

Civil Service LEADER

America's Largest Newspaper for Public Employees

Vol. XXXIII, No. 50

Tuesday, March 13, 1973

Price 15 Cents

Delegates Meeting

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Wenzl Reports Progress On State Contract Talks

ALBANY — Theodore C. Wenzl, president of the 200,000-member Civil Service Employees Assn., reports "substantial and gratifying progress" in negotiations between the State and CSEA, which is currently speaking for some 140,000 employees in four of the state's bargaining units.

"Unit negotiations," according to Wenzl, "are progressing smoothly. We are much further along this year than we had expected and we are optimistic about the contract possibilities."

The public employee organization is in regular sessions with state representatives from the Office of Employee Relations. The pace of negotiations, on a coalition basis, is reported to have been accelerated in the past week.

Meanwhile, separate meetings continue with each of CSEA's four individual unit bargaining teams, which include Administrative, Professional, Operational and Institutional employees. On the table in unit bargaining are specific items directly affecting state employees at their work locations. Educational

grants, seniority considerations, travel allowance and hundreds of other items are now being considered.

On a coalition basis, CSEA negotiates for all four units together, on such items as salary.

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When Applied Retroactively

Judge Rules State Limitation On Use Of Overtime For Pension Computation Unconstitutional

A state law which limits the amount of overtime public employees may use in computing base retirement compensation has been ruled unconstitutional when applied retroactively.

New York City Supreme Court Justice Sidney H. Asch, in a decision rendered last

week, declared that the law could not be applied to workers who joined the New York City Employees Retirement System before April 1, 1972.

An inquiry by The Leader ascertained that Judge Asch's ruling would apply equally to state and local government workers elsewhere.

The case was brought by Robert H. Kleinfeldt, a retired Transit Authority worker. Kleinfeldt challenged the law which Justice Asch said sought to "slow down the costs of pensions given to public employees."

The law was passed by the State Legislature after it had been reported that Transit Authority employees were receiving large amounts of overtime in the last year that they worked. This overtime pay, added to their salaries, fattened their last year's income which is used to determine their pensions.

Kleinfeldt retired at the age of 62 on May 6, 1972, after 20 years as a railroad porter and car maintainer trainee.

When he joined the New York City Employees Retirement System, he became eligible to retire after 20 years as long as he was more than 50 years old.

The State's Retirement and Social Security Law was amended so that after April 1, 1972,

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Bonus Pay Is Delayed Until May

(Special To The Leader)

ALBANY — A one and one-half percent bonus, payable this April to state employees as a result of a productivity agreement reached between the Civil Service Employees Assn. and the State during their 1972-73 contract negotiations, has encountered an "unforeseen administrative delay" that may forestall its payment until late May, according to Theodore C. Wenzl, president of the 210,000-member public employee union.

The delay, not anticipated by the Office of Employee Relations during the productivity negotiations, is a "mathematical one," Wenzl said, "in that the bonus must be computed on the base salary for the past year up to as late as April 6, 1973, for some employees on the administrative payroll."

State Department of Audit and Control sources said that computation of the salaries of more than 140,000 employees eligible for the bonus "may take weeks since the process must be done manually."

While all State payrolls are on computer, the records are geared for an employee's gross salary, including overtime pay, shift differential and location allowances. These items are not included in the payment of the 1½ percent bonus. CSEA's contract stipulates base salary.

Reaction Varies

CSEA's reaction to the delay were varied. Wenzl said, "The bonus was guaranteed in April and this is a clear-cut violation of our contract. To take action against the state presents problems, however, since fellow CSEA members are involved in processing and computing each individual employee's bonus."

Grace Fitzmaurice, CSEA representative from Audit and Control, said she felt that "The state was definitely remiss in not checking with authorities in my department. Certainly," she declared, "they would have learn-

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FINAL PREPARATIONS — Members of the Civil Service Employees Assn. social committee make final plans for the upcoming March delegates meeting to be held at the Waldorf-Astoria in New York City. Left to right are Mary Hart, Robert Carruthers and Joyce Beckley. The committee, headed by Deloras Fussell, is particularly busy during this hectic pre-convention period, preparing schedules and events and handling other activities necessary to the annual spring delegates convention. Other members of the CSEA social committee are Irene Carr, Ethel Chapman, Edward Dudek, Joyce Jewell, Edna Percoco, John Sousa, Phillip Wexler, Mary McCarthy and John Tanzi. (See Page 3 for further details.)

INSIDE THE LEADER

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Latest State Eligible Lists

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Hempstead Unit Sets March 15 General Meeting

HEMPSTEAD — The Town of Hempstead unit of the Civil Service Employees Assn.'s Nassau chapter, will hold a general membership meeting March 15, according to Kenneth Cadieux, president.

Guest speaker for the occasion will be Joseph Holtzman, field representative for the Social Security Administration.

The meeting is slated for 8 p.m. in the Town Board Pavilion of the Hempstead Town Hall.

The Town of Hempstead unit is one of the components of Nassau chapter, largest single chapter in CSEA with nearly one-tenth of the total statewide membership. Irving Flaumenbaum is chapter president.

Hicksville Employees Vote To Stay With CSEA

HICKSVILLE—The Civil Service Employees Assn. scored a decisive victory over Local 100, Service Employees International Union, AFL-CIO, in the representation election held Feb. 22 for the custodial and maintenance employees of the Hicksville Public Schools, UFSD No. 17.

The employees overturned SEIU's bid to represent them by voting 51 to 32 for CSEA.

According to Pat Morano, CSEA field representative, "It was a tough fight in the beginning. Then the CSEA members started putting forth a night-and-day effort. Once all of the employees understood the situation and what they could lose, we were on our way to another important win."

Ed Perrott, president of the

newly formed Nassau County Educational chapter of CSEA said, "I was very proud of our people. They worked together as a real team. Everyone did a terrific job."

The Nassau County Educational chapter, which was formed last October, represents the custodial and maintenance employees of the Hicksville Public Schools.

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*Don't
Repeat This!*

Decision Confirms Constitution Right Afforded Pensions

A RULING in the State Supreme Court last week declared invalid the retroactive effect of a State statute designed to upset a bargained formula for pension rights of state and municipal employees. The statute, enacted last year, provides that for pension purposes earnings in the final year of employment may

(Continued on Page 6)

Open Bldg. Guard, Computer Programmer Elevator Op. Jobs

The New York State Dept. of Civil Service has announced 32 new exams open to the public. Applications for all exams must be filed by April 9 at the addresses listed under "Where to Apply" on Page 15 of The Leader. All exams will be held May 12,

unless otherwise noted.

There are no experience or education requirements for building guard and elevator operator, exam, 23-875. Applicants must have vision of at least 20/40 in one eye, and have good hearing as well as good character. As with

all jobs, appointees in the New York City metropolitan area will receive \$200 differentials.

Salary for building guard is \$6,062. Many vacancies exist, particularly in Brooklyn, Harlem, Jamaica, Manhattan, and upstate.

Salary for elevator operator is \$5,742. Many vacancies exist state-wide including Creedmore, New York City, and Niagara Falls.

Also of particular note is an opportunity for computer programmers, exam 23-684, with a starting salary of \$9,535. Vacancies exist state-wide.

Minimum requirements for appointment as computer programmer are either one year of programming experience, or an associate degree in electronic data processing, or a bachelor's degree in computer science. Eligible to compete also are those currently enrolled in computer programming courses leading to degrees by June 30, 1973.

Also available are the following exams:

Associate Narcotic Rehabilitation Counselor, Exam 23-876 (\$15,512) — eight vacancies in New York City area in the Narcotic Addiction Control Commission at present. Minimum qualifications: master's degree in education, psychology, social work or sociology, plus three years of paid counseling experience, one year of which must have been in supervision of professionals and professional trainees.

Electronic Data Processing Instructor, Exam 23-907 (\$11,929) — one vacancy in Albany. Applicants must possess a bachelor's degree and have two years of experience in computer systems analysis or programming plus one year as an instructor of electronic data processing or as a college or secondary school teacher.

Field Representatives, Office for the Aging, Exam 23-863 (\$12,588); Senior Field Representative, Office for the Aging, Exam 23-863, (\$15,512) — several vacancies in Albany and New York City. Applicants must have a bachelor's degree plus two years of full-time paid experience serving the elderly in such fields as gerontology, adult education, recreation and work placement.

Heating and Ventilating Engineers: Assistant, Exam 23-851 (\$12,588); Senior, Exam 23-852 (\$15,512) — vacancies in Albany. Assistant: six years of engineering experience involving the design and preparation of heating, ventilating, and air conditioning layouts for buildings. Senior: two years of the above experience plus a professional engineer's license.

Highway General Maintenance Foreman, Exam 23-882 (\$9,535); Highway Light Maintenance Foreman, Exam 23-883 (\$7,166)

— state-wide vacancies with the Dept. of Transportation. General: 36 months of practical experience in the construction and maintenance of engineering structures or modern paved highways. Light: 18 months of this experience.

Institution Food Facilities Consultant, Exam 27-323 (\$15,521) — one vacancy in the Dept. of Mental Hygiene in Albany. Applicants must have a masters degree in either dietetics, business administration or food administration, plus three years of supervisory experience in a large-scale food service facility. Training and experience will be evaluated. There is no exam.

Junior Architect, Exam 23-902 (\$10,089) — Required: bachelor's degree in architecture.

Junior Building Construction Project Manager, Exam 23-903 (\$10,089) — one vacancy in Albany. Required: bachelor's degree in building construction or related field.

Mechanical Construction Engineers: Associate (Exam 23-867 (\$19,175); Senior, Exam 23-866 (\$15,512); Assistant, Exam 23-865 (\$12,588) — vacancies in Albany. Requirements: Associate and Senior: professional engineer's license, plus two years of professional mechanical engineering experience; or a combination of both types of experience. Assistant: two additional years of the above experience.

Museum Technician, Exam 23-870 (\$6,611) — one vacancy at Bear Mountain. Required: two years of experience in the preparation of museum materials for use in exhibits or for deposit in a collection. Completion of a two-year college art curriculum or art school courses will be accepted in lieu of two years' experience.

On-the-Job Training Specialist, Exam 23-871 (\$12,588) — sixteen vacancies state-wide in the Dept. of Labor. Required: bachelor's degree plus three years full time experience one of which was spent as a professional occupational trainer, with emphasis on development of a training program, its presentation and evaluation.

Park and Parkway Foreman, Exam 23-910 (\$7,166); General Park and Parkway Foreman, Exam 23-911 (\$9,535) — five vacancies for Long Island State Park. Required for 23-910: two years of experience in the construction or maintenance of parks or paved highways. For 23-911: two years of supervisory experience of the above.

Parkway Foreman, Exam 23-908 (\$7,366); General Parkway Foreman, Exam 23-909 (\$9,735) — vacancies with the East Hudson Parkway Authority. Required: same as above. For general: three years of this experience, one of which must have been spent as

a foreman on highway construction or maintenance.

Plumbing Engineers: Senior, Exam 23-869 (\$15,512); Assistant, Exam 23-868, (\$12,588) — vacancies in Albany. Required: Senior: two years of experience in plumbing engineering, plus a license to practice such engineering. For assistant: bachelor's degree in engineering or an associate's degree in pre-engineering or construction technology, or six years of the above experience.

Senior Apprentice Training Representative, Exam 23-877 (\$13,595) — six state-wide vacancies with the Dept. of Labor. Required: seven years of experience with an industrial concern, labor or management organization, involving public relations or promotional work, or a bachelor's degree plus three years of the above experience, or a combination of training and experience.

Senior Building Mechanical Engineer, Exam 23-860 (\$15,512) — one vacancy in the Division of Housing and Community Renewal in New York City. Required: professional engineer's license, plus two years of experience in design or supervision of installation of mechanical equipment for buildings, or four years of mechanical engineering experience, or satisfactory combination of both.

Senior Computer Programmer, Exam 23-873 (\$11,929) — state-wide vacancies with various departments. Required: two years of full-time programming experience, or a bachelor's degree and one year of experience; or an associate degree in electronic data processing and one year of experience, or a bachelor's degree in computer science and six months of experience.

Stationary Engineer, Exam 23-874 (\$8,497); Senior Stationary Engineer, Exam 23-895 (\$9,535) — vacancies state-wide in various departments. Required: 23-874: two years of experience in the operation and maintenance of steam boilers and/or auxiliary steam lines and equipment, or completion of a two-year technical institute course in the mechanical-electrical trades and six months' experience in the operation of steam boilers. For senior: one year of experience in charge, on shift, of the operation and maintenance of steam or hot water heating and ventilating equipment or of steam-electric generating and heating equipment.

Supervisor of Cancer Institute Fiscal Administration, Exam 27-326 (\$21,271) — one vacancy with Dept. of Health in Buffalo. Required: eight years of pro-

(Continued on Page 15)

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MEMORIAL DAY WEEKEND

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At the deluxe ARUBA CARIBBEAN HOTEL Price \$289.00
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At the beautiful CASTLE INN HOTEL Price \$189.00
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K-4083—Leaving May 25 and returning May 28.
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At the elegant CURACAO HILTON HOTEL Price \$279.00
Taxes and gratuities \$ 10.00
K-4088—Leaving May 25 and returning May 28.
Price Includes: Air transportation; American breakfast and dinner daily, cocktail party and free sauna.

ICELAND 3 Nights

At the deluxe HOTEL LOFTLEIDIR Price \$229.00
K-4020—Leaving May 24 and returning May 28.
Price Includes: Air transportation; three meals daily; sightseeing, taxes and gratuities.

LISBON 3 Nights

At the luxurious ESTORIL SOL HOTEL Price \$249.00
At the modern TOURING CLUB APARTMENTS Price \$199.00
Taxes for either hotel .. \$ 15.00
K-4082—Leaving May 24 and returning May 28.
Price Includes: Air transportation and sightseeing; Continental breakfast and dinner daily at the ESTORIL SOL; Continental breakfast only at TOURING CLUB.

LONDON 3 Nights

At the Superior First Class HOTEL METROPOLE Price \$219.00
Taxes and gratuities \$ 12.00
K-4018—Leaving May 24 and returning May 28.
Price Includes: Air transportation; Continental breakfast daily, sightseeing and ticket to theatre performance.

Tour Chairmen:

K-4040—MISS DELORAS G. FUSSELL, 111 Winthrop Ave., Albany, N.Y. 12203 (518) IV 2-3597 (Evening).
K-4082—MR. IRVING FLAUMENBAUM, 25 Buchanan St., Freeport, L.I., N.Y. 11520; (516) 868-7715.
ALL OTHER TOURS: MR. SAM EMMETT, 1501 Broadway, Suite 711, New York, N.Y. 10036. Tel: (212) 868-2959.

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CIVIL SERVICE LEADER
America's Leading Weekly
For Public Employees
Published Each Tuesday
11 Warren St., N.Y., N.Y. 10007
Business and Editorial Office:
11 Warren St., N.Y., N.Y. 10007
Entered as Second Class mail and
Second Class postage paid, October
3, 1939, at the Post Office, New
York, New York, under the Act of
March 3, 1879. Additional entry at
Plainfield, New Jersey. Member of
Audit Bureau of Circulation.
Subscription Price \$7.00 Per Year
Individual Copies, 15c



TOWN & COUNTY

By JOSEPH LAZARONY, Chairman
CSEA County Executive Committee

The Democratic Processes

The Delegates Meeting scheduled for March 26 to 30 promises to be another opportunity for our membership to express themselves.

One of the things I like about the Civil Service Employees Assn. is its democratic approach to operations. Nobody is ever completely happy with events under a democratic system, but everybody has a real chance to be heard. The methods CSEA uses to insure this opportunity to be heard are many. Often they are not recognized as "democracy in action," but if we look closely it's exactly what they are.

Starting from the top, CSEA has annual conventions and special conventions to discuss with hundreds of delegates matters of importance to all CSEA. Delegates are elected by the membership or appointed by an elected board of directors. Every chapter has the right to be represented at these conventions. Very few labor organizations hold as many conventions as does CSEA, but then very few run as democratically as CSEA. Convention meetings are filled with all kinds of rhetoric; complimentary, questioning, demanding, pleading and, yes, even denouncing, as delegates thrash out solutions to problems as only delegates can. It's really an exciting thing!

Then, CSEA sets up a governing body to make and carry out CSEA policy in the absence of conventions. Representation on this body (Board of Directors) is by popular referendum and all members of CSEA are represented here. Board meetings are really small conventions and the rhetoric is definitely in the same class as that at conventions.

To insure regional voices, CSEA has six conference areas (soon to be regional areas). These conferences have officers, programs and responsibilities to fulfill. They are represented on the Board of Directors by their presidents. Conferences offer a proven way for area needs to receive immediate and effective action by area people, or for such needs to be brought before the Board of Directors, or even discussed at full conventions. Each participating chapter is granted delegate strength commensurate with membership. Under restructuring, changes which will increase the membership role in selecting regional officers and delegates will take place.

Finally, chapters and units: Chapters have elected officers, representation at conference level and on the Board of Directors, and at conventions. Members can voice ideas at chapter meetings and, thus, going up the chain, at conventions.

Units, with similar structural set-up, follow the chain of organization to chapter, to region, to Board of Directors, to full conventions.

It is a unique system and it involves all of us in the welfare of our Association. The opportunity to be heard is there, we have but to seize it!

To top all this off, restructuring has preserved or expanded membership roles in each of these levels of participation. Conventions will be longer and stronger on education; regions will be stronger and more adequately reflect all membership in that region; the Board of Directors is expanded somewhat; chapter and units are directed towards more active representation than ever.

The Delegates Meeting, March 26-30 in New York, is a golden opportunity to "be heard." Be sure your chapter is there.

Extend Present Retirement Systems

The Legislature has voted to extend present retirement systems for county and municipal employees from March 31 to June 30, 1973.

The bill was introduced by State Senators Richard Schermerhorn, chairman of the Senate Civil Service Committee, and John Flynn, both of whom represent constituencies in Westchester County.

A third Westchester Senator, Joseph Pisani, explained that none of the municipal and county plans will be permitted to lapse at the former date and that the three-month extension will permit both the Legislature and the employees "to give more deliberate consideration to long-term pension planning."

Further details will be carried in next week's Leader.

Bonus Pay Is Delayed

(Continued from Page 1)
ed that this manual computation can't be accomplished overnight."

Plans are now under way to delegate additional employees to the complex computation process. While the best estimate of when the bonus will be paid is late May, some sources are more optimistic.

Payment of the bonus will be in a separate check. State employees must have been on the payroll as of the first payroll period in April 1972 to be eligible for the additional increase.



SULLIVAN SHARES — Donations to the Civil Service Employees Assn. Welfare Fund continue to swell the emergency contingencies kitty. Here CSEA president Theodore C. Wenzl, left, accepts \$100 check from Sullivan County chapter president Jack Nemerson, center, and chapter executive representative Arthur Bolton. The Welfare Fund was established to aid CSEA members who were penalized for alleged participation in last Easter weekend contract dispute.

Battle Still Wages Over Imposition Of Parking Fees In Monroe County

(Special to The Leader)

ROCHESTER—The battle continues between the Civil Service Employees Assn.'s Monroe County chapter and Lucien A. Morin, Monroe County Manager, over the county's attempts to impose a charge for employee parking and whether the county has the right to unilaterally change the conditions under which an increment is to be paid to employees in the CSEA bargaining unit.

The conflict over the parking fee, not a new issue to CSEA as a statewide organization, evolved when Morin announced his intention to charge a fee for employee parking at the community hospital and the health and social services complex on Westfall Road.

CSEA members at the State complex in Albany faced a similar problem last fall when the State's Office of General Services attempted to charge a five-dollar-per-month parking fee for large numbers of state employees parking in lots outside the downtown area.

A PERB decision ordered the state to negotiate the parking fee, declaring free parking a "past practice" that could "not be unilaterally changed."

The county estimates a ten-dollar price tag per month for employees wishing to park their vehicles at county installations. Martin Koenig, Monroe County CSEA chapter president, argued that "The county failed to disclose any plans to institute paid

Expect 1,300 Delegates At CSEA Convention This Month In NYC

(Special to The Leader)

ALBANY—Final program arrangements are being made for the annual March Delegates Meeting of the Civil Service Employees Assn., which will be held at the Waldorf-Astoria Hotel in New York City beginning March 26 and running through March 30.

Some 1,300 delegates from across the state are expected to attend the four-day conclave to discuss and vote on such matters

as constitutional amendments and programs to reorganize certain areas of the 210,000-member union.

Monday's schedule calls for a Board of Directors reception and luncheon, followed later that evening by a meeting of the State Division's departmental representatives.

County Division Meeting

The following morning, a separate County Division representatives meeting will take up the topic of proposed legislation by the State Pension Commission which, if passed, could drastically reduce benefits currently in effect for county and state members of CSEA alike.

Running simultaneously with the County Division delegates meeting will be a separate session for each of the four State Division bargaining units. The state meetings, slated to be held in four different rooms, will cover the progress of the 1973-74 negotiations.

Tuesday afternoon, Wednesday and Thursday, will be taken up with reports from most of the standing committees of CSEA. The delegate business sessions are expected to cover reports on bills in the State Legislature and comprehensive recommendations from the committee to restructure CSEA.

The meetings and business sessions will continue through Friday, March 30, if necessary. Social events for the convention will be highlighted by a special cocktail party for all delegates on Wednesday evening sponsored by the Travelers Insurance Co. and Ter Bush and Powell Insurance Agency. Thursday evening will feature another cocktail party for all delegates, compliments of the Waldorf-Astoria.

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Long Wait For Supper, But Stony Brook Finally Pays Off

(From Leader Correspondent)

STONY BROOK — Due to persistent efforts by Al Varacchi, president of the Stony Brook University chapter of the Civil Service Employees Assn., four employees have received supper money payments totalling \$1,160.

Administrators had withheld payments of supper allowances for the employees, who had worked overtime shifts in the university library, on the ground that the cost had not been computed in their budget.

"Our contract provides for \$2.50 supper money payments," Varacchi said. "This delaying tactic had become a flagrant abuse, and we are happy to see that the university has brought the payments up to date." Three employees received \$120 each and Helen Greenfield received \$820.

(Continued on Page 16)

Police News

156 New Cops

The following 156 men were appointed to the position of patrolman on probation by order of the Police Commissioner and the City Civil Service Commission, effective Jan. 29, 1973:

John A. Abrahamson, Robert C. Adams, Joseph A. Agrestra, Edward K. Ahrens, Landry R. Alexander, Philip Anastasia, Jr., George C. Bakos, Luigi Bara, Edward A. Bauer, Sylvan A. Blackman, Edward J. Blair, Douglas Bolton, Ernest T. Borbee, Timothy D. Bowden, Thomas J. Boyles, Thomas P. Branchini, Robert J. Brennan, Julius C. Brown, William M. Buryk, Tho-

mas K. Cardinal.

Joseph J. Carrado, John B. Cassidy, Luis Castro, William J. Cavanaugh, Michael E. Cerillo, Edward D. Cerrone, Robert J. Cerrone, Ronald J. Cea, William J. Church, Patrick F. Codd, Jr., Michael A. Colletti, Thomas A. Connelly, Gerard P. Conway, Dennis C. Craig, Jeffrey C. Cresswell, James E. Cullen, Dave D'Amico, Thomas E. Daniel, James T. Davey, Alfred J. D'Elia.

Robert P. DeSantis, Thomas J. Diehl, Francis H. Dowd, Jr., Thomas J. Drogan, Richard J. Dugan, John H. Ehlers, Basil S. Elkowich, Michael I. Fandal, Anthony J. Farina, James M. Farrell, John C. Feldman, Hector T. Feliciano, Bobby Fisher, Thomas M. Fitzsimmons, John R. Flynn, Philip F. Franzese, Gerald S.

Gajdusek, John J. Gamboni, Mauro A. Goffredo, John D. Gormley.

Thomas J. Graham, Craig E. Griffin, William F. Haberman, Kenneth J. Hadermann, Edward J. Hanley, Kenneth R. Hansen, Henry Harrison Jr., Charles W. Hart, Ralph H. Hess, John J. Hopkins, Gilbert M. Hydo, Anthony J. Infelice, Richard T. Innes, Anthony Intrieri, Robert F. Jacilla, Robert J. Johnson, Thomas C. Kalb, John S. Kotyk, William T. Kuhl, Vincent J. Kwasnicki.

John LaBarbera, George M. Legaz, Charles L. Lewis, Richard J. LoGrippe, Gerard C. Leonard, Richard A. Lomax Jr., John J. Lombardi, Gabriel R. Lopez, Harry T. Lyde, Walter W. Lynch, Robert E. McGill, Michael J. McGoldrick, Joseph McGrath, Ger-

ard F. McMahon, Philip McNerney, Gregory D. McPherson, James E. Maceda, Joseph F. Mahoney, Thomas A. Mahoney, Patrick Maisch.

Lawrence Mangino, Dennis J. Manning, Rocco F. Marino, Robert W. Marshall, Salvatore A. Mattina, Victor Mayor, James R. Meehan, Ronald Mellette, Joseph M. Mendez, Matthew K. Mitchell, Robert F. Mitchell, Michael J. Moloney, Robert J. Mongelli, Thomas Morris, Craig T. Moruzzi, Peter J. Mulroy, Kingston G. Nelson, Dennis O'Hare, Roger E. Olsen, Thomas M. O'Malley.

Anthony FG. Orcinolo, Manross D. Perry, Anthony J. Pizzolo, Stephen F. Pohalski, Victor J. Positano, Raymond T. Powers, Anthony J. Provenzano, Howard J. Quigley, Donald Rauhofer, Charles W. Reass, Rocco A. Regina, Donald J. Reilly, Dale B. Riedel, Ernesto Rivera, Charles Robinson, William A. Robles, Gerard J. Rogers, Richard A. Ryan, Frank R. Salsa, Anthony Sambrato.

Robert L. Sanford, John R. Sardone, Gregory F. Schultz, Walter J. Schweitzer, James F. Sexton Jr., Lionel A. Simmonds, Phillip E. Smith, Robert Smith, Robert A. Sorrentino, Robert A. Sowinski, Pedro Soto, Michael S. Spalding, Brian P. Stack, Lawrence Steinberg, Robert Stevenson, Theodore Stith, Joseph C. Tabone, Terence J. Thompson, Thomas J. Traino.

Robert Unverzagt, Brian L. Vanderhoef, Edward G. Virbukas, Julio E. Vigo, John N. Volpe, Joseph N. Walker, Jerome Washington, Clarence R. Watson, William J. Wellock, Theodore Wess Jr., Joseph M. Wilczynski, David J. Wood, Michael J. Woods, Jimmie Woodson, Russell Zackman, Michael M. Zonis.

The following six women have been appointed to the position of policewoman on probation, effective Jan. 29.

Judith F. Ackerman, Catherine M. Braun, Kathleen T. Hunt, Carolyn E. Murray, Alicia C. Parker, Clarice Williams.

18 Retire

As of December 31, 1972, the following 18 members of the New York City Police Dept. retired:

Lieutenant Carmine D. Piccolo;
Sergeants John H. Comisky; George M. Kay;
Second Grade Detective Douglas J. Ferrary;

Third Grade Detectives Theodore R. Oates; David L. Campbell;

Patrolmen Evans E. Gibbs; James J. McLoughlin; Richard H. Hunt; Edward Orzech; Arthur J. Elliott; Joseph Wing; Thomas J. Skea; Anthony M. Rodriguez; Alfred J. Kiggins; Winfred M. Cook; John A. Jaeger;

Policewoman Madeline R. Kiggins.

Fire News

Special Honors

The following three Firemen First Grade of the Fire Dept. were awarded Merit Rating Class II (two points toward promotion) on Feb. 23: Robert J. Babstock, L. 120, James F. Keenaghan, E. 218, William D. Rice, L. 14.

The following four Firemen First Grade and Fire Marshal of the Fire Dept. were awarded Merit Rating Class III (one point toward promotion) on Feb. 23: John F. Quinlan, E. 5, Philip M. Mahaney, L. 103, Robert O. Stanton, L. 124, George A. Eckert, L. 9, Fire Marshal Anthony Romero, Bur. of Fire Investigation.

3 Make Lieutenant

The Fire Dept. has announced the promotion effective March 3, 1973, of the following firemen first grade to Lieutenant: James R. McNally, Richard H. Schulken, Andrew J. Babajko.

57 Retire

The Fire Dept. has announced the retirement of the following 57 members of the department effective between Feb. 5 and Sept. 15, 1973:

Deputy Chiefs of Department Arthur Sauthof, Joseph F. Klecka, Thomas R. Mosca, Walter G. Friton, Harold A. Anderson, Michael S. Barone.

Battalion Chiefs Jordan B. Casani, William A. Pfeffer, George R. Bell, Thomas J. M. Lyons, Anthony R. Bacic.

Captains Arthur Wagner, John M. Mikulasovich, Arthur W. Daunt, William T. Bulger, John J. Prendergast, Walter J. Conklin, Joseph L. Briggs, Robert M. Lynch.

Lieutenants Walter C. Lehman, William T. Owens, Frank P. Sposato, John R. Voigt, (Continued on Page 5)

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Fire News

(Continued from Page 4)

Edmund D. Hall.

Firemen 1st Grade Peter R. Avignon, Richard G. Orsini, Alfonso Kazlun, Robert C. Murray, Joseph G. Alenski, Joseph E. Grabowy, Robert A. Germann, Adolph T. Kostor, Arthur J. Cody, Joseph Flanagan, Charles W. Martell, William D. Murphy, Francis J. Murphy (2), William M. Wolf, Daniel Smith, John L. Lytle, Frank R. Colavito, Douglas Sloan, William J. Gillespie, John J. Valentine, Jr., Anthony C. Laiso, Nathan J. Capobianco,

James M. King, Joseph C. Rellly, Mario D. Farina, Michael D. Calandrillo, Edgar P. Murtie, George F. Vaeth, Carmelo C. Siracusa, William J. Hosford, Jr., John M. Brenner, Alexander C. Smoling, Angelo R. Bonifacio.

221 New Appointments

The city Dept. of Personnel has certified 221 firemen from a list which resulted from open competitive exam 0159, and one man from a special military list, for 100 position to be filled within the Fire Dept.

Certified from the open competitive list, established Jan. 18,

1973, are numbers 27 through 806. Number 3343 was certified from the special military list resulting from exam 7060, established August 20, 1968.

The Fire Dept. is now in the process of conducting medical and physical examinations, and should be hiring the required number of men by March 21, a department spokesman told The Leader. These men will swear in March 24 and begin their eight weeks of training March 26 at Welfare Island.

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Add 66 Exams To City Slate

Twenty-seven open competitive and 39 promotional examinations were tentatively slated for filing last week by the city Civil Service Commission.

Among the promotional exams are four newly created titles: associate budget examiner, associate management analyst, associate methods analyst and associate personnel examiner. Filing has been tentative-

ly scheduled for April.

All exams are listed below with their tentative filing periods. The Leader will report definite filing dates as they are announced.

Open Competitive

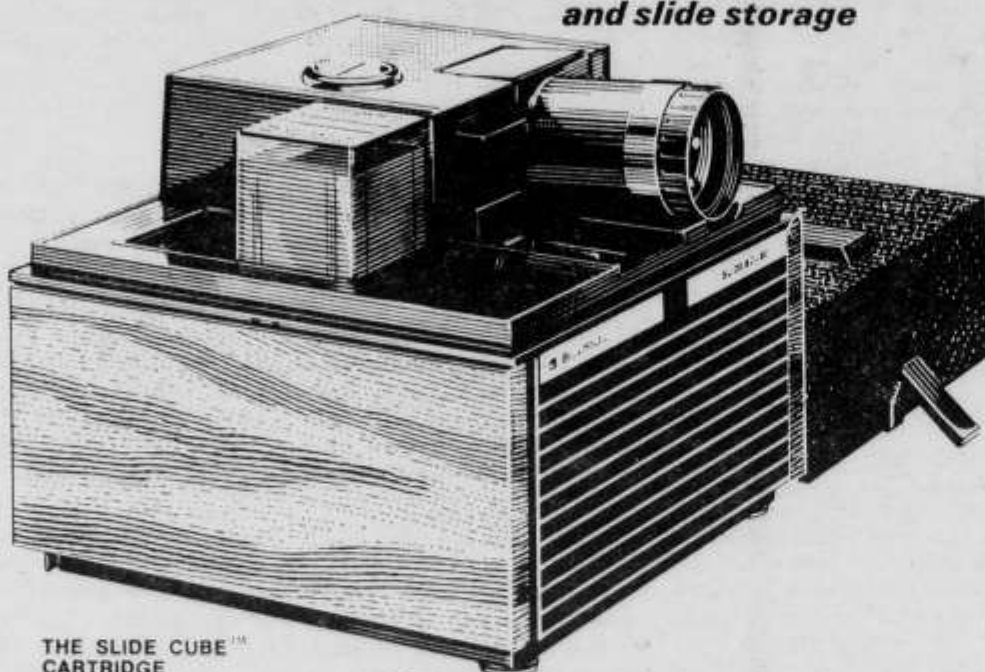
Administrative Assistant (Parking Violation Bureau), 6-73; Area Manager of School Maintenance, 9-73; Assistant

(Continued on Page 10)

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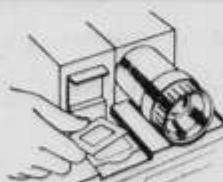


THE SLIDE CUBETM CARTRIDGE

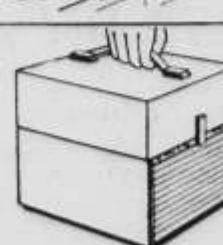
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Civil Service LEADER

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Published every Tuesday by

LEADER PUBLICATIONS, INC.

Publishing Office: 11 Warren Street, New York, N.Y. 10007

Business & Editorial Office: 11 Warren Street, New York, N.Y. 10007
212-BEeckman 3-6010

Bronx Office: 406 149th Street, Bronx, N.Y. 10455

Jerry Finkelstein, Publisher

Paul Kyer, Editor

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Kjell Kjellberg, City Editor

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N. H. Mager, Business Manager

Advertising Representatives:

ALBANY — Joseph T. Bellew — 303 So. Manning Blvd., IV 2-5474

KINGSTON, N.Y. — Charles Andrews — 239 Wall St., FEderal 8-8350

15c per copy. Subscription Price: \$3.70 to members of the Civil Service Employees Association. \$7.00 to non-members.

TUESDAY, MARCH 13, 1973

The Heart Of The Matter

IN ruling that a State law which limits the amount of overtime a civil servant could use in computing the basis for retirement benefits was unconstitutional when applied retroactively, Supreme Court Judge Sidney H. Asch did more than just render a decision. He also made some of the most succinct arguments concerning civil service pensions we have heard to date.

In his decision Justice Asch said: "To say after a wage bargain is made that only a portion thereof will be computed in the salary base for retirement purposes is to destroy the underlying premise of the wage bargain."

The judge said that civil service workers counted heavily on their pensions and that it was a major incentive in their employment.

"The civil servant," the judge wrote, "has undertaken the often dull or dangerous jobs which must be done, has given up the opportunities for large economic rewards. He has bargained away much of his legal freedom in return for the promise of security."

"It is not just the civil servant who envelops himself in the security blanket of the government," he continued.

"It is the farmer who receives subsidies for not working, the inefficient industrialist who is bailed out by government loans, the exploiter of natural resources whose gains are protected by tax shelters and loopholes."

Need anything more be said?

Questions and Answers



Q. My son, who's 39, has three small children. Since he recently developed a heart condition, his doctor won't let him do any kind of heavy work, and he's been driving a cab part time while looking for a full-time job. The family is really in need financially. Could he get monthly social security disability payments for himself and his family?

A. Probably not. To be able to get monthly disability payments, a worker's condition must be so severe that it prevents him from doing any substantial gainful work. Since your son does work part time as a cab driver and feels he could work full time, he probably wouldn't be considered totally disabled for social security purposes. However, if he thinks he might meet the requirements for disability benefits, he should apply for payments and have a federal determination made.

Q. After my husband died last May, my four children and I started getting monthly social security payments. Do I have to

report these payments as income and pay income tax on these benefits?

A. No. Social security benefits are not subject to Federal income tax.

Q. I'm planning a trip abroad next spring to visit some of my relatives. My doctor has told me I'll need several shots before I go. Will Medicare help pay for them?

A. No. Vaccinations or inoculations are covered under Medicare only if they are directly related to an injury or direct exposure to a disease. Preventive immunization, such as you'll be getting, is not covered.

Q. I'm a widow, and I've been working since 1962 when my husband died. In a couple of months I'll be 60. Although I'm not disabled, I do want to cut down on my work. Would I be able to get any kind of monthly benefits from social security?

A. You may be eligible for a reduced widow's benefit at 60. Call, write, or visit any social security office for more details.

Don't Repeat This!

(Continued from Page 1)

not exceed 20 percent of earnings in the preceding year.

While the decision specifically concerned pensions negotiated by the Transport Workers and the New York City Transit Authority, the ruling affects other public employees with similar formulas. Even more significantly, the decision confirms the constitutional protection now afforded to the pension rights of public employees.

Landmark Ruling

The landmark ruling was handed down by Manhattan Supreme Court Justice Sidney I. Asch, a former Assemblyman and law professor at New York Law School. In discussing the collective bargaining that results in a pension formula, Justice Asch said: "Wage negotiations are bargained as 'package deals' on which prices are set. For the civil service employees, the price of the pension plan, whether specifically discussed or not, is part of the total wage package negotiated. To say after this wage bargain is made that only a portion thereof will be computed in the salary base for retirement purposes is to destroy the underlying premise of the wage bargain."

In emphasizing the constitutional protection that covers pension rights, Justice Asch said: "Any law which attempts to modify the [pension] formula is an attempt to modify a contractual right guaranteed by the Constitution."

Justice Asch, whose legislative experience has given him profound insights about the dedication of civil service employees, said: "The civil servant has undertaken the often dull or dangerous jobs which must be done, has given up the opportunities for large economic rewards. He has bargained away much of his legal freedom in return for the promise of security. The purpose of the pension provisions is to provide an incentive for faithful service by assuring civil service employees of an adequate living income after their ability to work for the government has diminished by reason of age and disability."

There is much in Justice Asch's decision which makes it must reading for the members of the State Legislature and of the Permanent Commission on Pensions. "The call for 'free enterprise,'" Justice Asch wrote, "is always most strident when there is opposition to higher taxes or new union demands, rather than when domestic manufacturers call upon government to raise protective tariffs. It is not just the civil servant who envelops himself in the security blanket of the government, instead of relying on private initiative. It is the farmer who receives subsidies for not working, the inefficient industrialist who is bailed out by government loans, the exporter of natural resources whose gains are protected by tax shelters and loopholes."

There is much wisdom in Justice Asch's sensitivity to the problems of the civil service employees. The Legislature would do well to follow the lead of the Justice by promptly killing the pension program proposed by the Pension Commission. It would be far wiser to destroy that pension program than to destroy employee morale.

Civil Service Law & You

By RICHARD GABA



Mr. Gaba is a member of the firm of White, Walsh and Gaba, P.C., and chairman of the Nassau County Bar Association Labor Law Committee.

No-Fault Insurance

(Second Part of Two-Part Article)

No-fault insurance benefits are payable to persons other than the occupants of another motor vehicle, for the loss arising out of the use or operation of the insured vehicle in this State and the owner and members of his household for loss arising out of the use or operation of an uninsured vehicle in this State.

The insurer has the option of excluding from coverage the drunken or drugged driver, the driver committing a felony or seeking to avoid arrest, the participant in a race or speed test, the person driving or occupying a vehicle known to be stolen, and the person intentionally causing his own injury.

If the accident involves an uninsured defendant, the rights of the insurance carrier are similar to those that an insurance carrier has in workmen's compensation matters—the insurance carrier is given a lien for no-fault benefits paid and may bring a separate action against the tortfeasor to enforce the lien if the injured party does not do so within two years.

PAYMENT OF FIRST party benefits are to be made as losses are incurred. They are overdue if not made within 30 days of proof of loss. Overdue payments bear 2 percent monthly interest. An attorney's fee is recoverable if suit to collect a claim is necessary. The claimant has the option of having his claim arbitrated.

There are provisions in the new law for recomputing premiums and giving refunds of excess rates, including investment income in rating computations, establishment of profitability criteria by the Superintendent of Insurance, optional double first party benefit offerings, and guaranteed renewals for three years.

The bill provides that the no-fault benefits are subrogable as between insurance companies; however, the recovery for no-fault benefits as between companies will not be payable out of any liability coverage contained in an automobile liability insurance policy. Thus, the whole of bodily injury liability coverage is preserved for the recovery of "pain and suffering" immune to any lien or subrogation deduction.

THE NEW LAW will have several positive effects. First, it will cut down on congestion and calendar traffic jams in the local civil courts and State Supreme Courts. Secondly, it will reduce premiums slightly. The assured will be reimbursed for out-of-pocket expenses much more expeditiously. The bill will also clamp down on fraudulent cases. Finally, the bill eliminates the psychological trauma of being accused of a wrong as a result of comparatively minor accidents.

There also have been many complaints about the new law. Claims have been made that the statute discriminates against the poor, particularly regarding the \$200 deductible provisions, and the \$500 floor on medical expenses where a serious injury has not occurred. Only liability premiums are reduced. Rates are still determined on a local, rather than a statewide basis. Moreover, the new law does nothing to eliminate the inequities of the underwriting insurance companies, i.e., assignment to a high risk pool without justification. Finally, the bill fails to include herniated discs and simple fractures in the definition of "serious injury."

Chatham Workers Vote For CSEA

CHATHAM — The Civil Service Employees Assn. was elected as bargaining agent for the non-instructional employees of the Chatham Central School District in a Public Employment Relations Board election held on March 2.

The vote was 61 in favor of CSEA and 9 in favor of no representation. There are 97 employees eligible to vote in the unit which is composed of custodians, maintenance workers, clerical workers, cafeteria employees and bus drivers. Bargaining is expected to start with the school district shortly, according to a CSEA spokesman.

Lloyd Harbor Mediator

LLOYD HARBOR — The New York State Public Employment Relations Board has announced that Leon Applewhite of PERB's New York City office has been appointed as mediator to the contract dispute between the Village of Lloyd Harbor in Suffolk County and the Civil Service Employees Assn.

False Alarms Drop: Lowery

Malicious false alarms declined in February, according to Fire Commissioner Robert Lowery, for the fifth consecutive month. They dropped by 1,165 to 5,627.

Cumulative totals also decreased, Lowery said, from 11,597 false alarms registered for the first two months of 1973 compared to 13,843 for the first two months of last year.

Lowery attributed the improvement to the Community Relations Bureau's Youth Dialogue program, a federally sponsored project involving direct contact between youths from high false alarm areas and members of the Fire Dept., as well public education campaigns and television spots, financed by contributions from the Association for a Better New York, the Uniformed Fire Fighters Association, and the Uniformed Fire Officers Association.

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Pharmacist	14,040
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Sr. Bldg. Custodian	9,750
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Ruling Allows Overtime For Pension Computations

(Continued from Page 1)

the salary base for retirement purposes could not be more than 20 percent higher than a worker's previous year's salary.

When he retired, Kleinfeldt was earning \$4.65 an hour. From April 1 to May 6, 1972, he earned \$956.60. In the same period in the previous year, he had earned \$3.89 an hour totaling \$769.50. For the period in question — between the time the law took effect and Kleinfeldt retired — he earned \$33.50 more than the 20 percent limit. This amount was deducted from his final year's salary base for computation of his pension.

In his decision Justice Asch said: "To say after this wage bargain is made that only a portion thereof will be computed in the salary base for retirement purposes is to destroy the underlying premise of the wage bargain."

The judge said that civil service workers counted heavily on their pensions and that it was a major incentive in their employment.

"The civil servant," the judge wrote, "has undertaken the often dull or dangerous jobs which must be done, has given up the opportunities for large economic rewards. He has bargained away much of his legal freedom in return for the promise of security."

"It is not just the civil servant who envelops himself in the security blanket of the government, instead of relying on private initiative," he continued.

"It is the farmer who receives subsidies for not working, the inefficient industrialist who is bailed out by government loans, the exploiter of natural resources whose gains are protected by tax shelters and loopholes."

For civil service employees, Justice Asch said, the pension plan is part of the total wage package and cannot be legally changed retroactively.

The annual pension for most retirement system members is equal to about one half of their last year's pay, the judge noted.

Kleinfeldt's current pension is about \$395 a month, but it could not immediately be determined how much additional he will get as a result of the rulings.

A spokesman for the City Corporation Counsel said it could be presumed that the city would appeal the ruling. He also said there was no way of telling how many workers would be affected. (Full text of the opinion is reprinted below.)

★ ★ ★

Plaintiff Kleinfeldt worked for the City Transit Authority, and its predecessor, from Feb. 25, 1952 to May 6, 1972, at which time he retired at the age of sixty-two. Pursuant to the Administrative Code, section B3-36.6 after twenty years of service an employee can retire and, after he reaches fifty years of age, receiving an amount "equal to one-half of his salary or compensation earnable by him for transit service in the year prior to his retirement."

However, section 431 (4) of the Retirement and Social Security Law; effective "on or after April first, nineteen hundred seventy-two" provides that the "portion of compensation earned during any twelve months included in such salary base period which exceeds that of the preceding

twelve months by more than twenty per centum . . . shall not be includable in the salary base for retirement purposes. In accordance with this statutory provision and with the opinion of the corporation counsel dated Aug. 15, 1972, there was a deduction of \$33.50 in the final year salary base of the plaintiff for pension purposes.

Since the above facts are undisputed, the only issue presented is whether section 341(4) by its own terms, or as it has been applied, is violative of the State Constitution, Article V, section 7. It is provided there that after July 1, 1940 "membership in any pension or retirement system of the State or of a civil division thereof shall be contractual relationship, the benefits of which shall not be diminished or impaired."

Kleinfeldt's pension benefits were adversely affected by the provisions of section 431 (4) of the Retirement and Social Security Law in a manner which will continue so long as his pension continues. He contends that the statutory provisions conflict with Article V, section 7 of the New York State Constitution and seeks an adjudication that he is entitled to retirement benefits calculated on an unexpurgated salary base.

Before July 1, 1940, the effective date of the constitutional amendment, the law was clear that no member of the city or state retirement systems acquired a vested right to benefits until his right to retirement actually matured. Prior to the date of such member's retirement, the inchoate pension was deemed gratuitous and could be modified or revoked by legislative mandate (Roddy v. Valentine, 268 N.Y. 228, 1935). To provide the civil servant with a vested right the constitutional amendment was adopted, making the benefits of the Retirement System an enforceable contract (Matter of Day v. Mruk, 307 N.Y. 349, 1954).

The Court of Appeals, thereafter, consistently resisted any attempt to take away the rights guaranteed by Article V, section 7 of the Constitution of the State of New York (Birnbaum v. Teachers' Retirement Systems, 5 N.Y. 2d 1, 1958; Matter of Ayman v. Teachers' Retirement Board, 9 N.Y. 2d 119, 1961), especially when the attempt was to be effected retroactively (Matter of Fisher v. State Retirement System, 279 App. Div. 315, 3d Dept., 1952, aff'd, 304 N.Y. 899, 1953; Cashman v. Teachers' Retirement Board, 193 Misc. 57, Sup. Ct., N.Y. County, 1948, aff'd 275 App. Div. 905, 1st Dept., 1949, aff'd, 301 N.Y. 501, 1950; 44 N.Y. Jur., Pensions and Retirement Systems, sec. 27 at 310).

As the court said in *Kranker v. Levitt* (68 Misc. 2d 224, Sup. Ct., Albany Co., 1971), when it found subdivision 1 of this section 431 unconstitutional as concerned the exclusion of vacation benefits from the salary base of those who entered the retirement system prior to April 1, 1972:

"This declaratory judgment action poses important and far-reaching questions as to the administration of New York State Retirement System. It shall have a great financial effect on the employee who is within reach of the golden years of retirement. The employee has relied upon the security offered by membership in the Retirement System

which is generally regarded as an inducement to employment in State Service. It shall be of great importance to the service with the knowledge of the benefit . . ." (at p. 227).

In affirming the *Kranker v. Levitt* decision, the Court of Appeals in a per curiam opinion (30 N.Y. 2d 574, 1972), stated that to include certain cash payments in determining the salary base for the computation of retirement benefits constituted a valid contract between the Retirement System and its members; and that such payments further represented compensation for services rendered.

"Accordingly, the plaintiff and all others similarly situated have acquired a vested right to the aforesaid benefit, and that benefit may not now be constitutionally impaired. That being so it follows that subdivision 1 of section 431 of the Retirement and Social Security Law . . . violates section 7 of Article V of our State Constitution if retroactively applied to the plaintiff and similarly situated."

The reasoning in the *Kranker v. Levitt* case (supra), seems significant in this controversy. The Court of Appeals there affirmed the Supreme Court in insisting that the statutory amendment could not be applied retroactively; and that, to the extent that it was valid, it was so only in so far as the new provisions could affect only those civil service employees hired subsequent to the date of its passage; to apply it retroactively was to impair the contractual right of vested employees to receive their retirement benefits.

This view finds additional support in the law. Statutory Construction Law, section 51(e) states "The Legislature . . . may not enact retroactive statutes which will impair constitutional rights." and the annotation thereto (McKinney's, Consol. Laws, sec. 51, at pp. 98199) expands this statement to encompass any "statute, which by reason of its retroactive operation impairs the obligation of a contract; deprives a person of due process of law; . . . or interferes with a vested right . . ." Further as clearly set forth in the annotation: "[W]hen the validity of a statute can be upheld by giving it a prospective operation although a contrary construction would result in its invalidity, the courts will resolve every doubt in favor of the validity of the statute."

The growing concentration of industry, the spread of urban life, the increasing substitution of collective for individual bargaining in labor relations, the gradual breakdown of the economic sanctity of contract, and finally, the enormous proliferation of the welfare and regulatory functions of the state, have transformed society. Maine's celebrated dictum that the progression from feudalism to free enterprise was essentially a movement from contract to status, has gradually been modified by events which have narrowed the freedom of the individual by the restrictions of status (Friedmann, W., Law in a Changing Society, Penguin Books, 1964, p. 89). The civil servant has undertaken the often dull or dangerous jobs which must be done, has given up the opportunities for large economic rewards. He has bargained away much of his

legal freedom in return for the promise of security.

The call for "free enterprise" is always most strident when there is opposition to higher taxes or new union demands, rather than when domestic manufacturers call upon government to raise protective tariffs. It is not just the civil servant who envelops himself in the security blanket of the government, instead of relying on private initiative. It is the farmer who receives subsidies for not working, the inefficient industrialist who is bailed out by government loans, the exploiter of natural resources whose gains are protected by tax shelters and loopholes.

For labor and management groups alike, wage negotiations are bargained as "package deals" on which prices are set. The parameters of the price package are hammered out together with the point-by-point allocations. Thus, the greater percentage of the package that is spent in an across-the-board increase, the less the other benefits. For the civil service employees, the price of the pension plan, whether specifically discussed or not, is part of the total wage package negotiated when salary raises are determined. Pensions are bargained as an integral part of the wage-and-fringe benefit calculus.

In a spiraling price economy, the security conscious worker is worried about his post-laboring years as a pensioner on a fixed income in an inflation economy. The negotiation-table bargain, therefore, has been for a pension equal, for most retirement system members, to one-half the last year's pay, which pay in an inflated economy is the highest pay most likely achieved, and the half of which will have to provide for the pensioner's remaining years in an economy which may increasingly devalue its worth. To say after this wage bargain is made that only a portion thereof will be computed in the salary base for retirement purposes is to destroy the underlying premise of the wage bargain.

This bargain has been enacted into law. In 1967 (L. 1967, ch. 171, sec. 1, ch. 584, sec. 1) the Legislature provided for the sanitationmen, and in 1968 (L. 1968, ch. 290, sec. 1) for the transit employees, the right to have pensions computed to produce a retirement allowance equal to one-half of the employee's annual salary for the year prior to retirement. This is the law. The Legislature may try to negotiate a lower salary; but any law which attempts to modify the formula rather than the input data is an attempt to modify a contractual right guaranteed by the Constitution.

The legal arguments asserted by the defendant and the attorney general do not meet the challenge of the socio-economic factors or of the law. The clear purpose of the Legislature in passing section 431 to slow down the costs of pensions given public employees does not overcome its violation of the constitution (*Kranker v. Levitt*, supra; cf. *Home Building & Loan Association v. Blaisdell*, 290 U.S. 398, 1934; *El Paso v. Simmons*, 379 U.S. 497, 1965; *Legis. Conference of the City University v. Board of Higher Education*, 67 Misc. 2d 648, Sup. Ct., N.Y. Co., 1971, appeal dismissed 38 A.D. 2d 524, 1st

Dept., 1971).

Defendant asserts that section 431 (4) is not a limitation on retirement benefits but a limitation on salary. But increased salary payments represent compensation for services actually rendered, and are properly includable in the computation of a member's final average salary (*Kranker v. Levitt*, supra; cf. *Hoar v. City of Yonkers*, 295 N.Y. 274, 1946; *Doyle v. Wainwright*, 201 Misc. 884, Sup. Ct. Westch. Co., 1951; *White v. Hussey*, 275 App. Div. 714, 2d Dept., 1949).

Defendant claims that section 431 constituted a sort of implied waiver, with the consequence that any member of the retirement system who accepted a pay check after its operative date waived his right to have his entire compensation used in computing his retirement benefits. But his argument is not supported by the cases (*Brooks v. City of New York*, 68 Misc. 2d 866 [Sup. Ct. N.Y. Co., 1972]; cf. *Matter of Carol v. Grumet*, 281 App. Div. 35 [1st Dept., 1952] lv. den., 281 App. Div. 863 [1st Dept. 1953] appeal dismissed 305 N.Y. 692, 1959; *Matter of Rosen v. New York City Teachers' Retirement Board*, 282 App. Div. 216 [1st Dept., 1953] aff'd 306 N.Y. 625, 1953; *Doyle v. Wainwright*, supra).

Finally, defendant urges, and the Attorney General apparently supports the proposition, that section 431(4) does not diminish or impair retirement benefits already earned by virtue of past service, but merely limits the benefits to be earned by virtue of service rendered after April 1, 1972, the effective date of the statute. In face of the decided cases, this is an untenable position (e.g., *Matter of Ayman v. Teachers' Retirement Board*, supra; *Birnbaum v. Teachers' Retirement System*, supra; *Matter of Fisher v. State Retirement System*, 279 App. Div. 315, 318 [3rd Dept., 1952] aff'd 304 N.Y. 899, 1953; *Cashman v. Teachers' Retirement Board*, supra; *Kranker v. Levitt*, supra; *Matter of Lecci v. Levitt*, 71 Misc. 2d 1091 [Sup. Ct., Albany Co., 1972]).

The purpose of the pension provisions is to provide an incentive for faithful service by assuring civil service employees of an adequate living income after their ability to work for the government has diminished by reason of age and disability.

Before the famous trilogy of cases in 1937 (*West Coast Hotel v. Parrish*, 300 U.S. 379, 1937, upholding a minimum wage statute; *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1937, upholding the National Labor Relations Act; and *Steward Machine Co. v. Davis*, 301 U.S. 548, 1937, upholding the Social Security Act), the protection of property rights primarily benefited a very limited class of owners of land or commercial and industrial interests often curtailing the minimum essentials of the rest of the community. However, the common law conception of property was never restricted to the bare protection of "things" but extended to a broader range of legitimate economic interests and expectations. For the vast majority of those who work for government, a most essential economic interest is the right to use one's labor and skill and to be protected when one can no longer produce

(Continued on Page 9)

Onondaga PERB Rules Against Splintering Unit Off From Cnty. Chapter

(Special to The Leader)

SYRACUSE—The Onondaga County Public Employment Relations Board has issued a decision in favor of the Civil Service Employees Assn. turning down a petition by Local 71-71a of the International Union of Operating Engineers to combine the sewage treatment plant operators in a "community of interest" with some 40 employees they currently represent.

The Operating Engineers union had contended that since a similarity existed in working conditions, pay and hours of employment, there should have been justification to establish a community of interest, under Section 207 (a) of the Taylor Law, between their employees and the more than 100 sewage treatment plant operators currently represented by the Onondaga County chapter of CSEA.

Placito Argument

Andrew Placito, Onondaga County CSEA chapter president, and Earl Boyle, CSEA regional attorney, argued against the petition stating that "while a community of interest may or may not exist, there is still more justification necessary to break up an established bargaining unit."

The PERB hearing officer, Irving R. Markowitz, noted that the employees in each of the groups "spent at least some of their time doing work that closely resembles the work of

employees in the other group." He cited the Janesville Penitentiary where the operating engineers alone run the sewage treatment plant.

Markowitz further stated, however, that "the case turns not on the question of community of interest but, instead, on whether there is a sharp conflict of interest between the employees that the employer has cast into a single unit."

The two groups currently have different salary plans, fringe benefits and personnel policy. Alluding to this, the PERB officer said, "It is clear that the law as it presently stands will not permit the hearing officer to inconvenience the public employer by breaking up an established unit unless a sharp conflict of interest exists between the employees cast in a single bargaining unit."

The policy mandated by the state is that "fragmentation is to be avoided unless there is present such a conflict of interest as to preclude effective and meaningful negotiations."

Ⓢ CSEA calendar Ⓢ

Information for the Calendar may be submitted directly to THE LEADER. It should include the date, time, place, address and city for the function.

March

- 13—New York City chapter executive board meeting: 5:15 p.m., Gasner's Restaurant, 76 Duane St., Manhattan.
- 13—Metropolitan Conference grievance night (and every Tuesday): 4:30 to 7:30 p.m. for field staff, CSEA regional office, 11 Park Place, Manhattan.
- 14—Capital District Retirees chapter meeting: 1 p.m., CSEA Headquarters, 33 Elk St., Albany.
- 14—Onondaga County chapter meeting: 7:30 p.m., American Legion Post 1276, 101 Nicholas Ave., Eastwood.
- 14—Capital District Retirees chapter meeting: 1 p.m., conference room, CSEA Headquarters, 33 Elk St., Albany.
- 14—Dutchess County Educational Employees chapter meeting: 7:30 p.m., Poughkeepsie High School.
- 19—Capital District Conference meeting: 5:30 p.m., Sheraton Inn Towne, Albany.
- 20—Binghamton Area Retirees chapter meeting: 8 p.m., Centennial Room, 3rd floor, Binghamton Savings Bank, Exchange St., Binghamton.
- 21—Suffolk Retirees chapter meeting: 1 p.m., Robbins Hall, Central Islip State Hospital, Carleton Ave., Central Islip, L.I.
- 26—Mental Hygiene Employees Assn. meeting: 12:30 p.m., Conrad Room, 4th floor, Waldorf-Astoria Hotel, Manhattan.
- 26—Statewide Board of Directors meeting: Waldorf-Astoria Hotel, Manhattan.
- 27-30—Statewide Delegates Meeting: Waldorf-Astoria Hotel, Manhattan.

April

- 27-28—Central Conference meeting: Treadway Inn, Oswego.

New Pension Plan Could Mean 5% Pay Cut, Grossfield Warns

ROCHESTER—Enactment of the proposed new uniform public pension system in the State Legislature would be equivalent to a 5 to 10 percent pay cut for public employees, says the president of the Civil Service Employees Assn.'s Western Conference.

"By recommending that everybody start contributing 50 percent toward his pension, the state's Permanent Commission on Public Employee Pension and Retirement Systems is saying to state employees, 'We're going to cut your pay,'" according to Samuel Grossfield.

Grossfield also contended that state employees accepted improved pension benefits over the past 14 years as an alternative to substantial salary increases.

"But the state didn't do us any favor," he said. "If we had those

higher wages, we'd also have better pensions when we retired, because pensions are based on past salary. Now the state wants to punish us for having accepted what was more economical for them."

To Alert The Public

Grossfield, one of several speakers at a Rochester press conference on the pension proposals, spoke following the conference, the fourth in a series of sessions a union coalition is holding throughout the state to alert the public.

Theodore C. Wenzl, CSEA president and co-chairman of the New York State Conference of Public Employee Organizations, attended the press conference. Others attending were Al Sgaglione, president of the Police Conference of New York Inc.; Martin Koenig, president of CSEA's Monroe County chapter; Pat Timineri, president of the Rochester State Hospital chapter, and Carmen Farrugia, president of the State Agricultural and Industrial School chapter at Industry.

Following the press conference, held at the Holiday Inn Downtown, Dr. Wenzl, Grossfield and Koenig met with editorial writers.

"Time and time again," Grossfield said, "the media associate us with legislators and other elected officials, who have quite substantial pensions. By doing this, the media exaggerate the picture of the rank and file, who certainly won't receive any retirement windfall."

Below Poverty Level

Until two years ago, the average state employee pension was only \$1,800, Grossfield said. Since 1970, state pensions have been averaging \$3,000 to \$4,000,

"which is still below the poverty level."

By their unwarranted attacks on state employee pensions, legislators "are using us as whipping boys because they think the public will reward them," he said. "But charity begins at home. They even have lulus (expense accounts) which are figured in for their pensions."

Grossfield said attacks on state pensions are aimed at the wrong targets. "We need more understanding and assistance, not abuse and reduction of benefits. We won't tolerate it. We're not going to take it lying down."

Public employees are being made scapegoats because money has been overspent on Governor Rockefeller's projects, he said. "Singling out public employees to make up for the millions squandered in the past is an old story."

Grossfield said that the pension proposals were unilaterally inspired because there were no representatives from public employee unions on the commission making the proposals.

The proposals would "create chaos and cause resentment among employees because new workers, who'd be getting reduced benefits, would be working side by side with workers getting different benefits," he said.

The recommended changes also would be the beginning of the undermining of other previously won contract improvements, such as health insurance, Grossfield contended.

Breakdown Of Morale

"Everyone can save money by simply turning back the clock, but no private organization would do it because they'd have an uprising, a complete breakdown of morale. Benefits like these have taken employees of private industry a half century to obtain."

He said that when Eastman Kodak Co. or any other company increases its manpower, it also increases its cost of doing business with more pensions and other benefits.

"There's no way you can reduce costs without attacking the foundation of the accepted belief that in a person's later years, he must be able to retire in dignity," he said.

Because their contracts are renewed every year, public employees of political subdivisions like cities and counties could be hurt even more by the commission proposals, he said.

No public employees have large reserves like bank accounts and stocks and bonds to draw from in their retirement, he said. "The truth is that we get modest salaries and modest pensions."

Grossfield also attacked the state's handling of the pension fund, saying fund investments were paying only 2 or 3 percent in the past and still are paying under 5 percent when they should be getting at least a 6 percent return today.

"If the state had invested the funds more astutely, the better returns would have helped reduce its contributions to the fund," he said. "So I say to the state, 'Don't visit your negligence on us.'"

Asch Ruling

(Continued from Page 8)

tively employ them. The civil servant's earned pension is no less entitled to be protected as a property right than the stocks and bonds which constitute the capital of inherited wealth. "The notion that private property is an essential condition of human freedom is still accepted. We are perhaps giving the idea a greater practical effect than did our predecessors" (Harding, *Free Man Versus His Government*, 1958, p. 106).

There can only be one determination as to the validity of Subdivision 4 of section 431 of the Retirement and Social Security Law: It would be unconstitutional to apply the same to any civil service employee who became a member of the retirement system prior to the effective date, April 1, 1972, of this enactment, although its prospective application is within the bounds of legislative enactment.

Accordingly, summary judgment is granted to the extent of declaring that as to the plaintiff and those similarly situated, section 431(4) cannot constitutionally be applied.

Settle order.



HAVING A BALL — Charles Peritore, standing, president of Craig State School chapter of the Civil Service Employees Assn., stops by table of party-goers at the chapter's annual Valentine Ball. Seated, from left, are Vincent Loncao, Andrew Buchanan, Adelbert Dyer, Mrs. Buchanan and Mrs. Loncao.

Increase Appropriation For Willowbrook

(Special To The Leader)

ALBANY — The State Department of Mental Hygiene has estimated that it will have spent \$31 million by the end of the present fiscal year, March 31, for the operation and improvement of the Willowbrook State School for the mentally retarded. This figure is \$2.3 million dollars higher than the amount spent in the previous fiscal year.

This progress report was part of open affidavits filed in connection with a court case involving Willowbrook State School. The papers trace the steps which the State has taken since January 1972 to relieve the overcrowding situation and improve the conditions for patient care at Willowbrook.

In outlining the fiscal picture, Dr. Frederic Grumberg, Mental Hygiene deputy commissioner for mental retardation

and children's services, noted that in January 1972, after a full year of fiscal austerity, Willowbrook's annual level of expenditure was \$27.9 million for its 5,200 residents.

That month the department began to hire 300 additional clinical employees at the Staten Island facility.

The Legislature appropriated \$30.7 million for the operation of Willowbrook in fiscal 1972. The \$31 million figure was revised in

late December.

The proposed appropriation for Willowbrook next year, fiscal 1973, is \$35.5 million — a 4.5 percent increase over fiscal 1972.

In addition, Dr. Grumberg said that another \$803,000 has been recommended for preparing plans to air condition various buildings at Willowbrook and another \$134,000 has been proposed to install insect screens on the terraces of baby buildings: 12, 14, 16, 26 and 28.

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(Continued from Page 5)
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Management Analyst Trainee,

7-73; Marine Oiler, 6-73; Personnel Examining Trainee, 7-73; Plumbing Inspector, 6-73; Principal Urban Designer, 8-73; Public Health Sanitarian Trainee, 7-73; School Custodian Engineer, 7-73; Senior Planner, 8-73; Ship Carpenter, 6-73; Supervising Computer Operator, 6-73; Supervising Custodial Foreman, 7-73; Supervising Physician and Surgeon (NYCTA), 6-73; Trackman, 9-73.

Promotional

Administrative Assistant (IBM Equipment), 5-73; Administrative Assistant (UNIVAC), 5-73; Ad-

ministrative Personnel Examiner, 7-73; Assistant Civil Engineer, 7-73; Assistant Marine Engineer (Uniformed), 7-73; Assistant Microbiologist, 6-73; Associate Personnel Examiner (Engineering), 7-73; Buyer, 6-73; Captain, (Men), 4-73; Captain (Sludge Boat), 7-73; Captain (Women), 4-73; Foreman (Elevators and Escalators), 9-73; Foreman (Railroad Watchman), 7-73; Principal Examining Trainee, 7-73; Principal Human Resources Specialist (Management), 7-73.

Power Distribution Maintainer, 5-73; Principal Urban Designer, 8-73; School Custodian Engineer, 6-73; Senior Inspector of Ports and Terminals, 6-73; Senior Plumbing Inspector, 7-73; Senior Purchase Inspector, 7-73; Senior Purchase Inspector (Pipes and Castings); Senior Purchase Inspector (Printing and Stationary), 7-73; Senior Traffic Control Inspector, 7-73; Senior Waterfront Construction Inspector, 6-73; Signal Maintainer, 7-73.

Structure Maintainer (Groups A, B, C, D and E), 8-73; Supervising Clerk, 7-73; Supervising Boiler Inspector, 7-73; Supervising Custodial Foreman, 7-73; Supervising Demolition Inspector, 7-73; Supervising Inspector of Ports and Terminals, 5-73; Supervising Stenographer, 7-73; Supervisor of Bridge Operations, 7-73; Supervisor of Electrical Installations, 6-73; Supervisor (Structures, Group C), 6-73; Wiper (Uniformed), 7-73.

Asst. Bridge Op.

Of the 277 candidates who applied for open competitive exam no. 2032, assistant bridge operator, during November, 1972, 45 were found not qualified by the city Dept. of Personnel.

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FIRE FLIES.

by Paul Thayer

At 3 a.m. from my window in Holy Name Hospital in Teaneck, New York looks like a carpet of diamonds, pearls, rubies, and sapphires rather than a big city in which the police blotter probably shows that some unnamed derelict was found dead in some flop house near Chinatown, or that a three-car accident killed three and injured two on the Cross Bronx Expressway, or that Margaret Kelly, while on special medication to encourage multiple births, brought forth three babies in a midtown hospital, or that George Goldfarb, a taxi driver, got a bullet through his head because, as a taxi driver in Brownsville, he wasn't smart enough to know that it was time to quit rather than fight about his right to keep his hard-earned night receipts.

Mary McLusky was telling George McVey (over the noise of the Jerome Ave. elevated) that they would have to stop seeing each other like this. Around the corner at 2145 Southern Boulevard in a five-story type B 25x50-foot tenement, Fireman Albert Miskiewicz of Ladder Co. 38, who came down leisurely from Granite Springs, N.Y., to make a relief about 5 p.m., expected to have a few small jobs and maybe a two and two, then call it a night with 38 Truck, as is usually the case.

However, here he was at 3:40 a.m. cast in the role of savior to a 20-year-old kid named Raymond Ross whom fate had, at

that very moment, placed in a fourth floor burning apartment very much in need of rescue. This didn't exactly have anything to do with him personally, but somebody HAD started a fire and Ray DID live there and Al Miskiewicz WAS a fireman. While none of them had met before, they were all sure as hell meeting now. Al Miskiewicz held all the aces in the form of a twenty-foot scaling ladder which is a flimsy matchstick sort of contraption invented by Leonardo Da Vinci for use in rescuing people in Venice. There, the whole fire department is one big marine division and the scaling ladder is the answer to a lot of

otherwise unanswerable questions such as "How the hell do I get out of here, if I get out at all?"

Neither Fireman Al Miskiewicz, the rescuer, nor Ray Ross ever imagined they would meet that night. But there was Al, going from the second to the third and then to the fourth floor just as he had been taught to do at school but never thought he'd have to do in real life anymore than Jimmy Walsh of 28 Truck thought he'd find himself dangling on the end of a roof rope one Saturday afternoon going after Minnie Jones, who kept yelling at me to stop taking her picture and get her the hell out of there because her pants were starting to burn! Al Miskiewicz held Ray Ross on the scaling ladder and both took a hell of a feed until "the engine company made the situation tenable," as the report said, and Mini got snatched to safety by some guy from Squad I just as Jim Walsh was about to get her.

Why all these thoughts should

find themselves going on paper at 3 a.m. looking out at New York is about as unanswerable as the question why an ugly city should look like a carpet of diamonds. Maybe the night Leonardo Da Vinci got his idea for the scaling ladder, Venice looked the same way to him. Funny thing how from then to now people just keep on doing things, not wondering much why fate put them in that spot to play out their little parts in a night full of jewels.

Comm. Liaison Jobs

The city Dept. of Personnel has announced the certification of 109 community liaison workers from the eligible list which resulted from open competitive exam 0088 which was established March 9, 1972. The Housing and Development Administration has 40 openings for such workers, to start at a salary of \$8,300. Certified were numbers 276 through 380.

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Practical Nurse, Attorney Trainee State Filing Open

The New York State Department of Civil Service has opened filing for practical nurse and for a trio of legal titles—attorney, assistant attorney and attorney trainee. Application is open without deadline.

A license as a practical nurse in New York State is required for practical nurse applicants, but U.S. citizenship is not required. Jobs exist in the hospitals, schools, and institutions under the Department of Mental Hygiene. Many vacancies are reported. Salary is \$6,411 to start.

Application should be made directly to the personnel officer of the institution at which employment is desired. A complete listing of mental hygiene facilities is available at the state Department of Civil Service offices. See Page 15 for addresses.

Law school students in their senior year may apply for attorney trainee, a \$9,936 post which offers legal training to those who have not yet passed the bar exams. Upon admission to the Bar, attorney trainees will be appointed to assistant attorney.

Candidates for assistant attorney, at \$12,588, must be members of the New York State Bar. Candidates for attorney, at \$19,507, must be members of the New York State Bar. Candidates for attorney, at \$19,507, must be members of the New York State Bar and have two years' experience in law practice.

A short written exam will be held as needed at various locations around the state.

Among the many other New York State Jobs open for application without deadline are: rehabilitation counselor trainee, hospital administration intern, senior occupational therapist, senior physical therapist, senior speech and hearing therapist, senior recreation therapist, assistant clinical physician, clinical physician I, clinical physician II, junior engineer, correction officer (male), public librarians, caseworker (outside of New York City), tax examiner and tax examiner trainee.

More information and application forms may be obtained at offices of the New York State Department of Civil Service. See "Where To Apply" on Page 15 for addresses.

18 Employees Get Suggestion Awards

Eighteen state employees received cash and certificate awards last week in the February installment of the State Employees Suggestion Award Program. The top award of \$30 was shared by George E. Cusack, Jr., of Troy and Joan C. Belegarde of Rensselaer, both employees of the Department of State.

Awards of \$25 went to Lillian Barone of Buffalo, Dept. of Health; Paul H. Brendel of Buffalo, Dept. of Labor; Kishor M. Dave of Manhattan, Dept. of Labor; Patricia K. Dolezal of Albany; Narcotic Addiction Control Commission, and Cecilia Maldonado of the Bronx, Dept. of Labor. Eleven other employees received awards of \$15 and \$10.

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OCB Legislation Stalled In Albany

The city's Office of Collective Bargaining remains without jurisdiction to settle improper practice charges as enabling legislation stalled last week in Albany.

Although the legislation appeared on both the Assembly and Senate calendars for last Monday, it has remained in committee. The bill would grant permanent jurisdiction to the OCB to resolve city disputes over the scope of bargaining issues, the jurisdiction of which elapsed March 1. The bill would also empower the state Public Employment Relations Board to review, at its discretion, all decisions of the now semi-autonomous OCB.

The bill would also grant to PERB the right to impose penalties, such as suspension of dues check-off privileges, on public employee unions found in violation of the Taylor Law prohibition against strikes. This penalty power now rests with the courts in cases involving New York City employees.

Another provision of the bill would let non-judicial employees in New York City courts come

under OCB's jurisdiction. Since the Judicial Conference is a statewide administrative body, the legality of employees' move in requesting OCB jurisdiction is questionable.

OCB chairman Arvid Anderson was scheduled to appear in Albany on March 12 to argue his case before the legislators for speedy renewal of OCB's jurisdiction.

The OCB, according to a spokesman, favors a bill submitted by Assemblyman Albert H. Blumenthal (D-L, Manhattan), which would simply make permanent OCB's jurisdiction over improper practices decisions.

The OCB, the Lindsay administration and municipal employee unions all oppose granting additional power over city labor affairs to PERB. The state republican leadership favors the move.

Taxi-Limo Inspect

Of the 101 candidates who applied during January, 1973, for open competitive exam no. 2158 for senior taxi-limousine inspector, 58 were found not qualified by the city Dept. of Personnel.

Tab. Operator

Of the 46 candidates who applied during December, 1972, for open competitive exam 2171 for tabulator operator, 17 did not qualify, according to the city Dept. of Personnel.

For Federal Job Data

previously available only in New York City, to other residents of the Metropolitan area.

Persons located in New York City, Nassau and South Westchester should call (212) 264-0422. Elsewhere, (800) 522-7407.

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TEACHER OF FINE ARTS IN JUNIOR HIGH SCHOOLS
(5-72 exam)
Alternate A
Hilliare S. Wilder, 8636; Barbara J. Spiller, 8462; Forrest C. Murphy, 8062; Toby R. Harris, 7976; Marcia R. Kaminsky, 6877; Warren J. Perkins, 7866; Barbara F. Andreas, 7786; James E. Campbell, 7760; Marie A. Zima, 7744; Dale R. Zheutlin, 7686; Debra N. Bernstein, 7684; Deborah J. Wheaton, 7650; Jeanne G. Kaskowitz, 7648; Constance Smith, 7644; Catherine D. Mann, 7628; Gloria K. Rubino, 7622; Elyse M. Capell, 7600; Daryl D. Davis, 7564; Ann W. Gabriel, 7564; Patricia M. Gulino, 7546; Elizabeth M. Piwiec, 7524; Eleanor R. Lipkins, 7494; Sara F. Goldstein, 7466; Sheila J. Beckles, 7454; Claudia A. Queens, 7448; Judy Krisel, 7424; Susan M. Chin, 7396;

Alice Lipman, 7394; Helen S. Weinberg, 7392; Sal M. Stern, 7304; Lois E. Griest, 7294; Marilyn Wohl, 7280; Hope M. Stevens, 7280; Carolyn E. Corbo, 7250; Susan H. Pindzak, 7240; Hannah R. Topel, 7230; Peter J. Lucas, 7206; Georgia H. Bienstock, 7204; Christos Mitsopoulos, 7160; Lillian D. Seidman, 7152; Ruth P. Ringenbach, 7094; Patricia A. Perry, 7084; George B. Stauch, 7052; Richard A. Capuzzo, 7050; Laura L. Corebello, 7042; Joseph L. Sarti, 7030; Carl S. Kanzer, 7028; Joan P. Freeman, 7020; Richard Giotta, 6996; Jocelyn Polikoff, 6996; Sharman C. Kamen, 6988; Pamela J. Ruck, 6934; Sylvia Sarner, 6898; Rita J. Rotnoffsky, 6892; Ann M. Solomon, 6892; Merrill L. Brenner, 6888; Lynn B. Levy, 6842; Joan E. Cuccioli, 6840; Mitchell S. Lewis, 6826; Stewart Gaffan, 6806; Edith R. Coleman, 6798; Randi L. Prezant, 6780; Michael P. Miranda, 6774; Carney Xanthos, 6744; Ronnie S. Asbell, 6714; Linda D. Grobman, 6710; Renee Vichinsky, 6700; Jeanette M. Compere, 6678; Sheryl B. Siegel, 6670; Gail M. Selinger, 6662; Lawrence A. Carlin, 6648; Agnes Schonberg, 6632; Judith K. Greenberg, 6586; Marsha G. Perline, 6584;

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EDUCATION DINNER DANCE — The State Education Department chapter of the Civil Service Employees Assn. held its annual dinner dance at the Aurania Club, 25 South Allen Street, Albany. Pictured left to right at the head table are: Nicholas Fiscalelli, chapter social chairman; and his guest, Mary Moore; Mary Spellman, member of the social committee; Marge Egan, chapter secretary, and Warren Shaver, chapter vice-president.

TEACHER EXAMS FOR SPRING			
SPRING TERM, 1973 — DAY HIGH SCHOOLS			
	Applications		
	Open	Close	
Bilingual Teacher — Biology and General Science (Spanish)	4-9-73	5-12-73	
Bilingual Teacher—Chemistry and General Science (Spanish)	4-9-73	5-21-73	
Bilingual Teacher—Earth Science and General Science (Spanish)	4-11-73	5-23-73	
Bilingual Teacher—Mathematics (Spanish)	4-3-73	5-15-73	

THE EDUCATION ARENA

By DR. JACK BLOOMFIELD

SCHOOLS, CHANGE, AND EQUALITY

(Editor's Note: Dr. Bloomfield is surveying education writing on current controversies.)

SUCCESS OR FAILURE IN LIFE Has Little To Do With Intelligence say Christopher Jencks and Mary Jo Bane in a Feb. 1973 *Harpers* article. They are co-authors with five others of a controversial landmark book, "Inequality: A Reassessment of the Effect of Family and Schooling in America."

Bane and Jencks try to puncture five myths (as they see them);

- That I.Q. (Intelligence Quotient) tests are the best measure of human intelligence. But intelligence has not even been defined, since it only refers to what testers have been able to measure. I.Q. tests may measure a limited kind of intelligence applicable to success in school. They do not test for success in adult life.

- That poverty stems from low intelligence (low I.Q. scores) or that the wealthy are bright (high I.Q. scores). But there is very little difference in I.Q. between the rich and the poor. The poor are poor because "they either cannot work, cannot find adequately paying jobs, or cannot keep such jobs." I.Q. is not significant. Those who do well on I.Q. tests do not perform much better than average on most jobs. Specifically, I.Q. can explain only 12 percent of the differences. That leaves 88 percent unrelated.

LUCK plays a more important role. "One man's farm has oil on it, while another man's cattle get hoof and mouth disease."

PERSONALITY traits have a high cash value. Any connection between high I.Q. and personality or charisma must be "very loose."

Statistically, too, the difference in incomes between blacks and whites cannot be blamed on I.Q. Using the Armed Forces Qualification Test (AFQT) in the Selective Service System during 1952 and 1962, researchers report that the average black earned 43 percent less than the average white. Generally, blacks with the same scores as whites earned 32 percent less than whites — and 11 percent difference, or one quarter. But, say the authors, "three quarters of the gap had nothing to do with test scores."

As for whites, those with middle class families earn more than those with "working-class parents." (The latter, presumably of low income.) According to Bane and Jencks, "Only 25-35 per-

cent of the gap is traceable to test-score differences between the two groups."

Actually, the best-paid fifth of all workers earn six or seven times as much as the worst fifth and "most of that gap has nothing to do with test scores." The gap has nothing to do by equalizing test scores. And anxious parents or educational reformers should not expect significant differences. A child with a high I.Q. will have only a slight income advantage over one with a low I.Q. That's because occupations have a key role in determining earnings.

So people with high I.Q.'s may earn below-average incomes and people with low I.Q.'s can earn above-average incomes. People in "low-status occupations (such as plumbers and electricians) often earn more than professionals (think of teachers and clergymen)."

- That I.Q. is decided mostly by heredity. But "test results depend almost as much on variations in children's environments as on variations in their genes." Arthur Jensen's claim that genes explain 80 percent of the difference in I.Q. is overstated. True, genes have some effect, but not that much.

Jensen's reliance on studies of identical twins vs. fraternal twins show heredity to be important in developing likenesses. Yet, Jencks and Bane note, children of different genetic backgrounds adopted in the same home also come out very much alike. This provides an opposite picture from that presented by Jensen.

Also, the authors says, the Jensen twin studies taken from England showed more significant influence of heredity than those from America. America's varied environment plays a greater role than England's environment. Therefore, when Jensen averages British statistics with American, American environment is given less importance than it should have.

Besides, parents with favorable genes have above-average skills which they provide their children as they offer them richer home environments. Bane and Jencks say, "Our calculations suggest that this double advantage accounts for a fifth of the variation in I.Q. scores."

The effect of genes on intelligence? The two writers figure about a 45 percent influence against Jensen's 80 percent. The influence rises in small homogeneous communities but decreases when considering America as a whole.

Genes do have some effect on lifestyles, learning and I.Q., minimal though the effect may be from a biological point of view. Genes affect how fast and how much an individual can learn from his environment. They affect how others in society react to the individual and the group (physical appearance, skin color, and athletic ability, for example). Thus, the genes of heredity can determine opportunities people will have to learn skills.



JACK BLOOMFIELD

TEACHER KEY ANSWERS

BILINGUAL (GREEK) TEACHER OF COMMON BRANCHES
Alternate A
Test Held Dec. 12, 1972

- (1) 4; (2) 3; (3) 1; (4) 4;
(5) 2; (6) 1; (7) 3; (8) 2; (9) 4;
(10) 1; (11) 4; (12) 4; (13) 1;
(14) 2; (15) 4; (16) 1; (17) 2;
(18) 2; (19) 4; (20) 1; (21) 3;
(22) 3; (23) 2; (24) 1; (25) 2;
(26) 3; (27) 3; (28) 2; (29) 4;
(30) 3; (31) 1; (32) 3; (33) 3;
(34) 4; (35) 1; (36) 3; (37) 4;
(38) 2; (39) 4; (40) 1; (41) 3;
(42) 1; (43) 4; (44) 4; (45) 3;
(46) 2; (47) 1; (48) 4; (49) 1;
(50) 3;
(51) 4; (52) 3; (53) 1; (54) 4;
(55) 2; (56) 3; (57) 3; (58) 1;
(59) 2; (60) 4; (61) 3; (62) 1;
(63) 3; (64) 3; (65) 1; (66) 2;
(67) 1; (68) 4; (69) 4; (70) 2;
(71) 1; (72) 1; (73) 2; (74) 4;
(75) 4;
(76) 3; (77) 4; (78) 2; (79) 1;
(80) 4; (81) 1; (82) 2; (83) 3;
(84) 1; (85) 2; (86) 3; (87) 4;
(88) 2; (89) 1; (90) 2; (91) 4;
(92) 3; (93) 2; (94) 1; (95) 2;
(96) 4; (97) 3; (98) 1; (99) 4;
(100) 2.

TEACHER OF MUSIC IN JUNIOR HIGH SCHOOL
Test Held Dec. 12, 1972

- (1) 2; (2) 1; (3) 3; (4) 4;
(5) 2; (6) 1; (7) 1; (8) 1; (9) 3;
(10) 1; (11) 2; (12) 4; (13) 3;
(14) 1; (15) 2; (16) 1; (17) 3;
(18) 3; (19) 2; (20) 3; (21) 4;
(22) 3; (23) 2; (24) 4; (25) 1;
(26) 2; (27) 1; (28) 3; (29) 3;
(30) 2; (31) 3; (32) 1; (33) 4;
(34) 4; (35) 3; (36) 2; (37) 1;
(38) 4; (39) 4; (40) 3; (41) 4;
(42) 1; (43) 2; (44) 3; (45) 4;
(46) 2; (47) 1; (48) 3; (49) 3;
(50) 4;
(51) 2; (52) 2; (53) 4; (54) 1;
(55) 3; (56) 2; (57) 2; (58) 3;
(59) 4; (60) 1; (61) 2; (62) 4;
(63) 3; (64) 2; (65) 2; (66) 2;
(67) 1; (68) 3; (69) 1; (70) 4;
(71) 2; (72) 2; (73) 3; (74) 2;
(75) 4;
(76) 2; (77) 1; (78) 3; (79) 2;
(80) 1; (81) 2; (82) 3; (83) 4;
(84) 2; (85) 2; (86) 1; (87) 3;
(88) 2; (89) 1; (90) 2; (91) 4;
(92) 1; (93) 2; (94) 3; (95) 4;
(96) 2; (97) 4; (98) 4; (99) 1;
(100) 4;
(101) 2; (102) 1; (103) 4;
(104) 3; (105) 2; (106) 1; (107) 4;
(108) 2; (109) 4; (110) 1;
(111) 3; (112) 1; (113) 4; (114)

- 3; (122) 2; (123) 4; (124) 3;
(118) 3; (119) 2; (120) 1; (121)
3; (122) 2; (123) 4; (124) 2;
(125) 1;
(126) 2; (127) 4; (128) 2;
(129) 2; (130) 3; (131) 2; (132)
4; (133) 2; (134) 3; (135) 1;
(136) 3; (137) 4; (138) 3; (139)
2; (140) 2; (141) 1; (142) 2;
(143) 1; (144) 4; (145) 1; (146)
3; (147) 1; (148) 4; (149) 2;
(150) 4.

Clerk Pool

The city Department of Personnel reports that 369 appointments were made to clerk at a hiring pool held Feb. 26 and 27. Of the 1,000 eligibles called from the list of exam 2063, established Feb. 7, 1973, 420 appeared. The last number appointed was eligible number 999 on the 7,784-name list.

Sr. Shorthand Reporter

The starting salary for senior shorthand reporter has been raised to \$8,535 a year by the city Civil Service Commission in its announcement for the continuously-open exam for promotion to this post, exam 2641.

Clerk Eligibles

EXAM NO. 2062
CLERK

This list of 7,784 eligibles, established Feb. 7, resulted from a written test held Oct. 21, 1972. A total of 24,145 candidates applied during the Sept. 6 to 26 filing period. They were all called to the test, at which 11,783 appeared. Salary starts at \$5,200.

A Department of Personnel spokesman said that list numbers of candidates with the same scores were assigned on the basis of their test paper numbers. Test paper numbers were determined randomly by where each candidate sat when taking the written exam.

(Continued from last week)

WHERE TO APPLY FOR PUBLIC JOBS

NEW YORK CITY—Persons seeking jobs with the City should file at the Department of Personnel, 49 Thomas St., New York 10013, open weekdays between 9 a.m. and 5 p.m. Special hours for Thursdays are 8:30 a.m. to 5:30 p.m.

Those requesting applications by mail must include a stamped, self-addressed envelope, to be received by the Department at least five days before the deadline. Announcements are available only during the filing period.

By subway, applicants can reach the filing office via the IND (Chambers St.); BMT (City Hall); Lexington IRT (Brooklyn Bridge). For advance information on titles, call 566-8700.

Several City agencies do their own recruiting and hiring. They include: Board of Education (teachers only), 65 Court St., Brooklyn 11201, phone: 596-8060; NYC Transit Authority, 370 Jay St., Brooklyn 11201, phone: 852-5000.

The Board of Higher Education advises teaching staff applicants to contact the individual schools; non-faculty jobs are filled through the Personnel Department directly.

STATE—Regional offices of the Department of Civil Service are located at: 1350 Ave. of Americas, New York 10019; (phone: 765-9790 or 765-9791); State Office Campus, Albany, 12226; Suite 750, 1 W. Genesee St., Buffalo 14202. Applicants may obtain announcements either in person or by sending a stamped, self-addressed envelope with their request.

Various State Employment Service offices can provide applications in person, but not by mail.

Judicial Conference jobs are filled at 270 Broadway, New York, 10007, phone: 488-4141. Port Authority jobseekers should contact their offices at 111 Eighth Ave., New York, phone: 620-7000.

FEDERAL—The U.S. Civil Service Commission, New York Region, runs a Job Information Center at 26 Federal Plaza, New York 10007. Its hours are 8:30 a.m. to 5 p.m., weekdays only. Telephone 264-0422.

Federal entrants living upstate (north of Dutchess County) should contact the Syracuse Area Office, 301 Erie Blvd. West, Syracuse 13202. Toll-free calls may be made to (800) 522-7407. Federal titles have no deadline unless otherwise indicated.

No. 2321 — 90.0%

2321 Louisa Council, Agario G Arenas, Dora J Conyers, Phyllis G Young, Dorothy McLelland, Eileen E O'Connor, Frederick Barnes, Dolores Douglas, Irma L Guthrie, Marcia D Henson, Pamela Fox, Sonia Hanna, Rose J Scagnelli, Edith M Valentine, Rosemary L Gallagher, Edward M Wells, Pearl Goldman, June M Greaves, Denis J Fay, Yvonne D Smith.

No. 2341 — 90.0%

2341 Beverly Wilson, Janet J Pearson, Walter G Goldsmith, Anahid A Sarkissian, Mary L Wheeler, William J Cromer Jr, Carol A Barker, Richard L Brown, Joyce B Boyd, Vincent W Clark, Leonard Jenkins, Jane L Gibbs, Anna M Leonard, Estelle Sach, Antoinette Koeth, Joseph Santana, Annette R Cognata, Grace K Copp, Lucille Deluca, Harriet T Dowe.

No. 2361 — 90.0%

2361 Helen White, Esther M Minenna, Raymond F Siegmund, Gloria A Battista, Kathleen D Sturges, Raymond A Magnuski, Celeste Rivera, Dorothy J Bendixen, Nancy A Carletti, Ann G Annicharico, Elizabeth O'Brien, Vita Accornero, Louis Scelza, Gloria J Greenwaldt, Barbara M Becker, Lena Atlas, Miriam Rothstein, Peter C Candelario, Stanley Roser, Morton Cohen.

No. 2381 — 90.0%

2381 Kenneth Copeland, Glenn M Feggins, Angelo J Puma, Catherine Dougherty, Hor Brustmeyer, Daniel Gallimore, Gertrude Baer, Allen Highsmith, Wayne R Starks, Ralph D Piccolo, James L Lawrence, Charles Laboard, Anthony J Gennaro, Ronald B Ramey, Joselino Rivera, Joseph P Levine, Sidney Schneider, Carlos L Harewood, Nathan F Henderson, Peter J Neubig.

No. 2401 — 90.0%

2401 Bernice V Lopez, Chalmers M McNeal, Louis T Hawranick, Andrew Mastrangelo, Milton Finkelstein, Clifford S Ruff, Malvina A Jones, Willard L Gardner, Arthur Goldberg, Abraham J Steinberg, Sam Strack, Charlie Mason, Gary R Belletti, Sidney Mazo, Eva M Johnson, Sol Pinsky, Joseph Mayfield Jr, Philip Lillenthal, Mildred Portela, Garnetta L Smith.

No. 2421 — 90.0%

2421 Frank Vega, Rafael Badel, Robert Ford, Sherman K Gore, Samuel S Warner, Barbara L Small, Christine Jones, Susan Williams, Cella Chaley, Edna M Ryan, Peter R Indycki, Fran S

State Jobs

(Continued from Page 2)
gressively responsible experience in the fiscal administration of a hospital or other health-related facility, at least two years of which must have been spent as the chief fiscal officer of a hospital of at least 250 beds with major responsibility for the administration of research grants and contracts from the Federal government and other sources. Training and experience will be evaluated. There is no exam.

WELD (Work Experience in Labor Dept.) Project Field Representative, Exam 23-862 (\$12,588) — vacancies in Albany and New York City. Required: three years of experience in the administration of programs designed to improve the employability of youths or adults, plus four years of additional experience in employment counseling.

Spector, Rose L Szemplinski, Janice E Wilkins, Celia R Person, Rita Silverman, Leonard Gardner, Mattie M Adams, Elizabeth Carone, Margaret B McNeely.

No. 2441 — 88.5%

2441 Agnes C Wilder, Yolanda Jenkins, Kevin C Cooke, Idam Davis, Michael G Plotkin, Jared L McAllister, Ruby Bartley, Eartha M Williams, Ruth Lisl, Nettie Sumberg, Edith Rubenstein, Barbara A Edge, Diana Johnson, Rose Greenspan, Jennifer Metts, Jesus Nieves, Ethel L Martin, Thomas Dean, Roslyn Chesner, Barbara Weiss.

No. 2461 — 88.5%

2461 Esmeraldo Pardinias Jr, Jacqueline Reese, Mary A Gilbert, Maria C Monteforte, Dolores R Jefferson, Gertrude McNulty, Lillian L Rosen, Edna M Hayer, May F Rudomin, Katherine Bernardo, Maria L Dicks, Calvin L Birt, Barbara E Grant, Estelle R Weisenberg, Linda A Ivory, Esther Zinick, Lucille Lenkowsky, Veronica Kruk, Grace L Agostisi, Rose L Chu.

(To Be Continued)

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BRANDT 5 LYRIC-42nd ST.	CENTURY 5 KINGS PLAZA NORTH	MASSAN CENTURY 5 PARK EAST	UA PATCHOGUE PATCHOGUE	BRANDT 5 TOWN	BRANDT 5 TOWN
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Job Security Major Issue In Lackawanna

(From Leader Correspondent)

LACKAWANNA — The more than 200 non-teaching employees of the Lackawanna Board of Education have voted to take job action if no agreement is reached soon between the Board and the Civil Service Employees Assn.

William M. Kukoleca, president of the school CSEA unit, said contract talks with consultants hired by the Board have been under way without success for 13 months.

He emphasized that the main difference between the two parties was not money. "It is not wages we are seeking, it is job protection. We do not believe a person's livelihood should depend on political whims," Kukoleca said.

He blamed "underhanded methods" by the paid consultants for failure to reach an agreement.

Negotiations Continue For Waterfront

Next negotiation session between the Waterfront Commission of New York Harbor and its Civil Service Employees Assn. chapter will resume March 14, according to chapter president Harold Krangle.

Krangle expressed concern with respect to the Commission's position on several issues. He cited the Commission's steadfast position against impartial grievance apparatus and the Commission's failure to live up to the present agreement as major stumbling blocks.

The chapter is negotiating for a salary increase, improved hospitalization and other benefits. Negotiating team members for the chapter are Krangle, Lawrence McPherson, vice-president; Nicholas Fransiosa, treasurer; James Harrison, Albert Miller and William Schiavo.

The Commission is composed of members from New York and New Jersey.

Battle Still Wages Over Monroe Parking

(Continued from Page 3)
gaining for such a change with CSEA."

PERB has called for hearings on March 14 and 15. CSEA representatives and county management have been asked to appear in person to give testimony.

James Hancock, CSEA attorney; Martin Koenig, CSEA president, and Thomas Pomodoro, CSEA field representative, are slated to attend the hearings.



B. R. O'Connell, Walter Decher, A. J. Varacchi, Steven Cohen, D. R. Hayward.

CHAPTERS AND UNITS

Eastern Barge Canal chapter, \$100; Fulton Co. chapter, \$100; New York Parole District chapter \$1,400.

BUY U.S. BONDS

WESTCHESTER CHAPTER HAS OPEN HOUSE FOR NEW OFFICES



Civil Service Employees Assn. president Theodore C. Wenzl, center, prepares to cut ribbon officially opening Westchester chapter office at 196 Maple Ave., White Plains. Other CSEA and governmental dignitaries participating in the ceremonies are, from left, chapter second vice-president Stanley Boguski, Congressman Hamilton Fish, Jr. (R-C, 25th CD), chapter president John Haack, Wenzl, State Senator John Flynn (R-C, 35th SD), Westchester County Clerk Edward N. Vetrano, former chapter president Michael DelVecchio and chapter third vice-president Sal Trakino. Chapter executive secretary Marilyn Matthews can be identified in background (between Haack and Wenzl).



County Executive vice-chairman Arthur Bolton, left, has the attention of chapter president Haack, Congressman Fish and Rockland County chapter executive representative John Mauro during the get-together.



State Senator Flynn and CSEA president Wenzl found one of the prettiest decorations at the open house to be chapter delegate Irene Amaral. The open house was held Feb. 24, and drew a large crowd of well-wishers.

Earlier Settlement Rejected

Summon Fact-Finder Over Nassau Impasse

(From Leader Correspondent)

MINEOLA — The Nassau Chapter, Civil Service Employees Assn., Friday called an impasse and summoned a fact-finder to resolve its demands for an improved contract.

The chapter negotiating team submitted demands for an 8½ percent increase with a minimum of \$500 this year, 8½ percent with a minimum of \$500 or the cost of living, whichever is greater, in 1974 and the 75-1 retirement plan. The package had been voted with almost total unanimity by the 76-member steering and program committee on Thursday night.

County negotiators countered with an offer of 5 percent this year, 4 percent in 1974, and the 75-1 plan — and insisted that retroactivity was subject to a negotiation.

Chapter president Irving Flaumenbaum said the program, which followed the rejection of an earlier proposed settlement, was "realistic in view of the rapidly escalating prices that we must pay."

The national administration abruptly terminated price controls days after the initial proposed settlement had been reached, and prices have surged since then, Flaumenbaum noted. In addition, in the last few weeks the

state Kinzel Commission has raised the spectre of an attack on pension benefits.

"President Nixon and Governor Rockefeller injected these issues," Flaumenbaum said. "We had hoped — and still do — that County Executive (Ralph G.) Caso would find a way to protect his county's employees."

Delegates Meeting

(Continued from Page 3)
followed by the delegate banquet.

Room assignments for the various meetings, according to Edward Diamond, CSEA's director of training and membership recruitment, will appear in the final program, which will be distributed to the delegates when they register.

Pass your copy of
The Leader
on to a non-member.

Latest State And County Eligible Lists

SR EXMR OF MUNI AFFAIRS

EXAM 34935

Test Held Sept. 16, 1972

List Est. Feb. 21, 1972

1 Smith G Spencerport	88.4
2 Carpenter W Loudonville	84.8
3 Kerwin W Troy	84.1
4 Skinner D Delmar	82.1
5 Symanski W Pine Bush	81.3
6 Kelley J Albany	80.7
7 Hart R Poughkeepsie	80.6
8 Cafferillo D Binghamton	79.5
9 Platt E Buffalo	78.6
10 Lebda J Rochester	77.9
11 Barton C Massena	76.6
12 Gardner R Schenectady	75.6
13 Canale J Oswego	75.4
14 Castner T Burnt Hills	74.9
15 Peters E Cheektowaga	74.6
16 Brown A Lindenhurst	73.4
17 Marcus M Fairlawn NJ	73.4
18 Brown E Amsterdam	73.3

Contract Talks

(Continued from Page 1)

medical benefits, pension, and employee organization rights. One veteran observer of the negotiation process summarized this year's bargaining as "The first time in quite a while we've seen the state actually sit down and make solid commitments on real items."

Although the CSEA spokesmen were optimistic at this stage of the negotiations, they were all emphatic about the unpredictable nature of the final outcome. Wenzl said. "It hasn't been altogether easy along the way, and our negotiating teams can certainly attest to this fact. We are not blinded by visions of rainbows and gold right now, and expect that there still could be a tough fight along the way."

19 Duffy J Newburgh	72.6
20 Dangelo R Schenectady	72.4
21 Slosarz D Buffalo	71.9
22 Bagley N Waterford	71.9
23 Arpei J Saratoga Spg	71.9
24 Carbone P Binghamton	71.9
25 Caterina V Niagara Fls	71.9
26 Dinolfo R Rochester	71.8
27 Gendelman I Yonkers	71.6
28 Kaplan L Liberty	71.1
29 Elmsary S Buffalo	70.4

PRIN CIVIL ENGINEER

EXAM 34679

Test Held April 22, 1972

List Est. Feb. 20, 1973

1 Caseday W Cheektowaga	97.0
2 Dickson A Dix Hills	97.0
3 Purple R Canadagua	96.0
4 Kikillus W Patterson	95.4
5 Ippolito S Massapequa	95.0
6 Geoffroy D Albany	94.1
7 Neimeth G N Massapequa	94.0
8 Heineman D Springbrook	93.7
9 Pearce R E Greenbush	92.0
10 Christman W Delanson	92.0
11 Barnes P Whitesboro	91.7
12 Bauman A Poughkeepsie	91.5
13 Randles D Schenectady	90.3
14 Throop R New Hartford	89.5
15 Thomas J Albany	88.7
16 Dixon W Ballston Spa	87.6
17 Shub D Dewitt	86.5
18 Leonard I Stanfordsville	85.4
19 Koch T E Greenbush	85.1
20 Perry R Schenectady	84.9
21 Parry H Schenectady	84.3
22 Hart C Delmar	84.2
23 Gardeski R Rhinebeck	81.9
24 Fairbanks R Arkport	81.8
25 Zaimos G N Massapequa	80.8
26 McGilray D Barnevelde	80.7
27 Murphy J Albany	80.3
28 Campbell F Watertown	80.0
29 Sigal A E Northport	79.9
30 Riecker R Poughkeepsie	79.7
31 Jeffers J W Babylon	78.8
32 Radloff R Rexford	78.5
33 Griffl I Poughkeepsie	78.4
34 Hutchins D Syracuse	77.1

SUPVR OF MAR ENVIRL CNTRL

EXAM 34339

Test Held Oct. 14, 1972

List Est. Feb. 20, 1973

1 Macmillan R W Sayville	77.6
2 Redman J Brookhaven	75.8