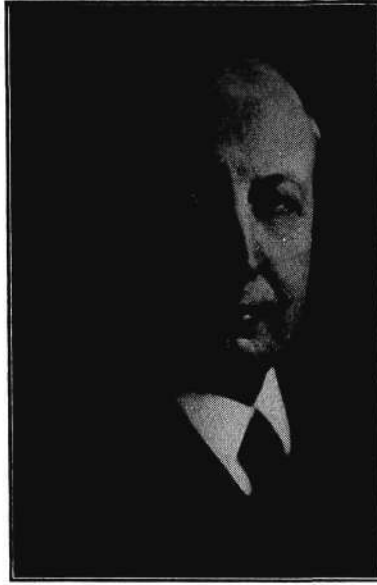
In this State this year, aside from National issues, we are face to face with the task of selecting a State senate and assembly that will function for two years. We have before us the record of many of the candidates over a two year period. With not the slightest tinge of selfishness we say that the candidate who does not subscribe to support of the merit system in letter and in spirit is unfit to hold office under the Constitution of this State, because that Constitution establishes the merit system as an integral, working part of our government.

This Association could print the individual record of each candidate as to his past merit system activities.
(Continued on Page 175)

For Merit and Fitness

School teacher, high school principal, lawyer, State Assemblyman, State Senator, educator—Ernest E. Cole continues the line of distinguished predecessors as Commissioner of Education. Little did the handful of variously graded youngsters who attended the little one room school pictured on this page appreciate that the young neophyte in education who was initiating them into the mysteries of reading, writing and arithmetic would some day stroll up the steps of the State Education Building as the Commissioner of Education of the State. From teacher in a far away "little red school house" to the head of the great educational system of the Empire State is a sort of Horatio Alger story, isn't it?

After progressing from a one room school to high school and after spending some twenty years as principal of the latter New York State institution, Mr. Cole became admitted to the Bar of the State and embarked upon a successful legal career. Politics soon called him and his many friends sent him to the State Legislature. His interest there gravitated toward his first love—education—and he soon became chairman of the Senate Education Committee. Out of that chairmanship came the so-called "Cole Laws" which are today the foundation for the apportionment of public moneys to the schools. Probably nothing did



HON. ERNEST E. COLE

more to place New York State upon the highest plane in the United States in education than the incentive which the State gave to its communities through the State-aid assistance accorded by these laws.

In 1926 upon the resignation of Frank Gilbert, the then counsel to the State Department of Education, Mr. Cole was appointed to that position where he has served with distinction and honor since that date. In 1927, besides the counselship he

was given the title of Deputy Commissioner. The Deputy Commissioner of Education exercises all the functions and powers of the Commissioner during the absence or disability of the Commissioner. His elevation to the Commissionership upon the retirement of Frank P. Graves, who held that position for some twenty years, marks the culmination of a career devoted to public service. The Association views with great approbation this recognition by the Board of Regents of successful service by promotion to the highest executive office in education in the State.

Good Government

(Continued from Page 174)

It does not intend to do so. It does say to its membership that you have a right to ask your candidate whether or not he approves of the civil service law as it now stands and whether or not he subscribes to the Constitutional mandate that all civil employees of the State and of its subdivisions shall be chosen upon basis of merit and fitness ascertained under rules of the civil service law.

We have had the most outrageous disregard of the Constitution and of the civil service law manifested in the State senate and assembly at times. We have had exceedingly intolerant attitudes toward civil workers displayed by senators and assemblymen at times.

Civil service employees are not disenfranchised by reason of their employment. They have distinct rights to organize and to respectfully present their claims to laws assuring good employment practices. They serve the people of the State just as elected officers serve the people. They have the right and the duty to inquire into the character and the attitudes of candidates and as to their records on public questions including the merit system and legislation designed to perfect that system. They know that the merit system is the cornerstone of good government and that they must defend it by the ballot if necessary.

Election is not far off. Candidates are active. Every civil service employee owes it to his State, to his neighbor, to his party, and to himself and his family to make certain that the legislator who comes to Albany for 1941 and 1942 is informed as to the merit system and is pledged to uphold it.



Two and Two !!

Wholly apart from its success in securing many needed improvements in the civil service law, the enactment of the Feld-Hamilton career law, the abolition of the twelve hour day in institutional service, a betterment of hours and working conditions throughout departmental service, the retirement system, the accident and sickness insurance plan, the employees' life insurance plan, and countless other worthwhile benefits for State civil service workers, the Association of State Civil Service Employees regards, as its major achievement, the creation of a model employee's union.

Bodies of public servants organized for unselfish ends have long existed in various public jurisdictions, including the Federal service. Our Association was first organized in 1910—thirty years ago. The purpose of the Association, set forth at that time, is the purpose of the Association today and continues a part of the present Constitution. It is a worthy purpose and one of which every civil service worker is proud. Let us repeat it for the benefit of new employees:

"This Association is organized to extend and uphold the principle of merit and fitness in public employment, to maintain and promote efficiency in public service, and to advance generally the interests of the civil service employees of the State of New York."

Our organization recognizes the fundamental principle of democratic association; study and careful consideration of every employee problem to bring about solutions helpful to the State and to the employee; fair and frank presentation of the employee's side of every problem to the officers of State government and to the people; the selection of officers and of the executive committee of the Association by ballot of the workers; establishment of local chapters in various parts of the State; the requirement that officers and committees serve without pay of any kind; the setting of annual dues at the smallest possible amount necessary to maintain suitable headquarters, complete publicity of State em-

ployment matters, through the Association's own magazine, "The State Employee," and frequent bulletins, and the employment of able legal counsel. This arrangement whereby employees themselves run their own union, without control or direction from far away, without highly paid and uninterested leaders and without paid organizers is a distinct advance in labor organization practice.

The success of this democratic type of labor organization is conclusively demonstrated by the fact that a membership of 10,000 in 1935 has rapidly and steadily grown until today our membership numbers nearly 35,000.

About two or three years ago, an organization calling itself by the name "State, County and Municipal Workers of America" put on an intensive drive to unionize State workers. It sent paid organizers to every institution and department in the State seeking members at \$12.00 per head. It sought members by a two-barreled campaign of (1) making wild and irresponsible promises to every employee who would join, and (2) attacking the policies and accomplishments of the Association. As time went on, it added to its bally-hoo tactics, fake claims of accomplishment and attempted to build up discord and disunity among State workers. It is a tribute to the good sense and intelligence of State employees generally that the SCMWA campaign has met with no success whatever in the State service, and that its unfounded and discredited attacks upon the Association have only served to unify and increase the membership of your Association.

Late this spring the SCMWA showed its true colors, in a violent attack upon the preparedness program then initiated in Congress. At that time the Association published an item on the editorial page of "The State Employee," which we herewith reprint:

$2 + 2 = 4$

"Earl Browder, leader of the Communist Party in the United States, on a nationwide hookup, advocates the formation of 'The Yanks are Not

Coming Committee.'

"The Daily Worker, official Communist newspaper, advocates the formation of 'The Yanks are Not Coming Committee.'

"The Civil Service Standard, official weekly newspaper of the State, County and Municipal Workers of America (C.I.O.) announces the formation of 'The Yanks Are Not Coming Committee' and carries propaganda articles following the Communist Party line.

"The SCMWA locals throughout the State announce the formation of 'The Yanks Are Not Coming Committee' and issued propaganda bulletins following Communist Party line.

$2 + 2 = 4$

"The Communist Party line, strictly followed by the SCMWA and its locals, is not limited to the advocacy of non-intervention in Europe. Its cardinal tenet is resisting the militarization and armament defense program of the Administration and Congress."

The publication of these facts brought home to the leaders of the SCMWA the realization that they had gone too far. A paid representative, not a State employee, called upon Governor Lehman to assure him that it was all a mistake. This paid representative assured the Governor that the SCMWA would "support all measures necessary for the defense of our country." The organization immediately abandoned the ill-advised "The Yanks Are Not Coming" propaganda.

The SCMWA then redoubled its attack upon the Association. In one issue of its official magazine "The Civil Service Standard," it devoted a full half-page to a false and malicious indictment of the policies and accomplishments of the Association in the course of which it made the assertion that the Association was having difficulty in collecting "tribute" from its members. It reflects a rather curious point of view, when this organization with its \$12.00 dues, refers to the Association dues, which amount to \$1.00 per year, as "tribute." As a matter of fact, we are proud of our low dues. We are proud that the employees of the

State, by effective organization, have been able to accomplish so much for so little. When we realize that the SCMWA has had so little success, either in membership or accomplishment; that not one single Civil Service bill affecting State Civil Service employees, which it has sponsored, has ever been enacted into law; that it continues to falsely claim credit for reforms achieved by the Association, and its members actually receive so little for the \$12.00 they pay, we realize why the word "tribut" comes so quickly to the mind of the SCMWA leaders.

After "The Yanks Are Not Coming" episode, the SCMWA continued the same policy of creating discord and disunity, but softened the rough edges of its propaganda which so obviously associated it with the Communist Party. The Column in "The Civil Service Standard" formerly entitled "The Yanks Are Not Coming" was changed to the title, "In Defense of Peace," but it continued to hand out the same line of opposition to adequate defense measures that had appeared under the former title. The organization sponsored a "Peace Rally" in New York City at which it adopted the resolution calling upon the President and the State Department "specifically to provide expenditures for social security, not munitions." Through its bulletins and its newspaper it urged all its members to put on a letter-writing campaign in opposition to defense appropriations and later to vociferous opposition to the conscription bill. It boasted in its columns of sending the largest delegation to the "Chicago Peace Conference," a conference denounced by outstanding labor leaders, including Sidney Hillman, and Louis Hollander of the Amalgamated Clothing Workers, who declared that the Chicago "Peace Mobilization" was backed by "all of the subversive elements" and that their union would have "nothing to do with it." At its "Peace Conference" in New York City, the principal speaker was Vito Marcantonio, the only congressman who voted against the defense appropriation bills in Congress.

Loyal and patriotic State employees began to wonder what the SCMWA meant when it said to Governor Lehman that it supported "adequate defense measures" yet continued to oppose defense appro-

priations and the training of our citizens for defense. The answer finally came in "The Civil Service Standard" of September 6, 1940, when, in its editorial, the SCMWA again called upon its members to write and telegraph their congressmen to vote against the Burke-Wadsworth Conscription Bill, at the same time promulgating its definition of its "defense" program. The editorial declared: "We have said before and we repeat that this organization is and always has been solidly in support of a real defense program. We believe, however, that to defend democracy, we must protect the gains of labor, increase representative government by abolishing such undemocratic measures as the poll tax, afford greater opportunity to youth and security for the aged."


This then, is the "defense program" advocated by the SCMWA which, to their mind, is consistent with their opposition to conscription and adequate defense appropriations. It is the same type of "defense" that Hitler, in "Mein Kampf" declared would permit the conquest of America without invasion. This, then, is the SCMWA program "in defense of peace," a peace that is now the lot of France, Belgium, Holland, Norway, Poland, Denmark and other once happy nations of Europe; a peace with slavery and dishonor and untold suffering for countless millions. Is this the peace that labor wants? Is this the kind of "defense" program that will preserve our liberty? Of all groups that make up this nation, labor has the most to fear from Fascism which has outlawed all forms of labor organization and has destroyed all the social gains therefor made by labor, both public and private.

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Candidates For Ass'n Offices

For President



CHARLES A. BRIND, JR.
Education Department

State employees need no introduction to the candidate selected by the Nominating Committee for reelection to the office of President of the Association. The splendid accomplishments and substantial growth of the Association under his inspired leadership during the past five years are well known to employees within and without State service.

Graduating from Albany High

School in 1915, he entered Union College, Schenectady, receiving his A.B. degree in 1919. He completed Albany Law School in 1922 and the same year was admitted to practice law in the State and Federal Courts. He is a member of Delta Chi, and Phi Beta Kappa.

Mr. Brind was an attorney in the Legal Department of the United Traction Company of Albany for

three years, and has had a very wide and varied legal experience. He is now Principal Attorney and Director of the Law Division of the State Education Department.

During President Brind's five terms, the Association's membership has grown from 15,000 to over 34,000; group insurances have been initiated; the Feld-Hamilton Law and the eight hour day law became realities; and the Association has developed along many lines of service to State workers. He has expended intense and unselfish effort to successfully discharge the duties of President.

For Vice-President



HAROLD J. FISHER
Department of State

State workers who so thoroughly enjoyed themselves at the last few Annual Dinners of the Association, can thank Harold J. Fisher, who contributed more to their success than probably any other individual. He has been Chairman of the Social Committee of the Association during the past two years. He has likewise worked for the Association in other capacities, being a member of the Executive Committee for several years. His long service with the State and close affiliation with the Association has acquainted him well with the problems of State employees and the work of the Association.

Although you may not realize it from his picture, he has served the State continuously since 1911, when he was appointed to the Secretary of State's Office, where he still serves in the capacity of Finance Officer, having been promoted to that position in 1932. He is a real "career" man in State Civil Service.

Genial, capable and always willing to lend a hand, he has won many friends and acquaintances throughout the State Service. There is no doubt but that his election to Vice-President of the Association would prove a large asset to the Association.

For Secretary



JANET MACFARLANE
*Department of
Mental Hygiene*

One of the most attractive and efficient State servants is the candidate for Secretary. Pep, personality and good sense being her stock in trade, there is every reason to believe that she will serve the Association well in the office of Secretary.

After graduating from Albany High School, she attended State College for Teachers at Albany. Thereupon deciding on a business career, she entered Mildred Elley Business School in Albany and graduated from that institution.

Miss Macfarlane adopted civil service as a career by accepting an appointment to the State Education Department, but later transferred to the administrative Division of the Mental Hygiene Department, where

she is presently serving in the position of Senior Account Clerk.

Having served the Association on various committees during the past, Miss Macfarlane is familiar with the work and services of the Association. She served on the Social Committee, of which she has been a member for three years, and contributed a great deal to make the Annual Dinner the success which it has been. The spirit of cooperation and good understanding with which Miss Macfarlane is endowed, should fit her for the office of Secretary.

For Treasurer



EARL P. PFANNEBECKER
*Department of
Taxation and Finance*

A conscientious and hard working man is the candidate for Treasurer. Already serving in this capacity for two years, he has devoted time and effort unselfishly to the duties of that office.

Born in 1901 in manufacturing village of Stottsville, near Hudson, he spent his early youth in the pursuit of agriculture in the foothills of the Helderberg Mountains. His early schooling was completed at Voorheesville. During the World War, being too youthful to enlist, he served in the munitions industry for two years. In 1919 he entered the State service by competitive examination and served for some time in Middletown State Hospital. He then left State service for a time in

search of further education and attended Troy Business College, American Institute of Banking and Pace School of Accounting. His next five years were spent in the service of the Troy Savings Bank, which he left for further opportunity to take a position as office manager and cost accountant for the manufacturers of Peter Schuyler Cigars, Van Slyke and Horton, Inc.

During this employment and his future service with the State, Earl found time to be interested in aviation and is now the proud possessor of a commercial pilot's license and a brand new and very speedy airplane. His aviation activities helped to quench his thirst for love of the great outdoors, and he has flown over practically every foot of upper New York State, and the Thousand Island section. In addition to this hobby, he is an ardent enthusiast for hunting, fishing and camping.

In 1934 he returned to State service in the Department of Tax, Division of the Treasury, but later transferred to the Administration bureau, where his long study of accounting and economics stand him in good stead.

D. P. U. I. Elects

The Executive Board of the Association for the Albany Offices of the Division of Placement held its Annual Meeting and Election of Officers on Tuesday, September 12th. The following officers were elected: Chairman, Joseph Reilly; Vice-Chairman, Samuel Frone; Secretary, Frances Sperry; and Treasurer, Genevieve Murphy.

Before the first meeting in October, the election of the Executive Board members representing the Association members of the various offices in Albany of the Division will be held.

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Proposed Amendments to Constitution

The Association, with a membership of nearly 34,000, has outgrown its swaddling clothes. The Constitution, at the time when the Association consisted of only a few thousand members, principally located in Albany, no longer fits the needs of the present Association organized into rapidly growing chapters and having a large membership in every section of the State.

For the past four years or more, the advisability of amending the Constitution has received serious consideration, and a special committee was appointed three years ago to study the matter and to formulate recommendations for consideration. The amendments recommended by this committee are hereinafter set forth. The most important change is in the provision for a meeting of delegates rather than individual members. It is readily apparent that it is impossible for all the individual members of the Association to attend the annual meeting in person. Under our present form, all organization policies are necessarily decided by the votes of those who attend the annual meeting. With our rapidly growing chapters throughout the State, organized and functioning as separate entities, it seems advisable that each chapter be authorized to elect delegates who would cast votes on a representative basis, in accordance with the membership of the chapter.

The proposed amendments are designed to give fair representation to chapters as well as to employees in departments who are not affiliated with chapters, and to provide a method whereby the chapters may participate more directly in the meetings of the Association.

The provisions of the present Constitution whereby the officers and members of the Executive Committee are elected by ballot by the membership at large are retained, although a number of sections have been revised and simplified in detail to conform with the general change in the structure of the Association.

The complete text of the proposed amendments is set forth in the following resolution of the Constitution Committee:

RESOLVED, that effective January 1, 1941, the Constitution and By-Laws of The Association of State Civil Service Employees of the State of New York, be amended to read as follows:

ARTICLE I

Name

This organization shall be known as The Association of State Civil Service Employees of the State of New York. The headquarters of the Association shall be maintained in the City of Albany.

ARTICLE II

Object

This Association is organized to extend and uphold the principle of merit and fitness in public employment, to maintain and promote efficiency in public service, and to advance generally the interests of the Civil Service employees of the State of New York.

ARTICLE III

Membership

All employees in the Civil Service of the State of New York shall be eligible to membership. The right to vote and to hold office shall be limited, however, to State employees in the competitive and non-competitive classes of the classified Civil Service.

ARTICLE IV

Officers

The officers of this Association shall be a President, First, Second and Third Vice-President, a Secretary, and a Treasurer.

ARTICLE V

Terms and Qualifications of Officers

Section 1. Officers of the Association shall be elected and their terms shall commence at the annual meeting in October and they shall hold office for the term of one year or until their successors shall have qualified. All vacancies in any office shall be filled for the remainder of the term by the Executive Committee.

Section 2. Any officer or member of any committee, except the Executive Committee, may be removed from office for neglect of duty, absence from three consecutive meetings without cause, or for any other good and sufficient reason, by a two-thirds vote of the Executive Committee after written charges have

been preferred against him and he has been afforded a reasonable opportunity to be heard.

ARTICLE VI

Nomination and Election of Officers and Members of the Executive Committee

Section 1. A Nominating Committee shall be appointed by the Executive Committee at least ninety days prior to the date of the annual meeting, and such Nominating Committee, after giving full consideration to all facts or petitions presented to it by individual members or groups of members, shall file with the secretary, at least sixty days prior to the annual meeting, nominations for officers of the Association and members of the Executive Committee.

Section 2. Independent Nominations. Nominations for officers may also be made, subscribed with the names of not less than ten per cent of the eligible members of the Association, and nominations for members of the Executive Committee may also be made, subscribed with the names of not less than ten per cent of the eligible members in the department making such nomination, and the names of such candidates shall be printed on the official ballot if such nominations are filed with the secretary not less than thirty days prior to the annual meeting.

Section 3. Officers and members of the Executive Committee shall be elected by ballot at the annual meeting which will be deemed to continue from nine o'clock A.M. to eight o'clock P. M. on the third Tuesday of each October. When the meeting is not actually convened the headquarters of the Association shall be open to receive properly prepared ballots either by mail or in person from any eligible member of the Association. Ballots with the names of all duly nominated candidates printed thereon shall be distributed in the official magazine or otherwise made available to members at all offices or locations designated by the Executive Committee, at least ten days prior to the annual meeting date. The ballots or the envelopes in which ballots are enclosed by the member shall be marked "Ballot,"

and such envelopes or ballots shall also bear the signature of the member, and the name of the department in which he is employed.

Section 4. The Executive Committee shall appoint a Board of Canvassers of at least three members of the Association to determine the validity of nominating petitions and to count the ballots. The persons receiving the greatest number of votes for the respective offices or positions shall be duly elected for the ensuing year. Any person whose name is printed on the ballot may be present during the canvass of the ballots. In case of a tie vote, a new ballot shall be taken under rules established by the Executive Committee.

ARTICLE VII

Chapters and Delegates

Section 1. Chapters. Fifty or more members of the Association in any Department or locality may, with the approval of the Executive Committee, form a Chapter of the Association. The Constitution and By-Laws of such Chapter must be approved by the Executive Committee, and such Chapter may be dissolved or revoked upon a two-thirds vote of the Executive Committee of the Association at a regular or special meeting.

Section 2. Delegates. (a) Members of each Chapter shall, by majority vote, elect from their membership one or more delegates to represent the members of the Chapter at all meetings of the Association until their successors are elected. Such delegate or delegates shall have one vote for each one hundred eligible members or fraction thereof in such Chapter, based upon the paid membership in the Association on the first day of July preceding the meeting.

(b) Prior to July first of each year, each chapter shall file with the Secretary an accurate list containing the names and addresses of its duly elected delegates for the ensuing year. The number of eligible members of the Association, the number of eligible members of each department, and the number of votes each chapter and member of the Executive Committee is entitled to cast, shall be determined by the Board of Canvassers based upon the paid membership in the Association on the first day of July preceding the meeting. All members of the Asso-

ciation who are not entitled to representation by chapter delegates pursuant to this section, shall be represented at all meetings of the Association by members of the Executive Committee as delegates representing each of the State Departments, each of whom shall have one vote for each one hundred eligible members, or fraction thereof, in the Department from which he was elected, excluding those members who are represented by delegates as provided in this section. A delegate who is unable to attend any meeting is empowered to appoint, by written designation filed with the Secretary, a member of the same chapter as proxy to act in his place, and a member of the Executive Committee is empowered to appoint in the same manner, a member in the same department as proxy to act in his place. Such delegates elected or appointed pursuant to this section shall have and may exercise all the powers, rights and privileges of members at any meeting of the Association.

ARTICLE VIII

Executive Committee

Section 1. There shall be an Executive Committee consisting of the officers, one representative from each State Department and the chairman of each standing committee. Each department representative shall be elected by ballot by the eligible members employed in his department. Such representative, if unable to attend any meeting, is empowered to appoint a proxy to act in his place. If the department fails to elect a representative, or to fill a vacancy, the Executive Committee is empowered to appoint a member from such department to fill such vacancy.

Section 2. During the interim between meetings of the Association, the Executive Committee shall have power and authority to transact all business of the Association, and may appoint one or more sub-committees to perform such duties and functions as may be delegated thereto.

ARTICLE IX

Auditing Committee

Section 1. There shall be an auditing Committee consisting of three members who shall be appointed by the Executive Committee annually in the month of October. The Auditing Committee shall annually audit the books and accounts of the Association as of the last day of September, or whenever otherwise directed

by the Executive Committee of the Association.

Section 2. All disbursements of funds of the Association must be authorized by the Executive Committee or at a regularly assembled meeting of the Association. All bills for disbursements shall be approved by the President before presentation to the Treasurer for payment. The Treasurer shall pay all bills so authorized and approved.

ARTICLE X

Meetings

Section 1. The meetings of the Association shall be held upon call of the Executive Committee or of the President. The annual meeting shall be held on the third Tuesday of October of each year.

Section 2. Notice of a special meeting shall be given by publication in the official magazine or by mailing to each delegate at least three days before such meeting.

ARTICLE XI

Amendments

This Constitution may be amended, repealed or altered in whole or in part by two-thirds of the authorized votes cast by the delegates present at any duly organized meeting of the Association providing the proposed change is submitted in writing and ordered published at a meeting of the Association and thereafter published in the official magazine or mailed to each delegate not less than ten days before the time of the meeting which is to consider the change.

BY-LAWS

ARTICLE I

Section 1. The order of business at all meetings shall be as follows:

1. Reading of Minutes
2. Reports of Officers
3. Reports of Committees
4. Unfinished Business
5. New Business.

Section 2. Parliamentary procedure shall be according to Roberts' Rules of Order Revised, insofar as the same do not conflict with the Constitution and By-Laws of the Association.

ARTICLE II

Duties of Officers

Section 1. President. The President shall preside at all meetings of the Association, and of the Executive Committee. He must sign all contracts and agreements, and all orders drawn upon the Treasurer that have

(Continued on Page 182)

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Proposed Amendments

(Continued from Page 181)

been approved by the Association or the Executive Committee. He shall direct all negotiations relating to the Association that have been approved by the Association or the Executive Committee. He shall be a member *ex officio* of all committees and shall initiate and make effective plans which in his discretion seem for the best interests of the Association and which are not inconsistent with the Constitution or By-Laws of the Association. He shall be responsible for the organization and conduct of the headquarters of the Association, the collection of dues and their transfer to the Treasurer, and shall direct and supervise the issuance of all publications of the Association. He shall represent the Association in all matters not specifically directed by the Association or the Executive Committee to be administered by a special representative. He shall appoint all necessary committees, unless such selection is otherwise directed by the Constitution or By-Laws. He shall give a surety bond at the expense of the Association, in an amount to be fixed by the Executive Committee.

Section 2. Vice-President. If the President is unable, for any cause, to act, one of the Vice-Presidents, in

the order of their seniority, shall perform the duties of his office.

Section 3. Secretary. The Secretary shall be responsible for the custody of all official papers of the Association. He shall give notice of all meetings and shall keep a complete and accurate record of their proceedings. He shall conduct correspondence subject to the direction and approval of the President and the Association.

Section 4. Treasurer. The Treasurer shall receive and under the direction of the Association disburse the funds of the Association. Upon receipt of funds belonging to the Association, he shall receipt therefor and shall deposit all funds in the name of the Association in a bank approved by the Executive Committee. He shall keep an accurate account of all receipts and disbursements, and of all moneys, securities and property owned by the Association by means of such proper records as may be necessary and submit a complete itemized report at each annual meeting of the Association. His accounts shall be open at all times to the inspection of the Executive Committee and of the President. He shall give a surety bond at the expense of the Association in an amount to be fixed by the Executive Committee.

ARTICLE III

Dues

Section 1. The dues of the Association shall be \$1.00 per annum payable in advance on the first day of January.

Section 2. Any member whose dues are in arrears for four months shall be notified in writing after which, if he fails to remit his dues within thirty days, he may be expelled from the Association upon the recommendation of the Executive Committee.

ARTICLE IV

Committees

Section 1. The Standing Committees of the Association shall be as follows:

- Legislative Committee,
- Auditing Committee,
- Grievance Committee,
- Social Committee,
- Education Committee,
- Membership Committee.

ARTICLE V

Amendments

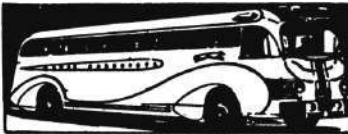
These By-Laws may be amended by a majority vote at any regular or special meeting of the Association.

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Mental Hygiene Ass'n Meets

The Annual Meeting of the Association of Employees of the Department of Mental Hygiene was held September 5th at the State Office Building, Albany. John McDonald, President of the Association, presided.

Representatives from practically every mental hygiene institution throughout the State attended. Among the delegates present were:

John Davis and J. W. Maney, Binghamton State Hospital; Katherine I. Collins and Joseph Walla, Brooklyn State Hospital; David J. Rodgers, A. Cummings and A. H. Harris, Buffalo State Hospital; A. H. Blydenburgh, Central Islip State Hospital; Joseph L. Owens, Creedmoor State Hospital; Robert Colburn and Charles Sandwick, Gowanda State Hospital; Mildred Adamiec and Louis Illig, Harlem Valley State Hospital; Edward L. Weaver, Edward L. Marra, Louis Garrison and Norman Mahar, Hudson River State Hospital; R. I. Gilmer, Kings Park State Hospital; William J. Oshinsky, Manhattan State Hospital; E. Truax, William Jackson and W. H. Baumgras; Thomas Stevens, Sam Decker and Edgar Wilbur, Middletown State Hospital; Anna Nichols, Phil J. Sullivan and Joseph E. McNulty; Rochester State Hospital, Charles McBreen, Robert Ortlieb and M. A. Merrit, Rockland State Hospital; Bert Dodge and Herman Redmond, St. Lawrence State Hospital; Cathryn C. Jones, Lawrence J. Maxwell and R. C. Griffith, Utica State Hospital; Arthur R. Woods, Edgar E. Fritts, Willard State Hospital; Harold E. Och and Benn Townley, Jr., Newark State School, Ruth C. Stedman and Ralph L. Webb, Rome State School; Patrick J. Donohue and William J. Callahan, Syracuse State School; George J. Penfield and Bryon B. Evans, Wassaic State School.

In addition to the regular business brought before the meeting, the election of the employee member of the State Hospital Retirement Board was held. The following members of the State Hospital Pension System participated in the vote: A. V.

Harris, A. H. Blydenburgh, Joseph L. Owen, Charles Sandwick, Louis Illig, Norman Mahar, R. J. Gilmer, William J. Oshinsky, William H. Baumgras, Thomas Stevens, Edgar F. Wilbur, Joseph E. McNulty, Charles McBreen, Herman Redmond, R. C. Griffith, Arthur R. Woods and Ruth C. Stedman.

Mr. R. C. Griffith, who has been the employee member of this Board for the past five years, gave a short report of his duties, the operations of the Board and answered various questions asked by the delegates. Mr. Griffith was reelected by the unanimous vote of the delegates, for a term of two years.



JOHN H. McDONALD

Charles A. Brind, Jr., Association President, spoke briefly to the assembled delegates, as did William F. McDonough, Legislative Committee Chairman, John T. DeGraff, Counsel, and Joseph D. Lochner, Executive Secretary.

The member on the Association's Executive Committee from the Mental Hygiene Department, Patrick J. McCormack, reported that the finances of the Association of Mental Hygiene Employees were audited and approved.

Resolutions providing for the extension of the Feld-Hamilton Law to institutional employees; for uniform minimum sick leaves; for an

extension of the eight hour day; for optional transfer from the Hospital Retirement system to the State Retirement Fund; and covering several other matters of vital interest to mental hygiene institutional employees were adopted.

By unanimous acclaim all officers of the Association were elected by the delegates present to continue for another year. They are: For President, John H. McDonald, Rochester State Hospital; for Vice-President, John Livingstone, Hudson River State Hospital; and for Secretary-Treasurer, Mrs. Lucy S. Baumgras.

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Attorney General Rules ON MILITARY PAY

Attorney General John J. Bennett, Jr., has advised Comptroller Tremaine that all State officers and employees who are members of the National Guard, Naval Militia or Reserve Corps and who are called into Federal service, are entitled to their State compensation in full for the first thirty days of such service and thereafter to the difference, if any, in compensation paid them for military service and that paid them as State officers or employees. The Attorney General's opinion follows:

"In 1911, 1917, 1920 and 1923, the Legislature enacted mandatory provisions (Section 245 of the Military Law) concerning the payment of salaries, or part thereof, to officers and employees of the State, its municipalities or other political subdivisions engaged in the performance of ordered military or naval duty.

"The act of 1911 (Chapter 103, Laws 1911) covered officers and employees who were members of the National Guard or Naval Militia. The act of 1917, subdivisions 2 and 3 in particular (Chapter 435, Laws of 1917), was enacted to meet the World War situation and included, in addition to those who were members of the National Guard or Naval Militia, every officer and employee of the State or of its municipalities.

'who has heretofore entered, or who has obligated himself to enter, the federal military, naval or marine service, or who is required by draft or conscription to enter such service * * *'"

This language covered persons who volunteered for or were drafted into military or naval organizations other than the National Guard or Naval Militia.

"The act of 1920 (Chapter 624, Laws of 1920) repealed subdivisions 2-5 inclusive of the act of 1917. These subdivisions may be properly referred to as wartime provisions.

The act of 1920 thus provided that only members of the National Guard or Naval Militia were entitled to the salary benefits.

"To meet the expansion of the Federal military training system, the Legislature by the act of 1923 (Chapter 458, Laws of 1923) broadened the provisions of subdivision 1, section 245 of the Military Law, to include in its benefits an officer or employee who is 'a member of the reserve corps or force in the federal military, naval or marine service' in addition to one who is a member of the National Guard or Naval Militia.

"There has been no substantial change in subdivision 1 of section 245 since 1923. I enclose a copy of that section, in part, as it now reads.

"From a study of these various acts of the Legislature, I have reached the following conclusion, to guide you, as the occasion arises, in the approval of the payrolls of the various State departments, commissions, boards, etc.:

"The salary benefit provisions of section 245, Military Law, apply to those officers and employees who are members of:

- A. The National Guard; or
- B. The Naval Militia; or
- C. The Reserve Corps or force in the federal military, naval or marine service.

"Therefore you are advised that, in accordance with the provisions of section 245, Military Law, apply to officers and employees of the State who are members of the National Guard, Naval Militia or Reserve Corps and who are called into Federal service, are entitled to receive from the State during such service full pay for the first thirty days; thereafter, the difference, if any, between their compensation for such military service and their compensation as such State officers or employees."

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Extension of Civil Service

The New York State Commission on the Extension of the Civil Service, as established by Chapter 862 of the Laws of 1939, has recently released its First Report. As stated by Chapter 862, the purpose of the commission is "to make a study of the application of the civil service provisions of the constitution of the State of New York to the political subdivisions of the State now presently subject to the civil service laws of the State and the cost of the extension thereof to such subdivisions. Such study shall include an analysis of positions and employments in the service of such subdivisions with particular reference to the classification thereof, examination procedures, eligible lists, certifications, appointments, and all other analogous matters in connection therewith."

The personnel of the commission consists of: Assemblyman Emerson D. Fite, Chairman; Senator Karl K. Bechtold, Vice-Chairman; and Secretary, Howard P. Jones, a member of the State Civil Service Commission; Senators Erastus Corning, 2nd, Joseph D. Nunan, William H. Hampton; Assemblymen Edmund R. Lupton, John A. Devany, Jr., Harold Armstrong; Charles A. Brind, Jr., President of this Association; William P. Capes, Chairman of the State Conference of Mayors; Frank C. Moore, President of the New York State Association of Towns; and H. Elliot Kaplan, Secretary of the National Civil Service Reform Association. Ex-officio members of the commission are Senators Joe R. Hanley and John J. Dunnigan and Assemblymen Oswald D. Heck, Irving M. Ives and Irwin Steingut. The staff of the commission is composed of W. Earl Weller, Research Director; John T. DeGraff, Counsel; and Jerry Finkstein, Director of Public Relations and Research Assistants, Alfred Gates, Isabelle Badore and Anna M. Dickinson.

The report states "that there are about 150,000 employees in the State of New York who have been appointed in good faith, without compliance with Civil Service Rules, because no method of administering

the Civil Service Law has been provided for the unit of government in which they are employed. Thousands of these employees have satisfactorily performed their duties for many years and have demonstrated their fitness by actual service. It would be impracticable, if not impossible, for any administrative agency to conduct examinations for such a tremendous number of employees holding positions of so many different types. No single examination could test fitness for the hundreds of different types of positions that exist throughout the State. Thousands of special examinations would have to be prepared and graded. Before any examinations could be held it would first be essential to classify all such positions with respect to duties and titles and also to determine the civil service class to which each position should be assigned. The commission is convinced that such a policy would disrupt and disorganize the administration of local units of government and would serve no useful purpose.

"The Commission is likewise convinced that legislation can be drafted, in conformity with the Constitution, which will enable present officers and employees to continue in their positions without examination. This practice has been uniformly followed by legislation, or by action of the Civil Service Commission, as the Civil Service Rules have, from time to time, been extended to new fields."

The Commission reports that one of the most difficult and controversial questions is the selection or creation of the agency or agencies to administer the Civil Service Law for the entire State. It states that it is readily apparent that a selection may be made to solve this problem, from three different types of administration: centralized administration by the State Civil Service Commission, decentralized administration by local commissions, or a combination of both. The report also treats the various questions concerning residence qualifications, transfer and promotions, changing of necessary statutes, retirement, etc.

Detailed data was secured by the commission by the intensive study of eight counties by the Commission's research staff which personally interviewed appropriate public officials in these counties, and by questionnaire from the remainder of the counties of the State. Data compiled by the Commission reveals that there is a total of 336,884 officials and employees in the local governments of the State, and of these, 177,730 or 52.75 per cent are now under Civil Service. Of the number under civil service, 173,253 or 97.48 are in the classified service, and 4,477 or 2.52 per cent are in the unclassified service. Of those positions in the unclassified service 117,730 are in the competitive class. Out of the total of 177,730 positions under civil service, 120,897 or about 68 per cent are reported from New York City and its boroughs.

Based upon classifications made by the research staff of the commission, 108,925 positions or 68.44 per cent of the positions not under civil service, were placed in the unclassified service and the remainder in the classified service. Of those placed in the classified service only 21.15 per cent or 10,623 were in the competitive class. This last fact produces the most important information of the survey thus far.

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READ WHAT THEY SAY - WE PAID THEM!

Albany, N. Y. Amount of Claim \$440.00.

"I wish to take this opportunity of expressing my appreciation for the **courteous, friendly and entirely satisfactory manner** in which my disability claim has been handled. I have the grace to be rather ashamed of the fact that I took my policy through the Civil Service Association Group Plan rather reluctantly, belonging as I thought to that large group of egotistical people who are 'never ill.' Unfortunately I found out that one can't always escape, so I am now an enthusiastic booster for the Group Plan for Civil Service Employees. However, I think there are many who are just lazily indifferent who would now take out policies if they had no other bother than to fill out an application."

Rochester, N. Y. Amount of Claim \$960.00.

"On behalf of my husband I am dropping you this line of **appreciation** for the way in which you have handled his claim under above mentioned policy. The service has been prompt and efficient."

Albany, N. Y. Insurance Dept.

"Please accept my tardy thanks for your **prompt payment** of my recent claim. **You are rendering a wonderful service to the State employees.** While health and accident insurance must be susceptible to '**take claims**' more than any other kind of insurance, I believe the morale of government workers as a whole is such that you will never have to discontinue the service on that account."

Albany, N. Y. Amount of Claim \$500.00.

"I am glad to testify to the **promptness and fairness of your company** in handling my claim on account of my recent illness. It was indeed a great satisfaction to receive a total indemnity in the amount of \$310.00 which a little more than **paid all my expenses during my three months' sickness**, plus the amount of premiums on the policy to date, so you see my decision to join this group insurance for Civil Service Employees has been a very worthwhile venture on my part, and I take pleasure in recommending it to all members of our Association."

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VERY BROAD COVERAGE

(adv't.)

WHAT THIS INSURANCE WILL DO FOR YOU

1. This insurance will pay you monthly benefits up to 5 YEARS for any non-occupational accident, and up to one year for any sickness; also \$500.00 for accidental death. (In accordance with the terms of the policy.)
2. You will get your own individual policy, which you will be able to continue in force after you leave State Service (unless disabled or unemployed) until you reach age 70.
3. HOUSE CONFINEMENT is NOT required except during vacations or leaves of absence. In most low cost policies, you must be CONFINED to the house to collect. Also note that YOUR GROUP PLAN policy does not state your sickness must have its ORIGIN during the term of the policy. Another important advantage is that your policy covers disability from any ACCIDENTAL BODILY INJURY and DOES NOT REQUIRE ACCIDENTAL MEANS.

These are all important points which have been included in order to give you the advantages of broadest possible coverage. Remember, however, you cannot join after you become disabled. Complete your application NOW while you are still able to qualify.

YOUR DOLLARS COME BACK WHEN YOU NEED THEM MOST If Anything Is Worth Protecting . . . It Is Your Income!

What better plan is there than to insure your salary against loss due to disability caused by illness or accident? Very definitely, it is the sensible thing to do . . . to guard against future contingencies. The future is unpredictable; none of us know what may happen tomorrow.

It's better to have protection and not need it, than to need it and not have it!

**THIS PLAN PROVIDES MORE INSURANCE PER DOLLAR THAN ANY
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PROTECT YOUR EARNINGS

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(advt.)

Accident-Sickness Insurance

THE STORY OF THE ASSOCIATION'S GROUP PLAN

Since its inception four years ago, the Group Plan of Accident and Sickness Insurance, sponsored by the Association, has proved extremely successful, with over 12,000 State workers at present policyholders. Several thousand employees in time of need, have found it very beneficial to receive the monthly income as provided by this plan.

Plan Started in 1936

It was in April, 1936, that the Insurance Committee of the Association negotiated with C. A. Carlisle, Jr., of TerBush & Powell, Inc. of Schenectady, N. Y., for a plan of accident and sickness insurance for Association members. The Insurance Committee insisted that the plan be free from the usual technicalities and restrictions found in individual policies. It was decided that there should be no discrimination as to sex in cost or coverage; that it should cover all disabilities, even chronic ailments but unknown to the applicant at the time the insurance is taken out. It was further decided that the policies issued under the plan should be non-cancellable, providing the insured maintained premium payments and membership in the Association, that insured members could consult their family physician instead of any company doctor in establishing claims, and that there be no medical examination for members desiring the insurance. Of course there is a short form medical statement incorporated in the application.

There are two particular facts which make our group plan superior to the average individual policy. The first of course is the low cost and easy premium payment through payroll deduction. The second is its non-cancellability under certain conditions. For example, many State workers have collected for chronic ailments one, two or three different times, in fact, every time they have been stricken with that chronic disability. Whereas in the case of the individual policy, the insurance company would probably cancel the policy after completion of the first claim due to the chronic disorder.

Plan Put In Force

With the group plan worked out and agreed upon by the Insurance Committee, C. A. Carlisle, Jr., and the Commercial Casualty Insurance Company, the first policies became effective on June 1, 1936, and almost immediately claims were filed and paid promptly.

For about six months, in order to give every employee equal opportunity, applications for the insurance were accepted without medical examination or any reference to previous medical history. After this period, a short form medical statement was incorporated in the application to protect the employees in the plan.

At the beginning only 2,000 employees availed themselves of the opportunity to carry this insurance, but as of August 1, 1940, over 12,500 workers are insured. This fact speaks for itself as to the service rendered by the plan, the low cost and convenient payment plan.

Employees Eligible

Any State employee who has not passed his 59th birthday, may become a member of the Association and apply for this insurance, and premium payment may be arranged by payroll deduction. If you are in good health, free of diseases and infirmities, and have never been treated for nor advised that you had Tuberculosis, you are eligible for this insurance. You can carry it until you reach age 70 if you remain in State service. If you leave State service, you may continue in the insurance providing you are going into active employment and are not disabled at the time you leave the service. However, if you do not carry the non-occupational form, you must convert it to that form, and you must notify TerBush & Powell, Inc., that you are leaving State service within thirty days of the date you terminate employment.

Reasons for the Insurance

The facts concerning accident and sickness disability are appalling. On the average day of any year, over 4,000,000 persons in the U. S. are

disabled by illness. The total cost of illness and premature death in this country is approximately \$10,000,000,000.00 annually. For every death there are 16 cases of illness lasting a week or longer. (U. S. Dept. of Labor). The National Safety Council in their bulletin show that in the year 1938 there were 8,900,000 people non-fatally disabled, and 330,000 permanently disabled. There are 68 people disabled every minute, 17 by accident and 51 by sickness. More wages are lost on account of accident and sickness disability, than through loss of work.

In addition to these amazing facts, during a period of disability, there is always additional expense, medicine, medical aid, nursing, extra help in the home, special diets, and so forth. Also, during disability ordinary living expenses in most cases do not decrease, but usually increase.

The foregoing constitute the reasons for accident and sickness insurance, and the purpose of the Association in sponsoring the group plan was to reimburse monthly disabled employees for at least a part of the earned income usually received. Indemnities under the group plan are paid regardless of whether the insured receives benefits from any other insurance, or continues to receive his salary. Remember, there are always additional expenses incurred during periods of disability. Many letters have come to the attention of the Association, which would impress any fair-minded individual, because they tell about the hardships that would have been suffered by that particular individual or his family, had he not carried the Accident and Sickness insurance.

Why This Plan Is Superior

The policy issued under the group plan sponsored by the Association is superior to most individual accident and sickness insurance policies that can be purchased, because:—

1. It does not carry the usual exclusions found in individual policies.
2. Its coverage is not limited.
3. This plan is available only to members of the Association, which

is a very large group, and low cost is therefore possible.

4. The insurance is paid for in easy semi-monthly deductions from a member's salary, which keeps his insurance automatically in force. However, he may stop deductions any time by notifying the State Comptroller.
5. The Cost of the Group insurance is very low. The fact is, many employees could not afford this type of coverage if it were not for the group plan.
6. This policy covers child-birth and pregnancy up to four weeks. This coverage is found in very few policies obtained individually.
7. This plan has been tested and tried for four years. Over \$150,000 being paid annually in claims.
8. As an individual policy, the Company cannot cancel, except for non-payment of premium, attainment of age 70 or cessation of membership in the Association.

Do not be led astray by cheap accident and Sickness Insurance being sold through the mails by unlicensed companies or by some salesman who may be over-zealous and states that you may secure the same coverage at lesser rates. First collect all the data as to coverage and cost and consult an authority on insurance who can give you the proper comparison between the two policies.

The various insurances available individually and through group means were carefully considered by a well qualified committee of the Association before arrangements were made for the present group plan. Cost, coverage, cancellability, exclusions, availability and all other features were taken into consideration, and the best buy in the line of Accident and Sickness Insurance was finally sponsored by the Association.

Remember, the Association receives no financial income because of the participation of State workers in this group plan. It was sponsored solely for the benefit of members.

**Secure Your
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Attorney General Rules

RETIREMENT EXEMPT FROM ESTATE TAX

Attorney General John J. Bennett recently made a ruling with respect to the taxability of payments made by the Retirement System, which will be of interest to all State employees.

He held, in an opinion rendered to Mortimer M. Kassell, Deputy Commissioner and Counsel, State Department of Taxation and Finance, that all amounts payable by the Retirement System, whether to the estate of a deceased member or to a designated beneficiary, are exempt from estate tax imposed by Article 10-C of the Tax Law. The Attorney General's opinion reads as follows:

"Your letter of August 9 refers to the opinion that I rendered to you on May 9, 1938 (1938 A. G. 184), in which I held that all amounts payable by the State Employees' Retirement System, whether to the estate of a deceased member or to a designated beneficiary, are exempt from the estate tax imposed by Article 10-C of the Tax Law. You mention two cases which have been decided since that opinion was rendered (*Kernochan v. The United States*, 29 F. Supp. 860, and *Matter of West*, decided by the Oneida County Surrogate's Court on June 29, 1940, and not yet reported) as perhaps casting some doubt upon the correctness of the conclusion that I reached.

"The first of the cases that you cite (*Kernochan v. The United States*) arose under the Federal Estate Tax Law and held that the return of contributions of a member of the New

York City Employees' Retirement System to the member's estate upon his death did not constitute 'insurance' as that term was used in the Federal Act. I do not see that the decision is of much pertinence to our question for the Federal Act, of course, contains no provision expressly exempting payments from the employees' retirement fund from transfer or inheritance taxes, as does section 70 of the Civil Service Law.

"*Matter of West*, supra, involved the question of the exemption from the estate tax of payments from the New York City Teachers' Retirement fund. The surrogate reached the conclusion that the exemption provisions in both the State and city retirement systems were superseded and abrogated by the enactment of section 249-kk of the Tax Law, providing that exemptions from taxation provided for in any other law of the State shall not be construed as being applicable to the estate tax. The attention of the surrogate apparently was not called to the fact that section 249-kk of the Tax Law, while a later enactment than the exemption provision of the Civil Service Law, was but a reenactment or carry-over of a provision enacted before the enactment of the Civil Service Law exemption provision. It was that fact that persuaded me that it was the legislative intention that payments by the State Employees' Retirement System should be exempt from the estate tax.

"For the reasons stated, I feel that I must adhere to the view expressed in my opinion of May 9, 1938."



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Local Activities

Brentwood Concert

The patients of Pilgrim State Hospital were entertained on Sunday afternoon, August 25th, with a concert and maneuvers presented by the 106th Infantry Squadron, Sons of the American Legion Drum Corps of Brooklyn. They were accompanied by their commander, Mr. Edwin Horsley, and Mr. Harry Hart, instructor of music and routine.

In this squadron were 41 boys ranging in age from 11 to 16 years, who are all sons of American Legionnaires also a very attractive drum majorette, daughter of a legionnaire, and their efforts were greatly appreciated as well as their spirit of good-will and generosity which prompted their acceptance of Dr. Worthing's invitation, that they arrange to perform.

The squadron arrived in time for an attractive luncheon which had been prepared for them by the chef of the Hospital, Mr. Donahue. The arrangements were made for this visit by Mr. Rudloff, who is the representative of the New York State Civil Service Association of Pilgrim.

It is also interesting to note that the Superintendent of Pilgrim State Hospital, Dr. Worthing, then Major Worthing, was a member of the 106th Infantry during the World War.

Those at Pilgrim who witnessed the maneuvers and heard the operatic selections by the Drum and Bugles were greatly impressed by the boys' skill and also by their generous spirit of service in sparing a Sunday of their time to come to Brentwood and give this unusual entertainment.

Oxford Picnic

Nearly one hundred members and their families, who attended, acclaimed as the most successful a picnic of the Civil Service Employees' Association of the W. R. C. Home, held July 23rd, afternoon and evening, at Lake Ludlow. The evening's entertainment was concluded by a dance in the dining room of the Lake Ludlow Clubhouse.

Willard News

Dances were held at Hadley Hall, Willard State Hospital, June 20, July 19th and August 16th under the sponsorship of the newly formed Musical Therapy Department, which is planning on making them a monthly affair in the future, to come on the third Friday of each month.

Music for these dances is furnished by the Patients' Orchestra, with able assistance from its conductor, Mr. Adalsh Schaut and Mr. Russell Boyce, who play the accordion and trumpet respectively.

The proceeds of these dances are used to buy musical instruments and music for the forming of a patients' band, which is rapidly rounding into shape.

The following committees have been appointed to ensure complete success of the dances to follow:

Musical Therapy Committee, Dr. O. A. Kilpatrick, ex-officio, Dr. Leslie A. Osborne, Dr. George N. Guthiel, Dr. Leonard Gold, Adalsh Schaut, Russell Boyce, Donald McIntosh.

Dance Committee, Dr. George N. Guthiel, Mr. and Mrs. Predmere, Gerald Van Ostrand, Margaret Woods.

Advertising Committee, Dr. Leonard Gold, Peter Adams, Russell Boyce, James Farrell, Donald McIntosh.

Ogdensburg News

Fellow employees of St. Lawrence State Hospital, Ogdensburg, were shocked and grieved at the death of George F. Johnson, gardener at the institution, who passed away at his home July 10th. Mr. Johnson had been in the employ of the hospital for 39 years and had made application for retirement on the following July 31st. A very large number of hospital employees attended the funeral services on July 12th.

James S. Brown, farm supervisor, retired on July 31st after a service of 26 years. Approximately 150 employees of the hospital gave Mr. Brown a surprise farewell party at Eel Weir Park on July 17th.

William Dilcox, blacksmith at the hospital for 28 years, will also retire and reside in Ogdensburg.

Banquet at Batavia

The second annual banquet of the New York Civil Service Association Chapter of the State School for the Blind at Batavia was held Tuesday evening, June 18, at the Stafford Country Club. Eighty-five members and invited guests were present, including State Assemblyman and Mrs. Herbert A. Rapp and former Superintendent, Mrs. Charles A. Hamilton.

During the evening group singing was enjoyed under the direction of Robert Monaghan. The surprise entertainment of the evening was given by William Russell with his Acts of Magic.

The retiring President installed the following officers for the coming year:

President, Edward H. Brayer; Vice-President, Elsa Andrews; Secretary, Grace E. Stiefvater; Treasurer, Mary C. Callahan.

Mr. Rapp, the principal speaker, spoke on legislative measures of interest to State Employees.

Arrangements for the dinner and entertainment were in charge of Mrs. Dorothy Monroe, assisted by Mrs. Aimee Baker and Mr. Monaghan.

Woodbourne Helps Red Cross

The Woodbourne Prison Chapter of the Association united with ten other social and patriotic societies of Woodbourne to raise funds for the Red Cross. At a theatre party held in July, the group of eleven societies raised in excess of \$200, which was promptly transmitted to the Red Cross. Mr. Frank Murray, President of the Chapter, is a member of the committee appointed by the various societies to conduct the drive for funds.

The Woodbourne Prison Chapter recently sponsored a clambake, which was very well attended and voted an especially successful social affair. Many local notables were invited as guests of the Chapter, and at the suggestion of the townsfolk, tickets were sold to local residents. Our representative at Woodbourne offers the additional information that the affair was kept a "stag."

Division of the Budget

(Continued from Page 170)

so that the Governor may determine what new taxes might be required to be recommended by him or what taxes could be eliminated or their rates reduced. Also, if experience demonstrates certain revisions in the tax structure are desirable, the Governor requires estimates in order to know the effect of such revisions upon income, so that he can be sure he is presenting a balanced budget.

D. Organization

The budget office is functionally organized to perform the work as outlined above.

The examiners and employees are organized into the following functional units:

1. General Supervision
2. General Departmental Budget Unit
3. Institutional Budget Unit
4. Capital Outlay, Construction, and Repair Budget Unit
5. Personnel Work Unit
6. Research and Survey Unit
7. Legislative Reference Unit
8. Revenue Estimating and Fiscal Policy Research Unit
9. Printing and Proofreading Unit
10. Filing Unit
11. Stenographic Unit.

The office and staff is relatively small, and employees may do work in more than one unit, but each employee generally spends the major portion of his time in one of these units listed above.

III. CONCLUSION

In conclusion, it may be reiterated that the objectives of a budget agency are to implement democracy and to afford a tool which will aid in obtaining efficient execution of the functions and services of government as adopted by the people's elected representatives.

It should be emphasized, however, that the mere establishment of an executive budget system and a budgetary "staff" agency cannot serve as a substitute for competent administration on the part of every departmental administrator or for the able execution of the work assigned each State employee.

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A Handy Book

The Civil Service Leader, which published a handy 32 page study booklet in the Spring in preparation for the June 29th Hospital Attendant Test, has just done a similarly helpful job for candidates for the November 16th test for Unemployment Insurance Referee. A 100 page booklet with leatherette cover, this Unemployment Insurance Manual has already enjoyed much favorable comment in the legal press.

An announcement of the book, together with a coupon to take advantage of the \$1.00 price, appears on another page of this issue.

The best description of the booklet appears in its own introduction:

"This manual is prepared for two purposes. First, it is to serve as a study guide for the Civil Service Examination for New York State Unemployment Insurance Referee, to which all lawyers in practice five years are to be admitted. Second, it will prove a handy reference book on Unemployment Insurance for lawyers and others interested in the subject. Here, for the first time, all important information on Unemployment Insurance is presented in crisp, concise form."

In its recent issues, The Civil Service Leader has published study material for this exam and for other State tests, including Prison Guard. This has been part of its extended weekly coverage of State news. In coming months, The Leader will devote even more of its columns to Civil Service news of New York State, of interest to every State employee.

Celebrating its first anniversary, The Leader is renewing its special subscription rate to Association members; \$1.00 a year in place of the regular \$2.00-a-year-rate. A subscription blank appears on another page of this issue.

In the last twelve months since Volume 1, Number 1 of The Leader appeared on September 19, 1939, The Leader, published by Jerry Finklestein and edited by Seward Brisbane, has won for itself much distinction and reputation. Its question and answer page, conducted by contributing editor H. Eliot Kaplan, is used by all employees and prospective employees seeking expert guidance through the maze of civil service.

Dutch Village

The Story of the Albany Area's Attractive New Apartment Home Group

Emerging high over the old Van Rensselaer estates that date back to Albany's early history of 1620, is a "village within a village," a group of thirteen unusual apartment buildings unique in the annals of American real estate development.

In 1938, New York State's deputy comptroller, Harry D. Yates, visualized this "community." After extensive research, trips to other garden type apartments and surveys of the real estate field, ground was broken ten months ago on that historic site. Today, Dutch Village is complete save for two buildings. By September 1st the 250 workmen who worked unceasingly throughout a severe winter and late spring, will write finis to their labor. Already many apartments are filled, the first hardy "villagers" moving in as early as April 1st.

The view from Dutch Village is unexcelled in the Capital District. To the north lie the Adirondacks; to the east the Hudson and Berkshires, and to the south the Catskills. The foreground itself is enchanting.

The story behind this development is interesting as related by its originator, Harry D. Yates. Names of some of Albany's prominent civic leaders such as Morris Tremaine, Ledyard Cogswell, Frederick Wose and Peter G. D. Ten Eyck, are among the "pioneers" of the project.

Located upon Menands Heights, just over the Albany city line, 200 feet above the Hudson, Dutch Village provides a modern housing development unique in the annals of home-making in this historic region. By its convenient location, and its privately urban surroundings it is naturally attractive to those employed in State Service in Albany as well as to local and neighboring business and industry.

"In April, 1938," says Mr. Yates, "upon the direction of Comptroller Tremaine, I spent three days in Washington, D. C., investigating for the State Employees Retirement System large scale rental housing projects to try to learn whether or not mortgages insured by the F.H.A. against such projects would be suit-

able investments for some of our funds.

"I was tremendously impressed with the entire F.H.A. set-up and particularly some of the larger projects we visited in and around Washington such as Colonial Village, Buckingham Community and Falkland Village.

"Washington has led the way with the first of such projects but upon my return I could not see why the same thing could not be done in Albany or any other city in the country.

"I wanted to be responsible for some such improvement and so after studying the F.H.A. regulations I set up a project, the original Dutch Village, now hardly recognizable, and began to look around for a site," he said.

It was by chance that the Deputy Comptroller came upon the plot of ground at Menands Heights. Impressed with its natural beauty and after learning of its owner, Mr. Yates obtained a 30-day option from the late William Van Rensselaer Irving, trustee of the Van Rensselaer estate.

Said Homer Hoyt, F.H.A. investigator from New York City, who spent two days making a survey of the project:

"... There appears to be a great need for garden type apartments in Albany. The view would be unexcelled. There is a great demand for desirable living in Albany. A great many of them are now living in converted quarters. The site is an admirable one for such a development."

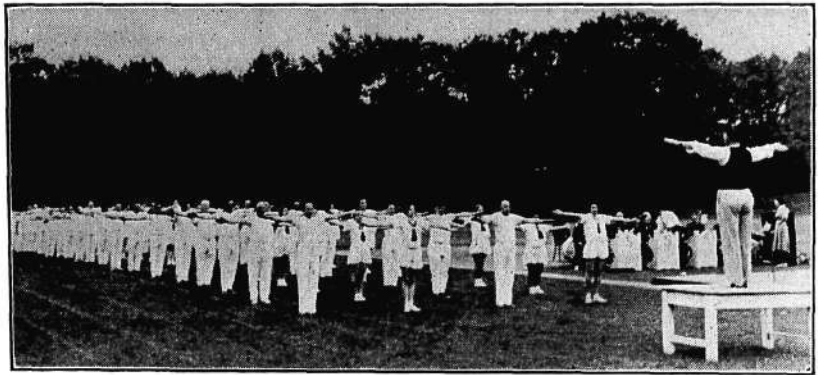
Dutch Village was incorporated as a limited dividend corporation on August 31, 1939, with an authorized capitalization of 2,000 shares of \$100 par value common stock and 100 shares of preferred stock owned by the F.H.A. Directorship of the board includes Mr. Yates, Morris S. Tremaine, Jeremiah T. Maguire, president of Federation Bank and Trust Company, New York City, Rene T. Laveille, president, Delval Construction Company; and Roy Smith, F.H.A. director, Albany district. Mr. Yates is president and treasurer and Ledyard Cogswell is vice-president and secretary. The National Life Insurance Company of Montpelier, Vermont, is both the temporary and permanent mortgagee of the \$600,000 F.H.A. insured mortgage.

Field Day at H. R. S. H.

The employees of Hudson River State Hospital, Poughkeepsie, may well be proud of the successful Field Day held on the Hospital Recreation Field on July 4th. As this is the first issue to be published since that date a report of its success could not be made heretofore.

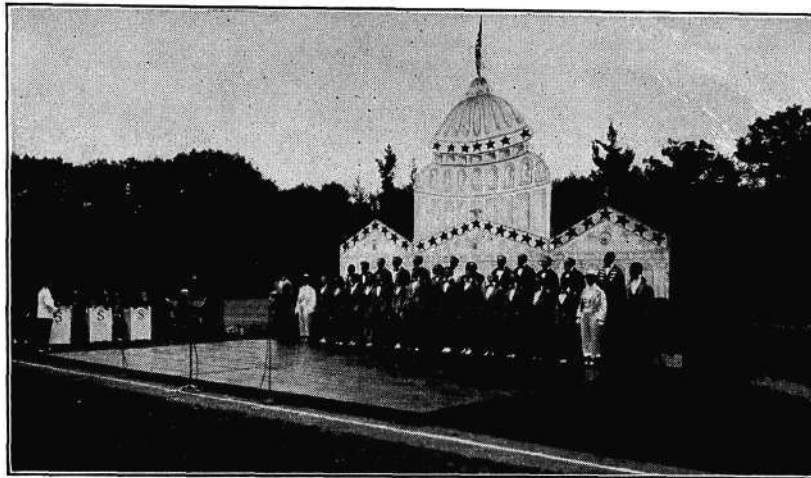
In conjunction with the Field Day a Minstrel Show featured the program, with music furnished by the patients' orchestra. The show "Under the Blue Sky Minstrel" had a cast of 50.

The Field Events started off the program, and featured a javelin throw, tug of war, stilt walk, hurdle races, barrel race, obstacle race, po-



maker and Catherine B. Riddle. Official Starter, Dr. Charles E. Niles; Announcer, Louis A. Trutner.

The Day's Program was completed by a baseball game between Harlem Valley State Hospital and Hudson River State Hospital.



The Hudson River State Hospital Employees' Association reports that \$322.10 was donated to the Dutchess County Chapter of the American Red Cross by employees of the institution. Dutchess County over-subscribed its quota of \$16,000 and the employees of the institution were pleased to have done their bit.

The Annual Commencement Exercises of the Hudson River State Hospital School of Nursing were held Saturday, September 7th. Dr. Ralph B. Folsom, Superintendent of H. R. S. H., presided. Dr. V. V. Anderson, of the Anderson School, Staatsburg, gave the commencement address.

tato race, relay races and pie eating contest. There were races for young and old, male and female. An example of Setting Up Exercises, given in most of the wards throughout the institution ordinarily, featured the program.

The specialties of the Minstrel Show featured Valentine Grochan, William Walsh, Marion Drumn, Donald Lewis, Howard LeRoy, John Sharrock, Eileen Delessio, Jane Thone, Donald White and Mrs. Dorothy Lanlon.

The Directors of the Field Day were Mary Gillespie, David Brown, Dorothy Hanlon, William Gillespie, Jean Palex and Arthur Sullivan. Official Scorers were, John Livingston, Thomas Hanlon, G. Carlton Nuhn, John Whalen, George Magee and Otto Faust. Official Photographer was Guy DeCordova. Committee on Prizes were Mrs. Margaret Schoon-



Service Record Ratings

BY LOUIS DREXLER

Civil Service Department

The revised service rating system is about to enter its fourth year. Many employees are not concerned about ratings during the weeks and months when supervisors are forming opinions about their performance. Therefore, it might be helpful for employees to be informed of some of the factors taken into consideration at a time when marks are not being considered. The "rating" is merely a summary expression of the many days of work during the rating period. It is not a percentage figure coming out of a calculating machine.

Before discussing the factors considered while arriving at a service rating, the writer would like to place a few interesting facts before you. Some authorities on rating have taken the position that the average employee is either so limited in intellectual capacity or so narrow in his point of view, that it is a waste of time to talk to him about the problem as a whole. That is not true of our service. Some employees may not be satisfied with their particular service rating, but the employees have shown great interest in improving the personnel program of the State. The most recent effect of this interest has evidenced itself by progress in Salary Standardization, Duties Classification, and Service Ratings. Three years ago, no one in the Civil Service Department would have had the courage to publish an article on ratings in an employee publication. Ratings were handled in a routine manner and consequently were grossly unjust. But the fact remains that they were used in determining promotions even though they were ridiculed by both supervisors and by employees.

Although the Civil Service Department is highly satisfied with the recent progress made on ratings, advancement has not been uniform in all State agencies. It would be both deceiving to employees and poor administration, to state that the procedure cannot be improved considerably.

The Civil Service Department is not the sole agency concerned with the problem. The responsibility lies jointly with the Civil Service Department and each operating department. It is unfortunate that all State employees could not be present at conferences between officials of the various departments and representatives of the Civil Service Department while service ratings were being considered. If such were possible, employees would be impressed at the sincere efforts made to improve service ratings by their departmental officials.

A year ago, the following paragraph appeared in a personnel publication:

"Everybody complains, but nobody ever seems to do anything about it.' So in one of his lighter moments Mark Twain spoke of the weather. So also, if he were still with us and interested in public personnel administration, he might speak of the present system of evaluating the services of Federal employees." Rest assured that such is not true of your State service.

But to insist that a DEPARTMENT does something about ratings over-simplifies the facts. The individual division heads and supervisors are the ones who ultimately improve the ratings. And they SHOULD take the responsibility of expressing their true opinions regarding the work of their employees. After all, that is one of their supervisory duties and one of the reasons they receive higher salaries than the employees they supervise.

However, employees should realize that the assumption of this responsibility is one of the most unwelcome duties of a supervisor even though it is a most important supervisory task. Place yourself in his position at the time that the Civil Service Department requests him to give an accurate description of the performance of his staff. If you rated accurately, could you not picture a more pleasant place to be than the office on the day the employees were notified?

Do not be deluded by a supervisor who gives everybody a good mark. The unduly strict raters are

few. The exceptionally high rater is actually doing employees harm because he is avoiding his responsibility for giving credit where credit is not due. He is taking an easy way around a difficult problem.

A by-product of ratings which the employee rarely realizes may be illustrated by the following quotation in a letter to the writer from a supervisor who conscientiously rated: ". . . enforces thoughtfulness and care that justice be done, and what is equally important it serves to bring home to the administrator the need for a little 'soul-searching' as to whether he is giving adequate opportunity to the employee for the development of his potential as well as his present qualities."

The statements in the following paragraphs are not made in the tone of an administrative command that employees increase the effectiveness of their performance.

HOW WELL an employee performs his work must necessarily be given consideration on promotion examinations. Because promotion eligible lists must be established on a percentage basis, the performance of employees must also be put in the form of percentages. It is reasonable to assume that employees would be interested in knowing the characteristics considered by the supervisor while rating. The employees might desire to keep them in mind while they are performing their daily tasks and BEFORE they receive their 1941 ratings.

Do you know the exact procedure to be followed in regard to all of your duties? Do you know how your job fits into the other jobs? Have you a sincere desire to know more about the general purposes and functions of your unit?

Do you make mistakes which you would not have made if you had thought twice? Mistakes that are due to pure carelessness?

Do you plan your work, or do you merely take what happens to come along next? Do you spend too much time on what happens to interest you, at the expense of other duties?

(Continued on Page 195)

Temporary Appointments

On October 1, 1940, Chapter 612 of the Laws of 1940, relating to Temporary Appointments under civil service, becomes effective. This is the most important law enacted at the last session of the Legislature relative to civil service. The statute is the result of the decision of the courts in the Hilsenrad and the Graae cases.

In brief the new law provides that temporary appointments can be made only under the following circumstances:

"A temporary appointment may be made for a period exceeding one month under the following circumstances only: (a) When an employee is on leave of absence a temporary appointment to such position may be made for the duration of one year; (b) A temporary appointment may be made for a period not exceeding six months when it appears to the commission, upon due inquiry, that the position will not continue in existence for a longer period; provided, however, that if a temporary appointment is made for a period exceeding one month, it shall be made by the selection of one of the three persons standing highest on an appropriate eligible list, who are willing to accept such temporary appointment. Successive temporary appointments shall not be made to the same position."

This law will put an end to the abuses which have characterized temporary appointments in the past. These abuses are reflected in the report of the Burney Legislative Committee, which investigated the Division of Unemployment Insurance last year. The Committee made this comment with reference to temporary appointments:

"How long is temporary? On February 1, 1939, over half of the staff was made up of temporary appointments. This condition vitiates a protection of the advantages, does not give the State the advantage of 'merit' selections and is not conducive to a good personnel morale. In view of this and the fact that Civil Service regulations permit temporary appointments for one month to four months, it is deemed relevant to examine the service history of every temporary appointment. The date

involved is March 31, 1939, and the following table scarcely needs further comment:

Length of Service of Temporary Employees on the Payroll March 31, '39

Period of Service	No.
6 months or less	374
6 months to 1 year.....	528
1 year to 18 months.....	1,474
18 months to 2 years.....	181
2 years to 30 months.....	81
30 months to 3 years.....	1
over 3 years.....	1

2,649

In explaining this law, care should be taken to emphasize the fact that temporary appointments are made only after an appropriate eligible list has been established for a position. "Stop Gap" appointments during the interim before eligible lists are available are called "provisional appointments."

The Association has long contended that when an appropriate eligible list is available there is no excuse for the practice of making temporary appointments unless the Civil Service Commission has definite assurance that the position will last only a few months. In many cases, appointments have been offered for one to three months, and the eligibles at the top of the list had declined to accept appointments for such a short period only to learn later that employees toward the bottom of the list had been accepted and have been continued in the position for two or three years, if not longer. This type of evasion of the Civil Service law will no longer be possible.

Service Record Ratings

(Continued from Page 194)

Are you the type that is "driving" at the job all of the time? Or do you apply yourself reasonably steadily? Or are you inclined to "take it easy" more often than even yourself would like to?

You may be a good steady worker. But, when the pressure is on because the work load is heavy, can you work exceptionally rapidly? (Some employees can work fast when they want to, but make careless mistakes even when they work at average speed, do not work sys-

tematically, etc. Speed is not always an indication of superiority.)

Have you thought about your unit enough to create sound and original ideas? Have you made practicable suggestions for improvements to your supervisor?

Do you lack self-assurance? Do you really enjoy added responsibility, or are you a little afraid to tackle difficult assignments?

When asked for an opinion, do you consider all factors and come forth with a sound conclusion? Or are you inclined to speak before you think?

Are you inclined to become emotionally upset at times that you know that you should have exercised more self-control?

Are you exceptionally tactful in dealing with others? Or are you inclined to be impatient or abrupt at times?

Do you cooperate to the fullest extent with your fellow employees? Although you want to be treated fairly yourself, do you place the interest of your division above your personal interest?

If you are a supervisor, do you exercise disciplinary measures when such is warranted without being despotic and arbitrary?

Are you able to get your staff to sincerely pull with you?

Do you express yourself clearly when instructing your staff?

Can you delegate responsibility and still maintain control of the work? Or do you try to do everything yourself?

Do you watch for the strong and weak points of your staff and attempt to do something about it when an occasion presents itself?

The foregoing should be of special interest to supervisory employees not only because they must rate their staff, but because they themselves are rated.

Wingdale Election

The Harlem Valley State Hospital Employees Association held its Annual Meeting and Election on September 9th.

The following officers were chosen for the ensuing year: President, Louis Illig; Vice-President, Joseph H. Anderson; Treasurer-Secretary, Alice E. Sina.

Executive Committee Election

In order to carry out fully the intent of the Constitution of the Association to have the Association truly representative of the wishes of its members, opportunity must exist for each member of the Association to choose by ballot the representative of his or her respective department on the Executive Committee. The representatives of the eighteen State departments thus chosen will be the duly elected Executive Committee. Under the Constitution in cases where the members within a department fail to elect a representative for the Executive Committee, the Executive Committee is empowered to make a selection.

In line with the election of officers by popular ballot supplied in this issue sent to all members of the Association, we believe members within a Department should elect directly their representative on the Executive Committee and thus enable the Association to function democratically in a complete sense. Employees are urged to use the ballot below. The success of the Association depends to a great degree upon the personnel of the Executive Committee.

The duties of the Executive Committee, as stated in the Constitution, are as follows:

"Article VIII, Section 2. The Executive Committee shall establish the general policies of the Association, and shall have power and authority to transact all business pertaining to the Association not otherwise provided for in this Constitu-

tion and By-Laws or the will and purposes of the Association as expressed by its members in regularly conducted meetings of the Association."

Numerous meetings of this Committee are called during the year, and many on brief notice when immediate action on important issues involving Association action is necessary. Members are urged to bear this in mind and to select their representatives from among their membership residing in Albany or vicinity. It should be wholly possible for employees wherever located throughout the State to keep in close contact with such representative.

The present members of the Executive Committee and the Departments which each represents are listed below. Blank space is provided to write in the name of the representative desired.

W. F. McDonough—Agriculture and Markets.

C. W. Swim—Audit and Control.

Elizabeth Staley—Banking.

Linda J. Wharton—Civil Service.

Arthur S. Hopkins—Conservation.

Mrs. Mary Austin—Correction.

Wayne W. Soper—Education.

John T. Higgins—Executive.

Clifford Shoro—Health.

Davis Schultes—Insurance.

John W. Henry—Labor.

F. C. Maher—Law.

Patrick J. McCormick—Mental Hygiene.

William Hunt—Public Service.

Edward J. Ramer—Public Works.

W. C. Hinckley—Social Welfare.

Harold Fisher—State.

John A. Cromie—Tax.

Envelopes containing ballots should be marked "Ballot," and should also bear signature or membership card number of member.

(See Editorial, this issue.)

OFFICIAL BALLOT

The Association of State Civil Service Employees of the State of New York

To Select Representative on Executive Committee

Department

I vote for

Name and membership card No.

This ballot to be considered must be delivered or mailed so as to reach Association Headquarters, Room 156, State Capitol, Albany, N. Y., before 10 P. M., October 15, 1940.

Annual Election of Officers

The election of Officers of the Association for the year beginning October 15, 1940, will occur on October 15, 1940, and will be conducted in accordance with the provisions of the Constitution quoted below:

"ARTICLE VII, SECTION 2. Election of officers will occur at the annual meeting which will be deemed to continue from twelve o'clock noon to ten o'clock P. M. of the Third Tuesday of each October. When the meeting is not actually convened the headquarters of the Association will be open to receive properly prepared ballots either by mail or in person from any member of the Association. Ballots with the names of the candidates printed thereon and blank spaces for insertion of any other names desired shall be made available at least ten days prior to the annual meeting at all offices or locations designated by the Executive Committee, and all properly prepared ballots of members of the Association received at Association headquarters up to ten P. M. of the Third Tuesday of October of each year shall be duly counted and recorded. The envelopes in which ballots are enclosed by the members shall be marked "Ballot," and such envelopes shall also bear the signature and membership receipt number of the member.

"ARTICLE VII, SECTION 3. The Executive Committee shall appoint a board of canvassers of at least three members of the Association to canvass and count the ballots properly cast for the purpose of electing officers of the Association. The persons receiving the greatest number of votes for the respective offices shall be deemed to be the duly elected officers of the Association for the next ensuing year.

"Any person whose name is printed on the ballot may be present during the canvass of the ballots.

"In case of a tie vote for any office, a new ballot shall be taken."

The officers to be chosen are, President, Vice-President, Secretary and Treasurer.

The nominating Committee, selected at Meeting of Executive Committee held July 17, 1940, consisted of W. F. McDonough, Chairman, John A. Cromie and Beulah Bailey Thull. The ticket presented below is that submitted by the Nominating Committee chosen under the following provisions of the Constitution:

"ARTICLE VII, SECTION 1. A Nominating Committee shall be named by the Executive Committee at least one month prior to the date of the annual meeting, and such Nominating Committee shall, after giving full consideration to all facts or petitions presented to them by individual members or groups of members present, at least two weeks prior to the Third Tuesday in October of each year nominees for all of the elective offices of the Association, to be voted upon at the annual meeting of the Association, which will be held on the Third Tuesday of October of each year."

The names of candidates other than regular nominees which you may wish to vote for may be written on blank lines provided.

Members will note that envelopes containing ballot must be marked "Ballot" and bear the signature and number of receipt card of member. This must appear on reverse side of envelope.

Members are urged to exercise their voting power. (See editorial.)

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

OFFICIAL BALLOT—ANNUAL ELECTION—OCTOBER 15, 1940

Check

- President: Charles A. Brind, Jr.
President:
- Vice-President Harold J. Fisher
Vice-President:
- Secretary: Janet M. Macfarlane
Secretary:
- Treasurer: Earl P. Pfannebecker
Treasurer:

Mail or deliver this Ballot so as to reach the Association Headquarters, Room 156, State Capitol, Albany, N. Y., before 10 P. M., October 15, 1940.

Name.....
Dept.....
Card No.....

New Books

New Books Compiled by the Book Information Section of the New York State Library

Whiteoak Heritage, by Mazo De la Roche. (Atlantic Monthly Press books.) Little. \$2.50.

No period in the life of the maddening but lovable Whiteoaks could be without its drama, its turbulence, its assertion of the deep bond of family solidarity. And so it is in this amplification of the events during the months following Renny's return home at the end of the war to become head of the family and owner of Jalna, after his father's death. Renny's discipline of his younger brothers, his economies, his establishment of a racing stable and the consequences of the appearance of a highly emotional woman in the neighborhood afford the author rich opportunities to study Whiteoak characteristics from Gran, now in her nineties, to baby Wakefield.

The Family, by Nina Fedorova. (Atlantic Monthly Press books.) Little. \$2.50.

To the doors of a boarding house in Tientsin, China, run by a white Russian family, come in the year 1937, a motley, amazing cosmopolitan group of lodgers. In the problems, joys and sorrows of each individual lodger, this openhearted, sympathetic, generous "Family," consisting of Granny, Mother, a daughter and two nephews, share as a matter of course, though they are always on the brink of disaster themselves because of poverty and the war. The story is entrancing reading, delightful for its gaiety and humor, moving in its tenderness and richly rewarding in its philosophy of life.

When the Whippoorwill, by M. K. Rawlings. Scribner. \$2.50.

Eleven stories of the Florida Crackers, the poor backwoodsmen, full of the flavorful tang of their vernacular, and based on a sure knowledge of the psychology, the grit, humor, endurance and other fundamental qualities of these men and women.

Lion in the Garden, by G. B. Stern. Macmillan. \$2.50.

The pompous caretaker of an English estate takes himself more seri-

ously than ever, after he has faced with calm courage a lion in his garden. How he prides himself on intensifying a feud with his neighbors on a small island and how at last his attitude is changed by a few chance remarks of his employer about justice and mercy makes a delicious comedy in which the employers and servants of an unusual household are described with wit and warmhearted satire and in which, too, the thoughtful reader may find a parable for the times.

Mrs. Miniver, by Jan Struther. Harcourt. \$2.00.

Mrs. Miniver, wife of a London architect, and mother of three satisfactory children, is one of those people who can savor, and incidentally distill into the perfect word and metaphor, the quality of a fleeting moment or her own passing mood, often linking the trivial with a larger significance. With this truly charming woman, and her family circle, the warmly humorous chronicle brings the reader into the pleasantest intimacy.

Before Lunch, by Angela Thirkell. Knopf. \$2.50.

Amusing portrayal of a self-centered, wordy English architect who affects the clothes and ways of an English squire, and his lovely wife who adores him and has no illusions about him, and their relations with his widowed sister and her two grown step children, tenants in the neighboring house for the summer. Local excitement over the fate of a precious piece of land, and the progress or frustration of several love affairs, are material for a sparkling light comedy written with the author's accustomed wit and penetrating insight into the English character and manners of both the upper and the servant class.

NON-FICTION

My Ten Years in the Studios, by George Arliss. Little. \$3.50.

Writing in a gaily humorous vein, George Arliss takes the reader into his confidence about his years as a star in moving pictures, many of them made in Hollywood, and some in London. Incidents connected with the difficult matter of finding the right play, in picking the cast and all sorts of studio routine are

varied by anecdotes about such personalities as Galsworthy, William Archer, and some comic moments, such as the loss of Arliss's sandwiches at the coronation of George VI. Photographs.

A Southerner Discovers New England, by Jonathan Daniels. Macmillan. \$3.00.

Going to New England as an "outlander," the author drove through the New England States, pausing in cities and villages, at wayside stands, at universities and famous schools, everywhere observing social and economic conditions, asking questions, sometimes getting answers, visiting mayors, mill owners, newspaper editors, chatting with men in clubs, with fishermen or hitch hiking youths. It is these conversations, his reflections on his observations and the details of his casual experiences, all blended together that make the book, that bring into focus the author's ideas of the problems, and the possibilities for leadership of New England with its wealth and education and free enterprise and high living standards. Map on end papers.

Canada: America's Problem, by John MacCormac. Viking Press. \$2.75.

Because the United States may be forced during the coming months to choose between a war over Canada and abandonment of the Monroe Doctrine, and because of Canada's importance as "the last substantial link between the New World democracies and the Old," this volume dealing with Canada, her vast potentialities, her development of them, and the highly complicated character of her population, politics and economics makes especially timely and pertinent reading.

Up for Air; Diving for a Living, by Frank Meier. Dutton. \$2.75.

Crammed with incidents which illustrate the innumerable hazards of a diver's life, and which incidentally bring in details of diving technique and of the various kinds of work a diver may be called upon to do, this narrative is told with the greatest informality by a man, trained in the Navy, who has had a long diving career. Photographs.

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THE ANNUAL MEETING

of this Association

WILL BE HELD

Tuesday, October 15th, 1940

AT THE

State Office Building, Albany

SEVEN - THIRTY P. M.

At that meeting, ballots electing officers and members of the Executive Committee for the ensuing year will be canvassed and results announced.

In accordance with the Constitution of the Association, Association Headquarters, at Room 156, State Capitol, Albany, will be open until 10:00 P. M. on that day to receive ballots properly prepared, either by mail or delivered personally. Ballots for the use of members in electing officers and departmental representatives, may be found in this issue. Attention is called to the article on the Editorial Page relative to a "Secret Ballot."

The annual reports of officers and chairmen of standing committees covering the work of the Association year closing will be submitted for the records. Proposals for inclusion in the Association's program for the coming year will be presented and discussed. Any member of the Association or group of members, wishing to present any resolution or proposal, but who are unable to be present at the meeting, should submit it in writing with memorandum to the President or Secretary before the date of the meeting.

Members of the Association are urged to avail themselves of their voting rights, and to be present at the annual meeting and take part in the discussions and formulation of the policies, program and work of the Association for the coming year.

Mr. Charles B. Heister
State Education Dept.
Albany, N. Y.

SEC. 562

