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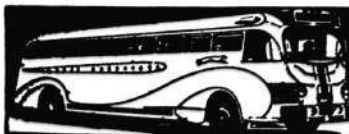


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FRANK J. CROHAN, President

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Editor, CHARLES A. BRIND, JR.

Art Editor, ROGER STONEHOUSE

Business Manager, JOSEPH D. LOCHNER

Editorial Board, W. F. McDONOUGH, RALPH D. FLEMING, JOHN L. HALPIN

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APRIL, 1938

NO. 4.

Legislative Report of 1938 Session

By John T. DeGraff, Counsel

Many laws of vital interest to Civil Service employees were enacted at the past session of the Legislature, despite the fact that the number of bills signed was the lowest during Governor Lehman's administration as Governor; only 741 as compared with 927 in 1937, 944 in 1936 and 980 in 1935. During the thirty-day period following the adjournment of the Legislature, Governor Lehman established an all-time record by vetoing 318 of the 1059 bills passed during the session.

The legislative program of the Association was remarkably successful. More bills sponsored by the Association were enacted into law than during any previous session since the Association was organized. Nearly a score of constructive civil service measures were placed on the statute books. Of almost equal importance is the fact that not a single destructive measure was enacted which might tend to lower or impair the high standards of civil service.

Due to the fact that over 400 bills affecting the civil service status, pension rights and working conditions of civil service employees were introduced during the session, it is impossible, within the limits of this report, to do more than summarize the new laws and refer briefly to the bills that were vetoed by the Governor or which failed to pass the Legislature.

Among the laws drafted by your Association and adopted at its request were the following:

CHAPTER 498

The Feld-Ostertag Bill

Governor Lehman, in approving this bill, said:



COUNSEL JOHN T. DEGRAFF

"This bill takes a long step forward in the improvement of Civil Service by the establishment of a classification unit to engage permanently in the classification of the positions in the State Service. It should help materially in correcting some of the pressing problems in the State service relating to classification and reclassification. This is in accordance with sound principles of Civil Service administration."

The Feld-Ostertag law is unquestionably the most important civil service measure to be enacted this year. Although its provisions have been previously explained in prior issues of the STATE EMPLOYEE it may not be amiss to again outline the terms and provisions of this law which so vitally concerns the

civil service employees of the State. This law contains three major provisions:

1. It continues and extends the Temporary Salary Standardization Board until December 1, 1938, to hear appeals from allocations and gives the Board power to make such revisions in the allocations adopted last year as may be deemed just and equitable.

Governor Lehman has announced the appointment of Joseph E. Sheary, Chief Auditor, Department of Public Works, as Chairman of the Board to fill the vacancy caused by the death of Henry F. Lutz. The other members of the Board, Budget Director Abraham S. Weber, Frank L. Tolman, William J. Maher and Marjorie Arnold, who were appointed last year will continue in office, and appeals may be filed as soon as appropriate appeal forms are printed. Any employees who feel that their allocations to salary grades under the Feld-Hamilton law should be revised must file their appeals in writing before July 1, 1938, on forms prescribed by the Board. In the closing days of the session a resolution was adopted in both houses authorizing the printing of the report of the Board. This report, which is now in the hands of the printer, should be available for distribution very soon and should be carefully examined by every employee who contemplates an appeal to the Board.

2. It creates in the Department of Civil Service a permanent Classification Division which consists of three members with power to re-

Continued on Page 4

Legislative Report of 1938 Session

Continued from Page 3

classify positions in the State service. The Board is given broad powers to reclassify positions until October 1, 1939, and after this temporary period of adjustment its powers are limited to those which are essential to keep the classification up to date. During the temporary period, ending October 1, 1939, the Board may, with the approval of the Civil Service Commission, and without requiring an examination, allocate to an appropriate title the position of any employee who shows to the satisfaction of the Board that he has been satisfactorily performing the duties of such position for a period of at least one year immediately prior to the date the law became effective, viz., April 6, 1938. After adjustments have been made during this temporary period, the law contains specific provisions that no employee, either by reclassification, change of title or otherwise, shall be promoted, demoted, transferred, suspended or reinstated except in accordance with the provisions of the Civil Service Law. All appeals for reclassification of title are required to be made **before October 1, 1938**, on forms prescribed and furnished by the Board. The Classification Board has not yet been appointed and it probably will be a month or so before the appeal forms are printed and the Board is ready to function.

3. It also provides that, when present employees are working at less than the minimum established for their grades, new appointments shall be made at the lowest salary then received by the present employee holding the same title in the same promotion unit and that one of such present employees shall then be forthwith increased to the minimum established for the position. The limits of a promotion unit are to be determined and established by the Civil Service Commission. This provision is particularly necessary for otherwise, new appointments might be made at rates higher than those received by present employees. It will be particularly beneficial to employees in departments where new appointments are being made, for every

new appointment will make available additional funds for increases to present employees. For example: If the minimum salary for a certain position is \$1500 and some employees now occupying that position are receiving, \$1200, \$1300 and \$1400, the new appointment must be made at \$1200. Since the budget contains an appropriation for that position at \$1500, this will make \$300 available for distribution to employees now receiving under \$1500. This increase may be awarded to one employee or distributed among several, in the discretion of the department head. In the example above set forth, one employee getting \$1400 could be increased to \$1500, another getting \$1300 could be increased to \$1400 and the lowest paid, now receiving \$1200 could be increased to \$1300. These increases would be in addition to the annual increments prescribed by the Feld-Hamilton Law.

It is extremely important for all employees to become familiar with the powers and jurisdiction of the Classification Board and the Temporary Salary Standardization Board. The Standardization Board has no power to change titles. Its function is to assign employees having a certain title to one of the grades in the schedules established by the Feld-Hamilton Law and it must assign all employees holding the same title to the same salary grade. The Classification Division, on the other hand, has no power to fix salaries or to allocate positions to the grades established by the schedules. Its function is limited to the classification of titles and it is empowered to classify and reclassify positions so that the title will correctly describe the duties which the employee is actually performing. When a position is correctly classified, the incumbent will automatically receive the salary fixed for that title by the Standardization Board. The fundamental difference between these two agencies may be more clearly explained by example:

Assistant Account Clerk: Is appointed to salary grade \$1200 to \$1700 and he believes that he should be allocated to a higher salary

grade. He may individually, or in cooperation with other Assistant Account Clerks, appeal to the Temporary Salary Standardization Board, which has the power to allocate that title to a different salary grade if its comes to the conclusion that a higher salary for the position is justified. On the other hand, if the employee believes that he is entitled to a higher salary because, though his title is Assistant Account Clerk, he has been for several years performing the duties of an Assistant Accountant, he should appeal to the Classification Division rather than to the Temporary Salary Standardization Board. The Classification Division would have power to reclassify his position and give him the title of Assistant Accountant and he would then automatically be assigned to the same salary grade to which other Assistant Accountants have been assigned.

Employees should file their appeals promptly as soon as the printed forms are available. It must be remembered that it is necessary to provide funds in the budget before a change in salary can be made and no change of allocation or change of title can be effective until the fiscal year following the date when the change is recommended by the Classification Division or the Standardization Board. Since the budget is usually prepared in October, employees desiring to appeal should do so in sufficient time so that the appeal can be determined before October.

The Feld-Hamilton Law, enacted last year, established a foundation for the career service principle. The Feld-Ostertag Law sets up the necessary machinery to correct any inequities or inequalities that may exist in the application of the Feld-Hamilton Law, and every employee who is aggrieved will have an opportunity to present his case before an agency empowered to make whatever corrections may be necessary.

CHAPTER 256

The McElroy-Ehrlich Bill

This law, the first civil service measure to be enacted as the 1938

Continued on Page 10

Convention Committee

President Brind, in accordance with special resolution adopted by the Executive Committee at its meeting April 11th, appointed the following committee to deal with questions relating to changes in the State Constitution arising as a result of the convention:

Chairman, William F. McDonough, Agriculture & Markets
 Frank L. Tolman, Education
 Charles L. Campbell, Civil Service

Elmer E. Lawton, Public Works
 Elmer Neumann, Labor

John Livingstone, Hudson River State Hospital, Poughkeepsie.

Earl Kelly, Tax Dept., N. Y. C.

Harry C. Dupree, Parole Div., Buffalo.

William F. McDonough, Chairman of the Committee, and former president of the Association, in commenting on the work of the Committee said:

"The Association is mindful of the responsibility resting with it as the representative since 1910 of the largest organized body of State civil service employees in the United States. The present State Constitution establishes the principle of the merit system as an integral part of New York State government. If in the wisdom of the Convention the provisions dealing with the merit system may be so re-phrased that they will safeguard the merit system to a still greater degree, the Association will be for such a change. No compromise with the sound principle of selection and promotion on the single basis of merit and fitness is possible without harm to the service or without doing injustice to all citizens who may aspire to serve the State in civil positions. It is not apparent that the inclusion in the Constitution of provisions for definite hours of work for State employees as suggested by some groups would be practical or desirable. Nevertheless, the Committee will receive and study carefully this and all other proposals presented, and will render every possible help to the members of the Constitutional Convention in dealing with suggested civil service amendments. One thing is certain, the Association will speak clearly for State Civil Service Employees with reference to all state employment matters.

\$100,000,000 Nest Egg



Photo Courtesy Albany Times-Union

State Comptroller Morris S. Tremaine (left) showing Charles A. Brind, Jr., President of the Association of State Civil Service Employees, the bond that put the investments over the \$100,000,000 mark, as Franklin B. Holmes, Director of the State Employees' Retirement Fund, (center) looks on.

On April 12th another milestone in the brilliant history of the State Employees' Retirement System was passed. On that day State Comptroller Morris S. Tremaine invested \$2,777,777.78 of the system's funds in a temporary bond of the Port of New York, thus boosting its actual investments total to \$102,342,582.30. Of this amount, \$94,617,003.47 is invested in bonds of State municipalities and \$7,725,578.83 in Federal Housing Administration mortgages.

This large "nest egg" of over 102 millions to the credit of the 76,716 members of the system, guarantees fair and adequate pensions for the State's faithful employees who reach retirement age.

Comptroller Tremaine stated "that the retirement system was one of the finest institutions of its kind in the world. It provides a means whereby faithful civil service employees of the State and member municipalities

may, through their own thriftiness, systematically lay aside a portion of their earnings for the rainy day of old age."

President of the Association, Chas. A. Brind, Jr., speaking of the system, said: "Comptroller Tremaine's keen investment judgment has won for him the admiration of every State employee. It is well to call attention to the fact that the average interest yield on the entire fund is approximately four and one-quarter per cent, with not one cent lost or in jeopardy through default or delinquency."

State employees should fully appreciate the efficient administration of the State Retirement Fund, through its industrious Director, Franklin B. Holmes. Our Association of State employees has been most active during the legislative session, as well as in previous sessions, in its efforts to protect the stability of the State Employees' Retirement Fund.

Annual Dinner

(Editor's Note: Lack of space in previous issues prevented the following interesting report on the Annual Dinner of the Association)

The Association's Annual Dinner held February 24th at the De Witt Clinton Hotel proved to be the most outstanding affair of its kind in the Association's history. Approximately eight hundred people were in attendance taxing the hotel's table space to the limit.

Governor Herbert H. Lehman, Lieutenant Governor M. William Bray, State Comptroller Morris S. Tremaine, President of the State Civil Service Commission Grace A. Reavy, Director of the Budget Abraham S. Weber were among the guests of honor while other State officials, members of the Legislature and representatives from every Department of the State Government were present in large numbers.

Following the dinner, Harold J. Fisher of the Department of State, Chairman of the Social Committee and presiding at the dinner, introduced Association President Charles A. Brind, Jr., as toastmaster, who, after an interesting address, in turn introduced the speakers of the evening, Governor Lehman and the Honorable Grace A. Reavy.

The feature of the program was the "stunt" show with an all-State service cast, entitled "The Capitol Careerers," (on the air), written and arranged by members of the Entertainment Committee, headed by Mr. Thomas Stowell of the State Health Department's Publicity Bureau, who presided to perfection at the "mike" as Major "Blowes" in his amateur hour.

Genuine musical, dancing and histrionic talent on the part of the cast furnished the audience with entertainment of a professional rating. Appearing were such artists as Major John A. Warner, billed as the "Musical Cop," Hon. Walter S. Brown, Secretary to Governor Lehman, vocalist, Abram Wechsler, Department of State, vocalist and impersonating Mayor LaGuardia, Esther Coffey, skilled accordionist from the Department of Law the Capitol Hillbillies and the Quartet of Gubernatorial Candidates. John L. Halpin, Secretary to the Conservation Commission, ably assisted Mr. Stowell with the broad-

cast, speaking for the sponsor of the program, the Feld-Hamilton Bologna Company.

Other members of the Entertainment Committee who were responsible for the humorous script of the show, were Walter S. Brown, Secretary to Governor Lehman; Clarence H. Knapp, Publications Editor, Department of State; Foster Potter, Department of Agriculture; John F. Tremaine, Secretary to the Commissioner of Correction; John L. Halpin, Secretary to the Conservation Commission, Frederick Hallowell, Secretary to the State Comptroller; Allan Reagan, Director of the State Publicity Bureau, and Charles H. McTigue, Secretary to the State Tax Commission.

The success of the dinner was largely due to the tireless efforts of Mr. Harold Fisher, Chairman of the Social Committee, to whom credit should also be given for suggesting a parody of the Major Bowes Amateur Hour as a working basis for the show itself. "Tom" Stowell, coach and stage manager, once again put over a smart, smooth running performance which throughout was of the usual Stowell high standard.

At the close of the Broadcast Skit, the floor of the main dining room was cleared and general dancing was the order of entertainment for the remainder of the evening and well on into the following morning.

Assisting Mr. Fisher as members of the Social Committee, were Hazel A. Ford, Beulah Bailey Thull, Janet MacFarlane, Isabel Neary, Lillian Hyatt, Grace E. Keck, Nina Foran and Wayne Soper.

Canal Workers Dine

On Saturday evening, March 26th, at the Hotel Schuyler, Schuylerville, a most successful banquet of the operating force of the Champlain Canal was held. Some thirty-odd persons attended.

Guest of honor, John T. DeGraff, Counsel of the Association, gave a most interesting talk on "Civil Service Procedures Generally." Other guests present were A. J. Scanlon of the District No. 1 office, and T. J. Connors, of Little Falls, operator of the Little Falls lift bridge.

Executive Meeting

The regular monthly meeting of the Executive Committee was held on Monday, April 11, 1938. President Charles A. Brind, Jr., presided. Attending were: Earl P. Pfannebecker, Mary H. Ahern, William F. McDonough, Elizabeth Staley, Davis L. Shultes, John W. Henry, George A. Kehoe, William C. Hinckley, Harold J. Fisher and Mrs. Mary Austin.

The first order of business was the consideration of an application for a new chapter at the State Institute at Napanoch. This new chapter was approved unanimously.

President Brind reported that the paid 1938 membership in the Association exceeded 17,000, which represented a 2,000 increase over the total of any previous year.

A brief report of the social committee as to the Annual Dinner was given by Chairman Harold J. Fisher. The committee complimented Chairman Fisher and his committee for their fine work in the handling of the dinner. It was reported that over 800 attended the dinner. Discussion was had concerning the possibility of a clambake in September for Association members.

President Brind explained that a special committee was being established to investigate into per diem, monthly and seasonal employees for the purpose of having them come under the Career Law. He explained that John Jahn had been named as Chairman of this Committee. The committee members were instructed to report this to their departments for consideration of various persons to act on this committee.

A resolution was adopted to establish a special committee to represent the Association so far as the Constitutional Convention is concerned. This has been done, and the personnel of his new committee is contained in another part of this issue.

The Committee mourned the death of Charlotte Farrington, a member from the Correction Department, and appointed Mrs. Mary Austin to act in that capacity for the balance of the Association year.

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Sick Leaves

As stated in the Legislative Report of our Counsel, our Association was successful in having passed in both houses of the Legislature the McElroy-Ehrlich Bill, which provided for employees of mental hygiene institutions 14 days sick leave per year, accumulative over a two-year period. In 1933, when the present sick leave rules effective throughout departmental service were adopted, these rules were not accepted by the mental hygiene institutions, and as a result in many institutions if an employee is sick only one day, deductions are made from his pay.

The McElroy-Ehrlich Bill was vetoed by Governor Lehman on April 16, at which time he stated that "sick leave and the number of days of sick leave that should be granted to employees of the State are matters which should not be rigidly mandated by statute but rather should be left to the determination of administrative branch of government. Only in that way is it possible to adopt programs which will be just and equitable to all State employees."

President Brind, under date of April 22nd, wrote the following letter to Governor Lehman concerning this measure:

"Our Association has consistently concurred with the thought expressed in your memorandum that 'sick leave and the number of days of sick leave that should be granted to employees of the state are matters which should not be rigidly mandated by statute but rather should be left to the determination of the administrative branch of government.' The difficulty with the present situation is that, as I understand it, a uniform sick leave plan was promulgated and adopted by the cabinet and has been pretty well established and maintained in the departments at Albany and some other places. Apparently, however, some institutional heads in the Department of Mental Hygiene are apparently ignoring the sick leave plan and are giving their employees no sick leave whatsoever.

I think it almost axiomatic that industry today believes that the promulgation of fair sick leave ar-

rangements strengthens definitely the morale of employment. The institutional employees are far less able because of their income to stand the deduction in pay than any other group in State service. The bill above referred to was introduced at the request of our Association because we seem to be unable to secure any relief through administration.

"I realize that many of our institutional employees receive certain services not accorded employees in other departments by way of hospitalization and medical care due to the fact that they are in institutions providing such service and that it is convenient to accord such service to employees. However, as I understand it, this additional assistance is very much over-emphasized and it is only in few instances that the help that the employees receive would equalize the sick leave accorded departmental employees.

"I am exceedingly hopeful that the matter can be given further study and that some equitable administrative plan may be worked out so that our faithful employees in the institutions, who have served the State long and well, may not be unduly penalized and discriminated against because of sickness."

Ithaca Meeting

A special meeting of the employees of the Herman Bigg's Memorial Hospital was called on April 14th, at which time, Joseph D. Lochner, Executive Secretary of the State Association, fully explained the advantages and benefits of State-employee, State-wide organization. The organization of a local chapter at the institution was thoroughly discussed. Employees attending were allowed to ask any questions, and the work and activities, legislation pending, etc., were discussed at length. M. Harry Tewe, Assistant Pharmacist at the Hospital, is local representative of the State Association. It is apparent that employees of that institution are interested in organization, and that a Chapter will eventually result.



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Facts and Falacies About Classification

(Continued from March Issue)

Based on a Monograph by
Dr. Ismar Baruch

Chief of the United States Personnel
Classification Division

Prepared for

THE STATE EMPLOYEE

By the Classification Unit of the New
York State Department of
Civil Service

Some Common Misunderstandings About Duties Classification

POSITION AND EMPLOYEE:

Unfortunately, many individuals have the erroneous idea that in classifying a position, emphasis should be laid on the capabilities, qualifications, and efficiency of the employee occupying the position at the time.

Duties classification, as the term implies, is a classification of **positions** and not a classification of the **employees** occupying them. If positions were placed in classes according to the qualifications of their incumbents, all persons having the same qualifications would receive the same rate of pay regardless of the work done; thus one who performs easy and routine tasks would be paid the same as one who performs difficult and responsible tasks simply because both happen to have the same educational or experience qualifications. Pay should be for work done, not for qualifications which are merely possessed but not used or necessary in the performance of the work of any given position.

A **position**, as has been indicated, is composed of assignments of duties and responsibilities. The position may exist and have its identity whether or not it is occupied at the moment by an employee. It often exists as a vacancy before it is occupied by anyone and resumes its status as a vacancy when an incumbent is separated from the position. A vacant position is characterized by its duties and responsibilities just as much as an occupied position and, therefore, is classified on the same basis.

Normally, the same position, its duties and responsibilities unchanged to any material extent, may be occupied successively by different employees whose individual qualifications, although perhaps va-

rying greatly, have not affected the basic operations of the position as shown by the assignments of work and the responsibilities exercised. In some cases, however, it may come about that by reason of changes in the activities of the unit or because of an employee's individual traits or abilities, the character of the position to which he was originally appointed may materially change and the value of the position to the organization be enhanced or decreased. These are simply **causes** of change in the characteristics of the position and must be clearly distinguished from the **effect**, namely the changed duties and responsibilities themselves. These, and not the employee's capacities or deficiencies, should serve as the controlling factors in classifying the position **after** it has materially changed.

Another common reason for misunderstanding of the fact that duties classification relates to the job rather than the employee is the failure to distinguish between the duties and responsibilities an employee performs or exercises and the degree of efficiency or effectiveness with which the employee carries out these duties and responsibilities. When different persons are assigned to identical duties and responsibilities they may carry them out with varying degrees of efficiency. The **jobs** are no different, but the **performances** of the persons on the jobs are different. The particular degree of efficiency with which the duties and responsibilities of a position are discharged is not a characteristic of a **position** but is, rather, a characteristic of the **employee** occupying the position at **that time**, and hence should not serve as a factor of classification.

Since variations in individual performance on identical jobs should not be recognized by differences in classification, another method of compensating for efficiency must be used. The recognized solution is to fix a salary **range** instead of one flat rate for each class of positions. This range includes a minimum rate, which is the entrance rate of the class, below which no employee occupying a position in the class should be paid, so long as his work is sufficiently satisfactory to war-

rant his retention in that position; several intermediate rates for the purpose of rewarding degrees of increased usefulness and efficiency; and third, a maximum rate beyond which no employee should be paid while occupying a position of that class, no matter how efficient he may be on that particular work.

Another frequently found misunderstanding has to do with failure to distinguish properly between a **DUTIES CLASSIFICATION PLAN** and a **COMPENSATION PLAN**.

The two are distinctly different in basis and technique.

A position classification plan is a system under which positions, on the basis of their current duties and responsibilities are grouped into classes, each class designated by a descriptive title and defined by a description of the duties, responsibilities and qualification requirements of positions in the class. In addition, to be effective, the classification plan should contain or provide a code of rules for its current maintenance, alteration, and amendment.

A pay plan, or compensation plan, on the other hand, is a plan by which positions, as **previously** arranged under a classification plan, are evaluated by classes in relation to one another; by which scales of pay are specified for each class of position, and in which a code of formal rules governing the installation, administration, amendment, and adjustment of the compensation plan is included.

In other words a position classification plan serves to separate positions into classes while a pay plan serves to fix the salary scale for each class and thus for each position in the class.

The factors properly entering into the basis of a pay plan consist of, first, factors determining the pay policies of the jurisdiction and the general level of the scales of pay for the different classes regarded on the whole, and, second, factors determining the relative pay levels between different classes.

To Be Continued in Next Issue

BUSINESS AND PROFESSIONAL DIRECTORY

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

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H. R. S. H. News

The regular monthly meeting of the Hudson River State Hospital Employees' Association was held in the Amusement Hall on Wednesday, April 20th, at 12:45 noon, when a general review of all legislation effecting institutional employees was discussed. No meetings are scheduled for the months of May, June and July. The next meeting will be on the third Wednesday of August, which will be an important one. At the March meeting, employees attending enjoyed as their guest William Mark Duffy, President of the Harlem Valley State Hospital Employees' Association.

The H. R. S. H. employees did remarkably well in contributing to the Community Chest during its recent drive, a total sum of \$822.50. General Chairman David G. Dutton announced April 1st that Hudson River State Hospital officers and employees had contributed the sum of \$1,400 as compared to \$1,100 in 1937. In charge of the drive was Dr. Wirt C. Groom, assisted by G. Carleton Nuhn and John Livingstone, officers of the Employees' Association, who spent a great deal of time in organizing and completing the drive.

On March 1st, Mr. and Mrs. Francis MacDonald, Paul Becker, John O'Brien and Grace Odell of

Wassaic State School visited H. R. S. H. and conferred with John Livingstone, local representative of the State Association. The advantages of a local employee's association were thoroughly explained to the group, as well as legislation pending at the time. Also attending the meeting were Carlton Nuhn, President of the H. R. S. H. Employees' Association, Mary Belton, Treasurer, and Miss M. Manning, Secretary. Mr. Livingstone, one of the most active committee members of the State Association, also explained the advantages of State-wide affiliation.

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CHAPTER 498

The Feld-Newell Bill

This law amends the Feld-Hamilton Law by adding two additional grades in the General Administrative Service so that the schedule for this service will be the same as the schedule in the Professional Service. The top grade in the General Administrative Service was formerly Grade 6 with a minimum of \$6,700. Grades 7 and 8 have been added with a minimum of \$8,500 and \$11,000 respectively.

CHAPTER 542

The Crawford-Newell Bill

This law provides that, when an appointing officer makes application for an open competitive examination to fill a position, he shall state in writing the reasons why it is impracticable to fill the position by promotion and a notice of the application for the examination shall be posted in his department and in the Department of Civil Service for fifteen days before the request is acted upon by the Commission.

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

CHAPTER 433

The Fischel-Babcock Bill

This law defines "continuous employment" under the Retirement System to correct a ruling of the comptroller which would deprive an employee of the pension allowable for continuous service if he were off the payroll for a week or

two because of illness or other causes beyond his control.

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

CHAPTER 488

The Newell Bill

This bill rennumbers two sections of the Civil Service Law to correct the confusion caused by the fact that there are now three sections having the same number, 31-b.

The Association also cooperated in formulating, or endorsed and supported many of the following bills that were enacted into laws:

CHAPTER 472

The Feld-Todd Bill

This law, which affects all the trained nurses in the State service, provides that any person now holding a license as a trained nurse may exchange this license for a registered nurse's license. When this bill was before the Legislature last year, no provision was made to permit the 600 trained nurses in the State to be admitted to the regis-

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session of the Legislature, prescribes a six day week for State employees in the Department of Public Works employed on the canals and bridges. This group of employees has heretofore worked seven days every week for nine months out of every year. Although the law, by its terms, is not effective until July 1, 1939, an appropriation has been provided in the supplemental budget so that the six day week can be inaugurated commencing July 1st of this year.

CHAPTER 382

The Corning Bill

This law provides that no employee in the noncompetitive class in the Mental Hygiene institutions, who has worked for a period of six months or more, may be dismissed unless charges in writing are preferred against him and he has been given a reasonable opportunity to make an explanation in writing. This bill affects over ten thousand employees in the Mental Hygiene institutions, many of whom have made civil service a life work, who heretofore had no civil service protection whatever and who could be removed at any time with or without cause and without explanation. The law now gives to such employees the same protection that is accorded to employees in the competitive class.

CHAPTER 580

The O'Brien-Piper Bill

This law authorizes group life insurance for an association of civil service employees having a membership in excess of 5,000. For over a year the Association has been considering a group life insurance policy, but it was necessary to amend the law in order to procure the type of policy desired for the employees of the State. Negotiations for such a policy are now under way and we hope this fall to be able to offer to members of the Association a life insurance policy in one of the big life insurance companies at a cost of approximately one-third the amount an individual would have to pay for ordinary life insurance.

Women's Wear For Business

By Nellie Torrance, Skidmore College

Clothing selection for you as a State worker depends in part on the type of organization for which you work and your position in it. Business wants clothing that fits into the picture in a business-like way. If you are a blue-eyed blonde who looks lovely in turquoise blue, business isn't interested. You are not dressing to flatter yourself in business; you are dressing to become part of the business, and wearing turquoise is not "fitting into the picture in a business-like way." In the small office where there are few employees, almost anything is permissible that is appropriate for street wear. Silk prints for spring, cotton dresses for hot summer, any color that is becoming. The general informality of the small office carries over into dress. However, in the large office where there is greater formality, a more conservative type of clothing is appropriate.

If you are "at the top of the heap," greater liberties can be taken in color range and cut of your garments. If you are in a lesser position and anxious for promotion, be conservative in dress. Wear black or navy, relieved by white collars, cuffs, necklaces, belts, flowers, brooches and bracelets. These give opportunities for a dash of "spice" on an otherwise dull dress. The "basic dress" is "tops" for those who wish to dress conservatively. It is cut simply. The neckline can be worn with or without a collar. On a hot day, a strand of beads makes an interesting substitute for a collar. A belt of the same material as the dress, is worn with the garment, but it can be replaced by a white one, or one of metal. Another excellent garment for conservative business wear is the man tailored suit in navy, black or perhaps oxford gray. Interesting white blouses, decorated with lace, tucks or embroidery can give a "dash of spice" to the man tailored suit.

This conservatism is apt to make one feel that distinction is impossible in business dress. That is untrue. Distinction can come in one's grooming — interesting hair arrangements; well kept, unusual accessories, and the cut of the garment. Most important of all is to

keep white collars and cuffs dazzlingly white. Try the game of making yourself look your best in a conservative basic dress or man-tailored suit, bearing in mind a change of accessories and good grooming. After a month, note the impression your dress has made on your business acquaintances and friends. If the impression is favorable, strike the conservative note daily in your business attire.

Napanoch Organizes

On April 11th, Executive Secretary of the Association, Joseph D. Lochner, visited an employees' meeting of the State Institution for Defective Delinquents at Napanoch, N. Y. The advantages of State employee, State-wide organization were discussed; and all legislation acted upon by the Governor was explained in detail. Employees attending the meeting took part in an open discussion concerning the work and activities and future program of the State Association.

On the same date a Constitution submitted by the Napanoch Institution Employees' Association was approved by the Executive Committee of The Association of State Civil Service Employees, and the Napanoch Association is now officially recognized as a Chapter of the State organization. Officers of the local Association are Joseph Blackwell, President; Weston Ruth, Vice President; Clarence Packman, Secretary, and Bert P. Rohan, Treasurer.

The Napanoch Chapter's organization is developing rapidly, and it is expected that eventually it will represent a large proportion of the employee population of the institution. This institution's employees should appreciate the fine organization work being done by the officers and committeemen of the new local association. A State-wide organization composed of Chapters of the State Association throughout the State located at Correctional Institutions was discussed. Mr. Lochner assured the gathering that this would be the correct procedure eventually, and at the appropriate time, the State organization would lend all facilities towards this end.

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Legislative Report of 1938 Session

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tered nurse group except by examination. The Association objected to the bill on this ground at a public hearing last year and satisfactory amendments were made so that the law in its present form properly protects the interests of the trained nurse group.

CHAPTER 571

Fischel-Babcock Bill

This law provides that any member of the Retirement System may, upon request, be granted a hearing before the Comptroller with respect to any determination affecting his retirement allowance, providing such request is made within four months after the determination sought to be reviewed.

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

CHAPTER 512

The Page Bill

This law liberalizes the provisions of the Retirement System by providing that the final average salary for retirement purposes shall consist of the salary received during any five consecutive years selected by the employee. A similar provision is now contained in the Teachers' Retirement System.

CHAPTER 407

The Fischel-Babcock Bill

This law provides that no decision of the State Industrial Board shall be binding on the Comptroller or the Medical Board with reference to applications for accidental disability retirement or accidental death benefits.

CHAPTER 603

The Newell Bill

This law re-defines the meaning of "State service" to correct the confusion caused by the fact that the former definition included county employees.

CHAPTER 485

The Wadsworth Bill

This law provides that no civil service commission shall bar any

person, who is physically and mentally qualified, from competing in a civil service examination by reason of age. Under its provisions, minimum age limits can be imposed only for positions such as firemen, policemen, prison guards or other positions which require extraordinary physical effort. In approving this measure, Governor Lehman said:

"The time has come for government to encourage private business to retain in its employ older men and women. Government, therefore, should set a generous example to private business."

CHAPTER 701

The McNaboe Bill

This law provides that no appointing officer shall be entitled to require any civil service employee to waive any rights he may have acquired under the Civil Service Law.

CHAPTER 359

The Fischel-Babcock Bill

This law provides that the contributions to the Retirement System on behalf of the employees of the State Insurance Fund, the Unemployment Insurance Fund and other special or administrative funds, shall be paid from such funds instead of from the State budget.

CHAPTER 709

The Rogers Bill

This act gives Retirement System credit for members and employees of the Constitutional Convention.

CHAPTER 693

The Coughlin Bill

This law gives Retirement System credit for service with the American Expeditionary Forces after the date of the Armistice and prior to June 30, 1919.

CHAPTER 719

The Rapp Bill

This law permits state troopers to retire at age sixty, on completion of 25 years total service, with an allowance of 1/50th of final average salary for each year of service.

CHAPTER 692

The Feinberg Bill

This act gives pension credit for military service to employees in the Correction Department who are not

members of the State Retirement System.

The **McElroy-Ehrlich Bill** sponsored by the Association, which provided that employees of the Department of Mental Hygiene should be allowed sick leave to the extent of fourteen days per year, cumulative for two years, was vetoed by Governor Lehman in a message which reads in part as follows:

"The Budget Director has advised me that to carry out the provisions of this bill would cost approximately \$400,000, an amount which the State obviously cannot afford at this time.

"Sick leave and the number of days of sick leave that should be granted to employees of the State are matters which should not be rigidly mandated by statute but rather should be left to determination of the administrative branch of government. Only in that way is it possible to adopt programs which will be just and equitable to all State employees."

The Association is not committed to the policy of regulating sick leave by statute. We are fully in accord with Governor Lehman's statement that sick leave should be regulated by administrative rules and President Brind has outlined the position of the Association in this respect in a letter to the Governor, a copy of which is printed elsewhere in this issue. Despite the veto of this bill it is hoped that some fair and equitable provision for sick leave may be provided for employees of the Mental Hygiene institutions by action of the Governor.

The **Ostertag Bill**, sponsored by the Association for the purpose of bringing employees of the Department of Correction under the Feld-Hamilton schedules, was also vetoed by Governor Lehman, but his veto message indicated that this purpose might be accomplished at a later date. He said:

"Last year, I approved the measure which became Chapter 859 of the Laws of 1937 (The Feld-Hamilton Law), which provided a salary plan for employees
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Wassaic News

At a recent meeting of the Wassaic State School Social Club, Louis E. Watts, of the carpenter shop, was elected to the position of President for the year 1938. George J. Penfield was chosen Vice President, Grace Odell was elected Secretary and Paul O. Becker was elected Treasurer. This institution has now affiliated with the Association of Employees of the Department of Mental Hygiene.

Representative of the State Association at Wassaic State School, Alice H. Murtagh, reports that membership in the State Association this year breaks all previous records. Over 300 have already affiliated with the State-wide organization for the year 1938. Mrs. Murtagh is an exceptional active worker on behalf of employee welfare. Future prospects, in line with the expansion of the State Association throughout the State, look toward still greater membership response during the remainder of the Association year.

Joseph D. Lochner, Executive Secretary of the State Association, visited a meeting of employees of the Wassaic State School, on Monday evening, April 4th, and explained thoroughly the work and activities of organized State employees, and legislation acted upon by the Governor.

Special Committee

President Brind recently named John Jahn, who is a member of the Association's Salary Committee, and President of the Association of Highway Engineers, as Chairman of a Special Committee to gather data on State employees who may be employed on a per diem, monthly or seasonal basis, to determine the proper procedure to have these employees placed under the terms of the Career Law. The remainder of this committee has been left unnamed.

The Association is striving to contact the various groups of employees throughout the State employed on such basis in order to secure the proper personnel to complete the remainder of the committee.

Groups of employees employed on a per diem, monthly, or seasonal basis, who have not been affected by the Career Law, should contact Association Headquarters.

No Warning!

All about us, in the newspapers, on the radio, and through many other communicative sources we hear of sickness and accidents. Recently a newspaper under the caption "1 in 10 Workers Ill Last Year," stated: "Sickness and accidents last year cut their heaviest swath in industrial payrolls in eight years, the Federal Public Health Service disclosed today. Nearly one of every ten industrial workers lost eight or more day's work during the year by reason of illness or injury, a survey of 185,044 in representative plants showed. The ratio was 99.7 per 1,000 workers, as compared with 90.9 in 1936."

Another recent newspaper clipping appearing on the same day read: "Fifty-one Cooperstown, N. Y., High School seniors, sightseeing in Washington were ordered home today by the Board of Education, after it was notified that two other members of the group had contacted scarlet fever."

Just what are you doing to protect yourself against the extraordinary medical, hospital and other expenses connected with accident or sickness disability. Lifetime savings are frequently completely exhausted in disability periods during which additional expenses are incurred, and especially when your earned income ceases, as is usual in extended disability periods.

The policy issued under the Association's group plan, gives complete and extensive coverage at cost of only one-third to one-half of what the same protection would cost if purchased on an individual basis. Over 5,000 Association members are now policyholders. Over \$100,000.00 has been paid in claims.

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not then covered by any existing statutory provision, fixing the amount of compensation. Ultimately, it is my hope that all such other salaries fixed by statute should be merged with the general State plan. This, however, should not be accomplished in a piecemeal manner, but rather as the result of a general survey."

The Nunan-Pease Bill bringing forest rangers under the terms of the Feld-Hamilton Law, was vetoed for the same reason, as were other bills increasing the salaries of prison guards, bedding inspectors in the Labor Department and inspectors in the State Insurance Fund.

Among the many other Civil Service bills vetoed by Governor Lehman were the following:

The McNaboe Bill, prohibiting oral examinations. In vetoing this bill, Governor Lehman said:

"It is manifest that oral examinations or personal interview tests are most helpful as a means of determining the qualifications of persons for very high administrative and executive positions and as a means of deciding proper promotions. There are some factors which cannot be measured solely by written examination.
* * *

"While the purpose of the sponsor of this bill, namely to prevent abuses which exist in oral examinations has merit, this bill prohibiting oral examination in all cases is unsound."

The McElroy Bill, permitting veterans with twenty years of service, to retire at one-half the highest salary received during that period, was vetoed with the statement:

"The cost of the benefits required by this bill is estimated by the New York State Pension Commission to involve a liability to taxpayers, through additional cost to the State and its municipalities, of approximately \$150,000,000 in the aggregate, over the next twenty years. The bill is completely contrary to the principles of a sound permanent retirement or pension system."

Governor Lehman also vetoed, with a three-page message, the highly controversial McNaboe bill which prohibited the employment in the classified civil service of persons advocating the overthrow of government by force. He said, in part:

"A demand for statutory enactment such as this can come only from a distrust of our democratic processes. I have no such distrust.

"My disapproval of this bill is based upon my faith in democracy. It is based upon my conception of the American form of government. Democracy means freedom of the individual. Democracy bestows upon its citizens the guarantees and safeguards emblazoned in our bill of rights. Those who would stimulate dictatorships can gain no ground if we adhere to the principle of exact equality to all and to the maintenance of freedom of conscience, of thought and of expression.

"The late Justice Holmes wrote:

'If there is any principle of the constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought we hate.'

"Though like the proponents of the bill, I hate the doctrines which they seek to combat through the passage of this legislation, I cannot, in good conscience, approve a bill which in my opinion weakens the 'very foundation of constitutional government'."

Also vetoed were:

The McNaboe Bill, which attempted to regulate the salaries and working conditions of employees of State and City Authorities.

The Howard Bill, which provided that every appointing officer should certify under oath that his failure to appoint any applicant in exact numerical order was not due to the applicant's race, color or creed.

The Berg Bill, providing that no age limits shall be imposed upon

the veterans taking civil service examinations.

The Wojtkowiak Bill giving pension credit to any veterans who might be employed by the Federal Government within the State of New York.

Governor Lehman vetoed the Sherman Bill, which gave veterans preference on preferred lists, with the statement:

"It is conceivable that under this bill a veteran who had been in the service only six months might be given preference over a non-veteran employee who might have been in the service twenty years. It would be decidedly unfair thus to discriminate against employees in the Civil Service who have given long and faithful service."

The McNaboe Bill, which provided that a department head could, for disciplinary reasons, suspend an employee without pay for a period not exceeding thirty days, was vetoed, the Governor stating:

"Unfortunately, the bill provides for a hearing in case of suspension, although no hearing is required for the purpose of removal. This would permit a rather anomalous situation. An employee could be removed without a hearing but he could not be suspended for thirty days unless a hearing were held. In that respect the bill is objectionable."

Also vetoed, were the Murray Bill, giving special preferences in the pension system to veterans of the Spanish American war; Crews Bill, which prohibited the Civil Service Commission from adopting educational requirements for entrance to Civil Service examinations; Sellmayer Bill, giving pension credit for service as a United States Deputy Marshal or Collector of Customs, and the Lupton Bill giving similar credit for federal service as Postmaster; Moran Bill, providing that veterans shall not be required to retire after reaching age seventy; Babcock-Crawford Bill, permitting retirement after thirty years of service at half pay, and the Feinberg Bill authorizing the pay-

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ment of a pension to widows of prison guards.

Among the bills which failed to pass the Legislature were the following:

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

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

Cheney-Kreinheider Bill which sets up the "drop-back" seniority rule, similar to that in effect on the railroads and elsewhere, by providing that when a position is abolished the incumbent shall, instead of being suspended, be demoted to a position from which he had been previously promoted.

McNaboe Bill, providing for a hearing and review in the courts for all employees in the competitive, noncompetitive and labor classes, against whom charges of misconduct are preferred.

McNaboe Bill extending seniority rule to cover employees in the noncompetitive and labor classes.

Crawford Bills, providing for retirement at age 55, and accidental death benefit equal to one year's salary.

Numerous bills providing for a five-day week.

The Kleinfeld-Howard Bill increasing the salaries of all employees now receiving less than the minimums established under the terms of the **Feld-Hamilton** schedules.

The Desmond Bills, providing for in-service training of all Civil Service employees, prescribing graduated fees for Civil Service examinations, prohibiting any Civil Service Commissioner from holding office in a political club or party, and providing for compulsory retirement at age seventy; the **Berg Bill** giving veterans preference in retention when positions are abolished for lack of work or lack of funds.

Buffalo F. C. U.

At the annual election in January, the following officers and committees were elected to serve the Buffalo State Employees' Federal Credit Union during 1938: President, Fred C. McCall; Vice President, F. Leo Clarke; Treasurer, Wm. E. McKernan; Clerk, Michael F. Seereiter, and Director, Eugene M. Burke.

The Credit Committee elected were Elmer G. E. Youngman, Mrs. Mary E. Hierbster and Harry C. Dupree, and the Supervisory Committee, John C. Keating, Mrs. Elsie C. Shoenwetter and Sanford Ulrich.

The steady growth of the Credit Union is shown in the following report submitted by Mr. Seereiter:

	1936	1937
Share Bal.,		
Dec. 31 ..	\$6,152.30	\$7,599.37
Loans Bal.,		
Dec. 31 ..	\$4,702.30	\$4,680.82
No. Members,		
Dec. 31	245	270
Paid in		
Shares ...	\$6,087.55	\$3,945.16
Amt. Loans		
Made	\$10,820.00	\$10,018.00
Net Profit..	\$154.24	\$318.04
Dividend		
Paid	\$150.85	\$288.18
Dividend Rate ...	5%	5%

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