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# The State Employee

VOL. 9, Number 3

MARCH, 1940

10c a Copy

## The Budget Passes!

Remember the budget storm of last year? Remember the unreasonable claims, demands and criticisms made in connection with the State service, its service and the salary program? Nothing like it had ever come before the people of the State. What would have happened if the employees and the citizens did not have available a well-informed, earnest, cooperative body of employees already organized into an association for the mutual benefit of the employees of the State and the citizens of the State?

The efficient and proper functioning of State government is the most important business in the Empire State. If Democracy is to survive, this status must be rigidly preserved. The appalling situation in Europe, the rise of Communism, is a gigantic enough spectre to warrant the rigid adherence to the principles of Democracy in State government, and a continuing effort to raise the standard of efficiency and service and contentment among its members.

To any person familiar with the budget situation, it was immediately apparent that the attack upon the salary program was founded upon lack of information or upon misinformation. No civic minded group, no matter how earnest, had taken the occasion, or had the interest or desire to place before the people of the State the true facts in connection with the State budget. The Association officers and others went to work; printed documents, bulletins, radio, newspapers, word of mouth, every avenue was used to present a true picture of the situation. Clearly established were the facts that the increases complained of were not due

to increases in the cost of government itself. They showed that during the last ten years the cost of State government, even though new services had been added, had decreased some fifty million dollars. As far as the salaries of employees were concerned the evidence established that they were less than the average salaries being paid by local governments or by private industry. These facts were collated and distributed far and wide. The Governor of the State and the Director of the Budget were familiar with this situation. They were adamant in their position that the career service set up in the Feld-Hamilton Law unanimately by the Legislature should be adhered to. Prior to the presentation of this year's budget, the Republican leaders, convinced that the salary plan entered into after consideration during a great many years was of far reaching importance and that interference with its progress would injure the efficiency of the State service, stated that they favored full compliance with its terms.

This year when the Governor presented his budget to the Legislature in accordance with the usual procedure, he included in it the Feld-Hamilton increments, commutation, time service and the increments for the other statutory schedules. Again a clamor arose for the reduction of the State budget. All precedents were cast aside, a gigantic hearing was scheduled and conducted at the State Armory in the City of Albany at which the protestors and the defenders were given an opportunity to have their say. Six, seven, perhaps eight thousand people came to Albany to attend the hearing.

But the educational program undertaken by your Association, and

by it alone, had its effect. The associations the year before who had been so insistent upon starting economies with State employees had had the opportunities to examine the facts. While there was a hue and cry for economy—and certainly the employees are just as interested in this subject as any other group of taxpayers—there was no widespread insistence for seeking that economy at the expense of the employees and of the efficiency of the State service.

And so the Legislature has passed the budget and the contractual obligations announced by them two years before were fulfilled. The Feld-Hamilton Law is again a reality. The budget as passed contains the joint insistence of the Democrats and the Republicans that the employees of the State be accorded the career to which they are entitled and which is so important for the good of citizenry.

Rejoicing as we do that these results have been obtained, and that the State employees may rely upon the word of the Legislature, we nevertheless must not rest or hesitate in carrying on the Association's program informing the people concerning State service and the true facts in connection with its cost. The need of an association to carry this forward must be indeed patent to everyone. The support which the Association has received in the past, the recognition it receives from the Legislature, its leaders, the Governor and the Department Heads, is a matter of great pride to its officers and members. Its numerical evidence of membership is a very potent force. Every State employee should take personal pride in belonging to the Association and in helping with this work. There should be no slackers or hitch hikers.



# Personal-ized Income Tax

## YOUR NEW YORK TAX

By

JOHN J. RONAN

*Administrative Supervisor, Income Tax  
Bureau, Department of Taxation  
and Finance*

You, with thousands of other State employees, have just finished a new experience in the preparation and filing of your Federal income tax returns. Those of you who are members of the Association of State Civil Service Employees were guided in the preparation of your Federal returns by an article printed in the February, 1940, issue of *The State Employee* and, undoubtedly, were able, through the application of the various income tax principles enunciated therein, to compute correctly your Federal tax.

Most of you are already familiar with the requirements of the New York State Income Tax Law and are probably well acquainted with the State income tax blank. However, at the present time, it would seem to be appropriate to point out that each of you has a vital, personal interest in tax matters of your own State. Federal taxation, because of its far flung impact and the remoteness of its central administration cannot, to you residents of New York State, assume the personalized qualities which, upon mature thought, will be seen to exist in the tax which is administered in your own State by your fellow State workers.

Payment of taxes, both Federal and State, is a duty and a responsibility inherent in your role as a citizen. You, as an employee of the State, owe a particular duty to the State because you receive not only those indirect benefits which accrue to all residents but, in addition, you, as distinguished from the great mass of individuals outside the public service, are a direct beneficiary of tax collections. You may not realize it, but it is definitely true that your salary and your salary increments are made possible only through the collection of the various taxes imposed by the State of which the Personal Income Tax accounts for almost 25% of the total tax collected.

You can hardly expect the great mass of individuals outside of public employment to contribute to the support of the State of which your compensation is a part unless you, as an individual and as a public employee, do your part as expeditiously and accurately as it is humanly possible. In other words, in your own self-interest, you just can't "Let George do it" and expect George to continue doing it indefinitely.

The amount of any tax which is available for governmental expenses is limited to the amount remaining out of the gross collections after deducting the total cost incurred in making collections. This is particularly true of a personal income tax. Every return which is prepared carelessly, which does not give complete information or which is prepared without a full realization of the principles of income taxation, gives rise to added costs of collection in an effort to adjust the tax which is legally due. Remember, this is equally true whether you understate your tax and are required to make an additional payment or whether you have failed to take advantage of all your legal rights and ultimately receive a refund of a portion of the tax paid by you. In either event, the cost of the adjustment is material and, in the aggregate, reduces the net revenue which is available for State purposes. It is hoped that the following will permit you to compute your tax correctly, in the first instance, so that once you have filed your return, your entire tax can be placed to the credit side of the ledger:

It is suggested that you open up the February issue of *The State Employee* at Page 24, where you will find information which was helpful to you in the preparation of your Federal return. Keep in mind that, although the State Law is patterned generally after the Federal Act and although most of the fundamental principles are the same in both, there are various essential differences, knowledge of which is necessary before you start to prepare your State return. For the sake of simplicity,

the general arrangement of the article on the Federal income tax will be followed so that you may make a direct comparison between the Federal and State requirements.

### I—Who Must File a Return

The requirements for filing New York State returns are identical with those relating to the Federal tax. It should be noted, however, that in the case of married persons living together, if only one has income, he or she must file a return if his or her net income is \$2,500 or more, or gross income is \$5,000 or more.

### II—Forms for Making Returns

Unlike the Federal, only one return blank has been prepared for the use of residents of New York State; namely, Form 201. This form is to be used regardless of whether your net income was under or over \$5,000 and also regardless of whether your income was derived from salary or from a business, rents or the sale of property. If you happen to be a non-resident of New York State working within New York State, you should use Form 203. If you have filed returns for prior years, you should have received through the mail a blank for 1939. If you have not received the blank, one may be secured from the Income Tax Bureau in Albany or from any of the district offices located in New York City, Brooklyn, Utica, Syracuse, Rochester and Buffalo.

### III—Personal Exemptions and Credits for Dependents

All that was said in explanation of the exemptions with respect to the Federal tax applies equally to the New York tax. Just in case you have mislaid your copy of the February issue, it may not be amiss to repeat the exemptions and credits. They are:

1—A single person or a married person not living with husband or wife, \$1,000.

2—Married persons living together, \$2,500.

3—A "head of a family," \$2,500.

4—Dependency credit for each person (other than husband or wife),



whether related to you or not, who is actually dependent upon you for support and who is under eighteen years of age or is incapable of self-support because mentally or physically defective, \$400.

If your exemption status changed during the taxable year, the exemption must be apportioned in accordance with the number of months before and after such change.

Who is the "head of a family?" Erroneous claims for this exemption have given rise to a tremendous amount of expense in the administration of the Income Tax Law, chiefly because taxpayers are not aware of the economic reason for the granting of the exemption. It was recognized by those who formulated the principles of personal income taxation that single persons were, many times, the pivotal point of a family unit and were financially responsible for the continued maintenance of that family unit. A single person's responsibilities, financially, morally and legally, may well equal those of a married person and he or she is fully entitled to the same relief as that given married persons. Therefore, if an individual is actually supporting and is maintaining in one household one or more dependent individuals who are closely connected with him by blood relationship, relationship by marriage, or by adoption, and if this right to exercise family control is based upon some moral or legal obligation, he is permitted a primary exemption of \$2,500. If two individuals in the same household are gainfully employed and if each contributes approximately equal amounts toward the support of the family, it cannot be said that one furnishes the chief support and neither may claim the "head of a family" exemption.

The Income Tax Regulations provide that, in the absence of continuous actual residence together, the character of the separation must determine whether or not a person with dependent relatives is the "head of a family." If the dependent continuously makes his home elsewhere, his benefactor is not the "head of a family" irrespective of the question of support.

What is meant by the words "absence of continuous actual residence together?" It is difficult to give a definite meaning to this phrase which will be applicable to all cases.

Ordinarily, it refers to one who is temporarily making his place of abode elsewhere than in the home where the dependents for whom he claims the exemption reside. However, if a single person, who by force of circumstances is required to take employment in a locality other than where he has previously maintained a home in which he and his dependents lived as a family unit, continues to maintain the former home and the dependents therein in the same manner as before for the reason that he cannot remove them to the new location where he is employed, and the former home continues to be the place of abode to which he regularly returns and exercises family control, such individual is considered to be the "head of a family."

You should use extreme care in ascertaining the exact exemption credit to which you are entitled.

#### IV—What Income Must Be Reported

Generally, your gross income, for purposes of the State tax, will be identical with the amount reported in your Federal return. If you belong to the State Retirement System, or if any amounts are being deducted from your pay check for group insurance premiums, or for the return of money borrowed from the Pension Fund, or for any other purpose, do not report as income only the aggregate of your salary checks. Your entire salary before deduction for any purpose is the amount which should be reported. You may ask why this is so since you have not actually received your total salary. While this is true, you have constructively received your full salary. The amount withheld for the Pension Fund is being invested for you in the purchase of an annuity and the effect is the same as if you had received a check for the full amount and immediately paid out a premium for the purchase of the annuity. Furthermore, when, on retirement, your annuity is available to you, no portion thereof may be taxed.

Of particular interest to institutional employees is a difference in treatment of maintenance for purposes of the Federal and State Laws. The Federal rule is clearly stated at the top of the first column on Page 25 in the February issue of *The*

*State Employee*. The State rule does not give effect to the convenience of the employer. On the contrary, it looks to the financial benefit to the employee of the furnishing of maintenance. If you are an institutional employee and receive board and lodging in addition to your cash compensation, it is clear that you have received something of value over and above the cash payments and that your total compensation includes the value of what you have received. After much thought, it was concluded that the best test of the value of maintenance is the amount at which the institutional employees themselves valued it. For retirement purposes, the employees of institutions were instrumental in having the base salary, on which the retirement allowance is computed, figured as follows, as indicated in Civil Service Regulations:

Any officer or employee receiving an annual salary or compensation in an amount of \$2,000 or more, plus maintenance, will be required to compute the value of maintenance as fifty per centum of the annual salary and the total amount which is taxable is the salary plus such maintenance value. Any officer or employee receiving an annual salary of less than \$2,000 must compute the value of maintenance in the same manner as is provided under Civil Service Regulation 10 for payment in lieu of maintenance and living quarters of those employees who do not receive maintenance but who live outside the institution. This is as follows:

Single employee—\$8.00 per month for each meal of three meals per day and \$8.00 per month for lodging, making a total of \$32.00 per month. Married employees or heads of families—an additional \$10.00 or a total monthly allowance of \$42.00.

#### V—Items Not Taxable and Not Included in Return

The items enumerated with respect to the Federal tax as exempt from taxation are essentially the same as those which are exempt from the State tax. However, retirement annuities and pensions paid to employees of New York State or any municipal subdivision thereof are fully exempt from the State tax. While interest on obligations of

*(Continued on page 62)*



## Your New York Tax

(Continued from page 61)

New York State is exempt, interest on obligations of other states is taxable.

### VI—Expenses That May Be Deducted

In general, deductions which are permitted in the computation of the Federal tax are likewise permitted in the computation of the State tax. One notable exception is the income tax paid in 1939 to either the State or the Federal Government. If you paid a Federal tax last year, no portion thereof is deductible in the computation of net income subject to the State tax. This is equally true with respect to your State income tax. Real estate taxes and interest on your own indebtedness may be deducted in full even though part thereof may have been paid in connection with your personal home or other personal purposes. Real estate taxes and interest on mortgages on property standing in the name of another are not deductible by you even though you, individually, may make payment thereof. Such payment constitutes, in reality, a gift to the owner of the property and not the payment of interest and taxes.

Cigarette taxes, whether Federal, State or local, are not deductible. They are like many other commodity taxes, as for example: taxes on liquor. They are levied against the seller—not the ultimate consumer—who may or may not pass them on. Other taxes, such as motor vehicle registration fees, amusement and admission taxes, and gasoline taxes levied by New York State (four cents per gallon) are deductible because the statutes imposing them say they are levied against the ultimate buyer—the consumer.

Expenses incurred in connection with your position and not reimbursed by the State are ordinarily not deductible because, in the absence of reimbursement, it would not appear that any such expense was ordinary and necessary. However, it is recognized that under certain conditions employees of the State are required to use personally owned automobiles and that the wear and tear on the automobile due to the use of the car in the performance of official duties may give rise to a deduction for depreciation. Therefore, if the use of a personal car by a State employee is systematic

and general rather than occasional or sporadic and if the employing Department will certify to the necessity of such use, if so requested, depreciation will be permitted in an amount which represents the ratable portion of the total depreciation which the number of miles traveled on official business during the year bears to the total number of miles traveled for all purposes during the year.

### VII—Items Not Deductible

In deciding whether an expenditure made by you during the year is deductible, keep in mind that we are dealing with an income tax and that unless, because of some specific statutory provision a deduction is allowed, all items of deductions are limited strictly to those connected with the production of income or incurred in business. Therefore, premiums on life or health and accident insurance, personal and living expenses, repairs to your home, and other personal items, are not deductible. If you own real property from which you derive rental income, amounts spent for permanent improvements or replacements are not deductible but are recoverable only through an added depreciation deduction over the life of the improvement.

### VIII—Earned Income Credit and Computation of Tax

The State Law does NOT permit any earned income credit and the tax is computed on the total amount of net income after deducting the personal exemption and credit for dependents. This taxable balance is subject to two taxes:

- (1) The Normal Tax, and
- (2) The Emergency Tax

(1) The Normal Tax is computed at 2% on the first \$1,000 or portion thereof; 3% on the second and third \$1,000 or portion thereof; 4% on the fourth and fifth \$1,000 or portion thereof; 5% on the sixth and seventh \$1,000 or portion thereof; 6% on the eighth and ninth \$1,000 or portion thereof and 7% on all over \$9,000.

(2) The Emergency Tax is a flat 1% on the taxable balance.

### IX—Net Capital Gain Tax

If, during the taxable year, you sold or exchanged any capital assets, your gain or loss may not be reflected in the computation of net income. Your net capital gain (the excess of gains over losses) is separately tax-

able at one-half the normal rates. If your losses exceeded your gains, the amount thereof may not be deducted in the computation of net income and your tax liability will not be affected. Just what is meant by the words "capital assets" and "sale or exchange" is rather complicated and it may be confusing to attempt to enlarge on the capital gain provisions of the Income Tax Law within the limitations of this article. If you sold securities or real estate or any other property, you should consult the instruction relating to Schedule E appearing in the Instruction Sheet attached to Form 201. No exemption is permitted in computing the tax on net capital gain unless net income subject to the Normal and Emergency taxes is less than the personal exemption, in which case the amount of exemption unused in the computation of such taxes may be offset against net capital gain.

### X—When and Where To File

Your return must be filed on or before **APRIL 15, 1940**, and may be mailed or delivered to the Albany Office, located in the State Office Building or to any of the following district offices:

New York City: State Office Building, 80 Centre Street.

Brooklyn: 320 Schermerhorn Street.

Buffalo: State Office Building, Niagara Square.

Rochester: 55 Broad Street.

Syracuse: 236 West Genesee Street.

Utica: 200 Oriskany Street, East.

If you have any unusual problem, or if you do not thoroughly understand how to prepare your return correctly, you may secure help at any of the offices mentioned. Your tax may be paid in full when the return is filed, or at your option, you may pay only the total amount of the Emergency Tax and one-half of the Normal Tax and Net Capital Gain Tax. The remaining one-half of the latter taxes may be paid in equal installments on **JUNE 15, 1940**, and **OCTOBER 15, 1940**.

**Last Date  
FOR FILING  
STATE INCOME TAX  
April 15, 1940**



# Legislative Report of Counsel

By John T. De Graff  
Counsel

As this report is written, the legislature is making its final drive for adjournment, tentatively scheduled for March 27. Although no bills specifically affecting Civil Service Employees have yet been signed by the Governor, the biggest controversy of the session, which affects Civil Service employees more than any bill in either house, was settled with the passage of the budget. The Feld-Hamilton and other increment statutes have withstood the attack of taxpayers and are continued unimpaired for the coming fiscal year. Despite insistent demands from taxpayer groups, not only for a suspension of increments, but for a further reduction in salaries as well, legislative leaders on both sides of the aisle stood firm upon their previous announcement that the salaries of State employees would not be cut.

The action of the legislature in refusing to tamper with the Feld-Hamilton Law is essentially a recognition of the fundamental soundness of this law as the best method of handling the personnel problem in the State service. The educational campaign conducted by the Association during the past year is, in a large measure, responsible for this result. The legislature and the public generally, have been made aware of the injustice that results from a suspension of statutory schedules. The full implications of the decision to continue salary schedules in full force is discussed in greater detail elsewhere in this issue. One thing is certain—the Feld-Hamilton Law now stands on a firmer foundation than ever before. It will, in the near future, be extended to other groups not now affected, and it is destined to become the basic method of handling the personnel problem in the State service.

Of the four thousand or more bills already introduced in the legislature, over 400 affect the Civil Service status, pension rights or working conditions of Civil Service employees. Space does not permit a complete report on the action with reference to all these bills. The bills sponsored by the Association are progressing satis-

factorily and many of them will undoubtedly be sent to the Governor before the legislature adjourns.

The Association's bill amending the removal statutes to give greater protection to competitive Civil Service employees has passed the Assembly, was reported favorably from the Senate Civil Service Committee and is now on the third reading calendar in the Senate. This bill, Assembly Intro. 1736, introduced by Mr. Fite, also protects Mental Hygiene employees. It provides, in substance, that an employee who is dismissed on charges, shall have the election to review the case in court, as at present, or to appeal to the Civil Service Commission, which is empowered to investigate the facts, hold a hearing, and reverse or modify the determination of the officer who made the removal. It is similar to the procedure now applicable to teachers under the Education Law, which permits them to apply for a review by the Commissioner of Education. This procedure has also worked out successfully in a number of western States and cities. The present procedure with respect to removals is far from satisfactory. Court review is, as a practical matter, limited to a review of questions of law. If the appointing officer can make a charge which is sufficient on its face, the courts cannot review the facts, except in the case of veterans, volunteer firemen, and other special groups. This bill would permit a review of the facts by the Civil Service Commission, and would go a long way toward giving Civil Service employees a protection which they now lack.

The Ehrlich Bill, Assembly Intro. 1758, was favorably reported from Committee and is on the third reading calendar in the Assembly. This bill provides that reasonable sick leave shall be granted to institutional employees pursuant to Rules which shall, so far as practicable, be similar to those now applicable to departmental employees generally. Budget Director Abraham S. Weber is making a survey to determine the cost of extending the sick-leave rules to hospital employees.

The Hampton-Fite Bill, Senate Intro. 1406, Assembly Intro. 1737,

amends the law with reference to temporary appointments in conformity with the decision of the Appellate Division, Third Department, elsewhere reported in this issue. This bill has been favorably reported from Committee and is on the third reading calendar in the Assembly. Its passage would do a great deal to eliminate the present evils in the practice of making temporary appointments.

The Condon Bill, Senate Intro. 152, extending the eight-hour in the institutional service has passed the Assembly, and the Martin Bill, Senate Intro. 1013, providing that members of the Division of State Police shall not be required to work more than six days a week, has likewise passed the Senate.

Assemblyman Ostertag has introduced a bill to extend the life of the Salary Standardization Board for another year and also to extend the time of the Classification Division for correction of titles. This bill likewise provides that the Civil Service Commission may empower one of its members or an employee of the Commission to hold hearings on appeals from titles. No substantial amendments to the Feld-Hamilton Law seem to be required this year.

At the annual meeting of the Association last fall, and at the meeting of the Legislative Committee in January, resolutions were adopted to seek amendments to the law passed last year which suspended statutory increments. This law denied increments to employees receiving less than \$3,500 if their minimum was in excess of \$3,500, and it likewise denied credit to new employees for service during the fiscal year 1939-40. This bill was vigorously opposed by the Association last year and when its passage was assured, amendments were suggested but to no avail. The Association has called this situation to the attention of Legislative leaders and has attempted to obtain their approval to amendments which would authorize increments to be paid next July to employees appointed or promoted during the year 1939. Legislative leaders indicated that they were unwill-

*(Continued on page 88)*



# The Annual Dinner

There is no greater service rendered in any organization and at less cost than that of the men and women engaged in administering the government of the State, Governor Lehman said at the annual dinner of the Association, February 21.

Approximately 500 persons attended the dinner which was the twenty-second such affair annually tendered the Governor, Legislature and Department heads by the Association. This year's meeting was in the De Witt Clinton Hotel, Albany.

The Governor's speech, which was informal, contained sincerest praise for the Association and its officers. Cooperation and moderation between the Executive and the Organization were the keynote of the address.

The Governor said in part:

"I am proud of this Organization because I saw it grow. This is the twelfth annual dinner of the Association which I have had the privilege to attend. The first dinner which I attended was in January, 1929.

"I believe the Association at that time had about 1,400 members. To day your president has reported to you that it has 30,000. I have had the privilege of working closely with the officers of your Association and I can bear testimony to the fact that they have been cooperative, not only with me but with the people of the State. They have never made demands that were unreasonable or unfair. They have always been willing to sit down and talk things over reasonably and calmly and I believe that the association between the State officials and the officers of this organization has been of great benefit to the State service and the people of the State.

"I am very proud of this organization for another reason and I am not sure that it doesn't transcend the gratification which I have expressed before and that is that we have an organization of 30,000 members, represented by many leaders here tonight, and here is this group of men and women of every race and stock, sitting together, inspired only by a desire to serve the principles of Democracy, to serve their State and to

work together in understanding and good faith.

"I know of no other country in the world where that sort of thing can occur to the extent that we are blessed with it in this beloved land of ours. I think that in the spirit of maintaining and developing good faith and good will which alone made this country great, of understanding, of working together shoulder to shoulder, this organization would be a great influence and a great factor in our democratic life of America.

"In the twelve years that I have been up here in Albany as one of your associates, both as Lieutenant Governor and as Governor, my association has been of the happiest. I know the calibre of the men and women who make up the Civil Service of the State of New York. It is very fashionable today for people to deride and belittle the work of public officials. It seems to be the mode of today's living, but I can say, based on my own daily association, that no body of men and women I have ever come into contact with have shown by and large the devotion to their duty or willingness to carry out the responsibilities with which they are charged than the men and women who are today in public service.

"I know that there is no greater service rendered in any organization and at less cost than the service that is rendered by the men and women who are engaged in carrying on the daily duties, the daily responsibilities of administering the government of this State."

Thomas Stowell, of the Health Department Staff, who was Chairman of the Dinner Committee, presided at the dinner. Other speakers were: Grace A. Reavy, President of the State Civil Service Commission; Dr. Frank P. Graves, Commissioner of Education; and President Brind.

A jovial entertainment was presented under the direction of a committee of which Allan Reagan, director of the Bureau of State Publicity, was chairman. Other members of the group were: William M. O'Reilly, Department of Tax, vice chairman; Hon. Walter Brown, Secretary to the Governor; Hon. Phillip D. Hoyt, Secretary to the

Lieutenant Governor; Charles McTigue, Department of Tax; John F. Tremaine, Department of Correction; Clarence Knapp, Department of State; Howard Silberstein, Department of Labor; Foster Potter, Department of Agriculture and Markets; Frederick Hollowell, Department of Audit and Control; and John L. Halpin, Department of Conservation.

In charge of dinner arrangements were members of the social committee, including: Mr. Stowell, chairman; and Harold Fisher, Hazel A. Ford, Beulah Bailey Thull, Frances Sperry, Janet Macfarlane, Lillian Hyatt, Grace E. Keck, Evelyn Patton, Mildred Meskill, Jesse McFarland and Jane Z. LaChapelle.

Guests were: Governor Lehman, Lieutenant Governor Charles Poletti and Mrs. Poletti, Abraham S. Weber, Director of the Budget; Dr. Frank P. Graves, Commissioner of Education; Miss Grace E. Reavy, President, State Civil Service Commission; President Charles A. Brind, Jr., and Mrs. Brind; heads of State departments and members of the State Legislature.

Dancing followed the dinner.

Association Representatives present were:

Earl Kelly, President, New York City Chapter; Milton Schwartz, Chairman, Legislative Committee, New York City Chapter; Edward Hyland, President, Buffalo Chapter; H. H. Wagenhals, President, Syracuse Chapter; Leslie Wood, Rochester Chapter.

Claude Bigelow, President, Danemora State Hospital Chapter; Paul Swartwood, President, State College of Agriculture, Ithaca Chapter; Guy E. Meeker, Elmira Reformatory; Frank McGovern, President, Waterford Floating Plant Chapter; Mrs. Alice Murtaugh, President, Wassaic State School Chapter.

Albert Chick, Letchworth Village Chapter; William Hansen, Waterford State Shop Chapter; Mrs. Ruth C. Stedman, President, Rome State School Chapter; Harry Fritz, President, West Coxsackie Vocational School Chapter; Robert Ortlieb, Rockland State Hospital Chapter.

John McDonald, President, Hy-

*(Continued on page 78)*

# Classification and Reclassification

The thousands of State civil service employees who appealed to the Classification Board for reclassification of their positions in accord with provisions of the Feld-Ostertag law of 1938, and whose appeals were not granted by the Board, have been advised that they will be accorded a hearing if they indicate to the Board that they so desire. This is in accord with section 48 of the Civil Service Law which states:

"Any person aggrieved by reason of any determination made by the board may appeal from such determination to the civil service commission which shall fix a time and place for the hearing of said appeal."

The Classification Board, through its Chairman, Charles L. Campbell, states that the hearings will be held in various cities of the State so as to make for as great convenience of employees as is possible. No dates have as yet been fixed, and will not be until reasonable opportunity has been given to all interested to notify the Board that they wish a hearing.

The Classification Division established in Section 46 of the Civil Service Law is headed by the Classification Board of three members, two of which are appointed by the Civil Service Commission and one by the Director of the Division of the Budget. The present members of this Board are: Charles L. Campbell, Chairman of the Board and the Director of the Classification Division; Arthur L. Malloy, and W. F. McDonough.

In the case of employees whose positions were reclassified by the Board, the names of all such were filed with the Governor. This is provided for in Section 47 of the Civil Service Law which states:

"Any reclassification or change of title recommended by the classification division pursuant to the provisions of this article shall be filed forthwith with the Governor for inclusion, in his discretion, in the next Budget."

This Section further provides "no such reclassification or change of title shall be effective until such appro-

priation is made." The printed budget discloses that all of the reclassifications approved by the Classification Board were not ratified by inclusion in the budget. The basis for rejection as stated to some of the employees affected was budgetary discretion indicating lack of necessity to provide services of the superior grade.

The decision of the Classification Board to accord hearings to those employees whose requests for reclassification were not approved by the Board is in line with the letter and spirit of the career service bill as a whole. The underlying purpose of the career service bill is to assure to the people of the State a body of civil employees at once efficient and subject to just and impartial applications of the principle of pay for like work and equal opportunity to gain promotion solely upon basis of merit and fitness. It would be very unfair indeed to deny to any worker the right to appeal personally if he or she believed their work was not properly evaluated and titled and to learn the exact reasons for the decision of the classifying authorities.

What are some of the problems facing the Classification Board? It is obvious that a knowledge of the needs of each service should be elementary in each department of State government and that the personnel officer of each department should be wholly familiar with the most economical attention to personnel needs. Under such conditions it is easy to institute a cooperation between the department and the classification division of the Civil Service Department. We know that when the Feld-Hamilton law was approved that there existed a most unsatisfactory and even chaotic situation as to the classification of positions and therefore as to salaries. While the State service had been classified in 1932, errors had been made and in the years from 1932 to 1937 other errors in classification had developed. No machinery had been set up to cope with the problems of fair classification. Thus, the Classification Board found itself faced with the tremendous task of organizing a new division within the Civil Service Depart-

ment, of recruiting a professional staff and of training its employees for the difficult technical duties devolving upon a classification division charged with serving a jurisdiction comprising 50,000 workers. It must be noted that the Classification Division is charged with setting up specifications showing the qualifications for and the nature and extent and scope of duties and responsibilities and to assigning uniform titles to positions that are substantially similar in the essential character and scope of their duties and responsibilities and in the qualification requirements for the entire State service. Whole services such as the State Insurance Fund, the Transit Commission, the Psychiatric Institute and other large groups had no uniform classification and had to be studied and positions classified. Many new positions were being created in new branches of State service which had to be given special attention. Upon the top of all this, as noted, lacking recent classification the whole service was burdened with inequities. While this new work within the Civil Service Department has received new funds, these funds are not adequate. The work has had to be done with a limited force and delays have resulted naturally.

It would be desirable in many departments to reclassify whole units in the interest of efficiency and economy. It will be apparent, alas, that to reclassify one position because the occupant has brought the matter of need of reclassification to the attention of the Classification Board and not to examine positions closely associated with the position involved may create new inequities. Therefore the work of classification and reclassification is a continuing one and must have intelligent first hand attention by the personnel officer of the department working harmoniously with the Classification Board.

The Salary Standardization Board is directly dependent upon the prompt and complete functioning of the Classification Board, and looks to that board for a broad, uniform treatment of classifications in order to allocate justly the positions to proper salary grades.

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# "For Distinguished Service"

With this issue the editors are presenting a new feature. Roger Stonehouse, who has contributed so much time and effort as the art editor, has agreed to edit a page entitled "For Distinguished Service." In this column he hopes to include employees and particularly Civil Service employees who have distinguished themselves through service to the State.

It is a happy thing to be proud of one's self (when we can!)—but there is real joy in exulting in someone else's success. There is real inspiration in being proud of someone else and that pride puts us on a better relationship with the whole world.

If success or merited honor has come to one of our members, won't you share the news with us by informing headquarters? We'll pass it on to the whole Association!

by

Roger H. Stonehouse

"Know ye, that reposing special trust and confidence in the patriotism, valor, fidelity and abilities of Ames Thorndike Brown, we have appointed and constituted and by these presents do appoint and con-



GENERAL AMES T. BROWN



GENERAL WALTER G. ROBINSON

stitute him Brigadier General, Adjutant General's Department, New York National Guard, with rank from February 9, 1940."

With these words Governor Lehman as Commander-in-Chief of the Military and Naval Forces commissioned the new Adjutant General of the State and again demonstrated his policy of rewarding efficient service with promotion, a policy essential to a real "career" in State service.

The time-honored language of the commission admirably expresses those qualities necessary to devoted State service and requisite to the promotion of civilian or soldier. That there is ample ground for reposing that special trust is evidenced by the War Department records. General Brown was commissioned Second Lieutenant of infantry February 19, 1915, and has served in all the intervening grades up to his present rank. He left the Federal Service after the World War as a Major.

During the World War he earned the following citation by Major General John Francis O'Ryan, Commanding the 27th Division, A. E. F.:

"For gallantry, determination and qualities of leadership in the battle of the Le Selle River, October 17, 1918. After being painfully wounded in the face by a shell fragment, this officer continued in action and later being gassed, he refused to be

evacuated, remaining with his battalion until his regiment was withdrawn from the line on October 20, 1918."

General Brown's decorations include the Silver Star; Purple Heart; Conspicuous Service Cross (State of New York) and the State Long and Faithful Service Medal.

The Governor who himself holds the Distinguished Service Medal received as Colonel, General Staff, during the World War, could not have failed to recognize that in these dangerous days when peace hangs in the balance, his trust to protect the people of the State demanded the appointment of a seasoned, experienced officer, trained under actual war conditions. That the Governor so loyally kept the faith is abundant cause for congratulation to him, to General Brown and to the people of the State of New York.

In the recent death of Major General Walter G. Robinson, Adjutant General of the State on January 24, 1940, "the Military and Naval Forces of the State of New York mourned the loss of an eminent citizen and a distinguished soldier." To quote further from the General Order announcing his sudden death: "Since December 13, 1907, when General Robinson entered the National

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HON. JOHN T. HIGGINS

# Story of State Government

## CHAPTER V: DEPARTMENT OF CONSERVATION

*The following article is the fifth of a series of articles on New York State Government. The next article of this series, which will appear in the May issue, will deal with the work of the Division of Standards and Purchase. This series is in charge of our Editorial Board Member, A. K. Getman, of the State Education Department Staff.*

By

HON. LITHGOW OSBORNE

Commissioner of Conservation  
State of New York

Conservation is not a new activity or even a new governmental function. It is just a comparatively new word. From the earliest historical times governments and peoples practiced this art. The management of the annual spring floods of the Nile whereby the soil of Egypt was conserved in a climate in which rainfall was virtually unknown was one of the most important services rendered to the people by the Pharaohs and officials of ancient Egypt. The canals of ancient Babylonia and the foresting of the hills from which the tributaries of the Tigris and Euphrates flowed were conservation measures practiced in the land where humanity traditionally is supposed to have had its origin.

It has been by persistence during countless centuries in conservation practices that Egypt has managed to survive and flourish and, conversely, by neglect of such practices that Mesopotamia has in parts become virtually a desert.

Conservation is a governmental activity in all the thickly settled European countries where strict laws govern the cutting even of privately owned trees, the damming of waters and the taking of wildlife. It is recognized by peoples who have lived for many generations on the same soil that not merely individual but cooperative and governmental regulation of natural resources is imperative if the lands and waters and all their products are to be pre-

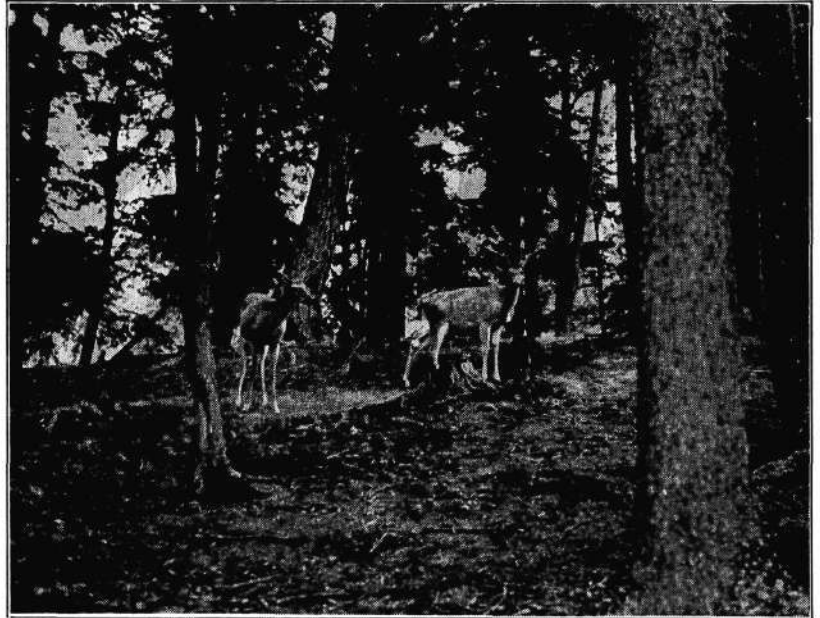
served from generation to generation.

### Waste vs. Want

Newly settled countries are usually so vast and in the beginning so thinly populated that conservation does not at the outset appear to be at all needed. The history of the United States in this respect is similar to that of Australia and South Africa, for example. Pioneers finding apparently limitless areas of virgin timber, prairie, soil, vegetation and wildlife feel themselves loosed from the fetters of conservation which have bound them in the countries from which they emigrated.

tion laws. Even today, however, these laws in practically every part of the United States are less drastic and less effective than they are in the older nations. Nevertheless we have built up here, particularly in the State of New York, a body of protective statutes which are the model for the rest of the United States to follow.

For example, in 1885 the State of New York constituted an inviolate forest preserve and at the same time acquired from private ownership public title to the State's greatest natural wonder, Niagara Falls. Even before 1885 there were restrictive



Wild life is conserved in many parts of the State. These white tail deer, one of the most graceful of all the animals in the State, were photographed in a game sanctuary in the Adirondacks.

Finding themselves in an environment of apparently unlimited plenty they indulge in reckless waste. That was the history of the United States up until very recent times and the penalty is now being paid in dust storms, droughts and polluted rivers.

The consciousness that this country had a limit to its natural wealth dawned upon Americans between fifty and seventy-five years ago and since that time has very slowly been written into our so-called conserva-

game laws calculated to prevent the extinction of any desirable species and in very recent years these laws have been placed upon a scientific rather than a hit or miss basis.

### Agencies United

The Conservation Department as it exists today represents a combination of a group of separate departments, boards, and commissions which formerly operated in various fields. There were, for example, at one time

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## Department of Conservation

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in this State a Water Power Commission, a Water Supply Commission, a Fisheries Department, a Forestry Department, and several independent park commissions, all of which, and other activities, are today combined in the Conservation Department.

Generally speaking, this department is charged with the care and protection of most of the natural resources of the State including its forests, its water power and its water supply and its wildlife. As minerals are not mined to any large extent in this State, except for the deposits of oil and natural gas along the southwestern border, the State has never assumed the duty of conserving these scanty supplies, so mineral conservation has no part in the Conservation Department's work. Soil conservation also is excluded from the duties of the Conservation Department, as that particular activity is handled by the Department of Agriculture and Markets. Otherwise, however, practically every natural resource including natural beauties and places of historic and scenic interest are within the scope of this department's activities.

The department operates through four main divisions and one separate bureau:

### Four Units

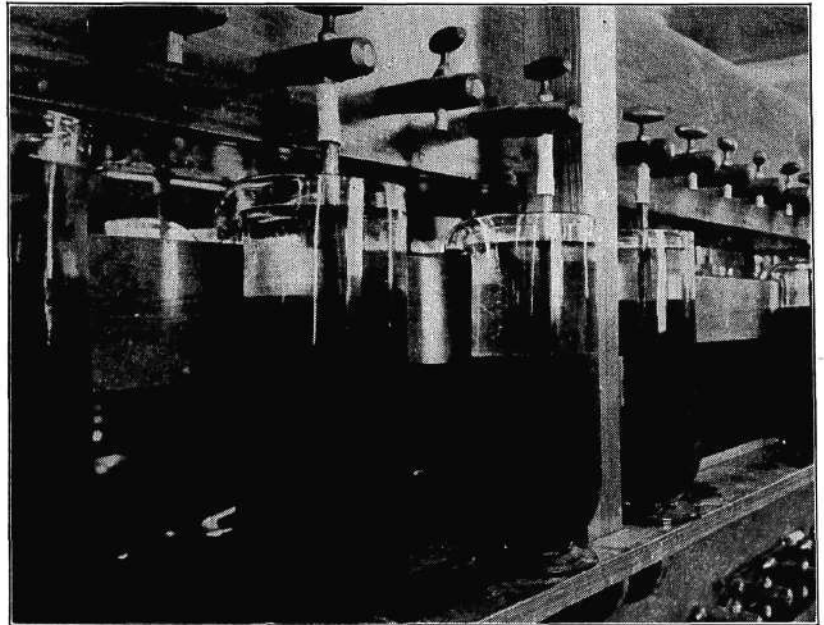
The Division of Lands and Forests manages the forest preserve in the Adirondacks and Catskills, consisting of 2,400,000 acres of State owned land. It protects this preserve from fire, pest and disease and it establishes within the preserve numerous recreational facilities including camp sites, trails, ski trails, etc. It also protects all other forested areas of the State from fire through its ranger and observer force, consisting of upwards of 300 men and eighty fire towers, as well as fire trucks and other equipment. In its forest pest and disease activities it employs seasonally several thousand men. It also carries out the State's reforestation program under which 400,000 acres of submarginal or abandoned farm land have been acquired by the State and planted with trees. In addition it administers a number of historic sites including such places as the Saratoga Battlefield, the Schuyler Mansion in Albany, Fort Crailo, the

Sir William Johnson Mansion, Baron Steuben Cabin, etc.

The Division of Fish and Game manages the wildlife resources of the State. It administers the fish and game laws which divide the wildlife into groups setting up open and close seasons for each species and regulating the taking, possession and transportation of all forms of fish and game. It has 163 game protectors and several hundred unpaid special game protectors to enforce these laws. It also regulates the commercial fisheries of the Hudson River, the Great Lakes and several of the larger internal lakes. In addition it supervises both the conservation and the sanitary fitness of the State's shell fisheries around Long Island and on Staten Island.

fishing areas. It has acquired and operates more than 600 miles of State owned trout streams which have been recently acquired from private owners, as well as many thousands of miles of other streams and many thousands of square miles of larger waters in which fish abound. It pours into the waters annually hundreds of millions of young fish artificially reared in its hatcheries and stocks appropriate covers with many thousands of game birds.

The Division of Parks administers the magnificent State park system, consisting of upwards of seventy parks located outside the limits of cities in every part of the State. There are eleven park regions, each of which is headed by a commission appointed by the Governor but all



Whitefish are developed from eggs in glass hatching jars at the Crown Point hatchery. The Department's stocking of streams is a great boon to fishermen.

### Fish and Game

It operates twenty-four fish hatcheries and rearing stations for the production of artificially reared fish for planting in the streams and waters of the State. It operates five game farms mainly for the production of pheasants and quail but also as research centers for activities in the preservation and conservation of other species of birds and quadrupeds. It carries on extensive scientific investigations in the field and in the laboratory. It manages twelve game refuges or sanctuaries for game and numerous public hunting and

responsible to the Conservation Department. Among these many parks are the State Reservation at Niagara Falls, the great wilderness area in Cattaraugus County known as Allegheny State Park, the numerous beautiful forested and glen parks studded with lakes in the Finger Lakes region and the Central New York region, the Lake Ontario and Lake Erie waterfront bathing beach parks, the great Bear Mountain Park which is part of the Palisades Interstate system, the beautiful string of Taconic Parks to the east of the Hudson and north of New York City and the

fine system of highly developed parks on Long Island, including the world famous Jones Beach.

#### Water Power

The Division of Water Power and Control has several important functions, chief among these is the control of the State owned water power in the Niagara River and in the State canal system. Next and perhaps most important of all is the control of this division over the allocation of water supplies to all municipalities in the State. Third, this division supervises the formation and subsequent operation of river regulating districts, such as the Hudson River Regulating District which controls the great Sacandaga Reservoir and prevents floods in the Hudson while furnishing power to numerous industries. Fourth, this division supervises the formation and subsequent operation

dreds of thousands of booklets to prospective visitors to this State.

In addition to the above the department has set up a Division of Finance to handle its extremely complicated accounting. Accomplishments in all these fields have been particularly striking in the last ten years. It was in 1931 that the reforestation program was inaugurated by the State on a constitutional basis. In 1933 the federal government began an extensive program of aid to States in conservation, principally by the establishment of the Civilian Conservation Corps.

#### C. C. C. Camps

At one time the federal government placed upwards of 200 camps of the C. C. C. in this State, all of them under the jurisdiction either of the Division of Lands and Forests or the Division of Parks of the Conservation Department. Today the num-

in this State what were originally known as the Rural Resettlement areas, developed some of them for forestry and others for game management purposes. Eventually these areas totalling more than 60,000 acres will be turned over to the Conservation Department for management. About the same time the federal government began its soil conservation and flood control work in this State and many of the C. C. C. camps formerly assigned to this department were transferred to that work. Inasmuch as this department has no authority over soil conservation, in this activity the federal government has acted as a separate agency. In 1935 the State celebrated the fiftieth anniversary of conservation stirring immense public interest in the activities of this department. In 1938 the fish and game laws of the State were recodified.

#### Interest Aroused

Public interest in conservation and public participation in the work of the department have grown immensely in recent years. There are now in New York State upwards of 700 active fish and game clubs, most of which assist the department in the planting or releasing of game birds or fishes. Large numbers of landowners purchase trees produced at the nurseries operated by the department and engage in private reforestation ventures. Attendance at the forest preserve camp sites and the State parks has practically doubled in the last decade. The State's system of ski trails has been entirely established in that period. The number of hunting, trapping and fishing licenses issued has increased by fifty per cent at least.

All of this involves added responsibility on the part of the Conservation Department particularly in the field of fish and game. The parks and the camp sites have expanded adequately to meet the increased public demand. The reforestation program has slowed down because of reduced appropriations but is still in operation. The increased demand of the public for the sports of field and stream presents a problem which is extremely difficult.

#### Many Hunters

At least a million hunters and fishermen operate in the woods, fields and waters of New York every year, some of them going afield as

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Jones Beach State Park, maintained by the Department, is world famous. The strip of sand on Long Island is reached by fine roads and is enjoyed by millions of persons annually. Photos by Earl McGuirk, Conservation Department.

of drainage improvement districts in various parts of the State.

The Bureau of State Publicity is not concerned with the conserving of any natural resource but was set up in 1935 and attached to the Conservation Department for the purpose of publicizing mainly the recreational advantages of this State. It advertises these advantages in newspapers and magazines all over the country and it distributes hun-

ber of camps has been reduced to about sixty but the enrollees in these camps are performing extremely valuable work in making improvements to the entire park system, in constructing fire truck trails and ski trails through the forest preserve, in building great additions to camp sites, in stream improvement, and in wildlife management practices.

In the few years following 1933 the federal government also set up



## Department of Conservation

(Continued from page 69)

many as fifteen or twenty times in the course of a year. This terrific drain upon the wildlife resources as reflected in the take of fish and game can be met only by intensive management and stocking, particularly management. Fortunately this activity is self-supporting. The amount received by the State for fish and game licenses is more than sufficient to carry on the present operations of the department. In fact, a large surplus has been built up in this segregated Conservation Fund. That the supply may in some measure equal the ever-increasing demand requires that this surplus be put to work.

In the last few years the Governor and the Legislature have adopted a policy of expanding more than anticipated revenues with the idea thereby of reducing the surplus. However, revenues have increased faster than was anticipated and until the present year the surplus continued to grow as well as the drain upon the State's wildlife resources.

### Use of Fund

The situation is serious but not alarming because the department knows what to do and is equipped to do it. All it needs is the adequate appropriations from the Legislature—appropriations incidentally which are not a drain upon the general taxpayer but are taken from a fund already in extremely healthy condition and containing a large unexpended balance.

Compared with other departments of the State government the Conservation Department is an extremely inexpensive one to operate. Its total appropriations from all sources do not exceed \$5,000,000 a year and \$3,000,000 of this goes into the park system. Of the money spent by parks only \$2,000,000 is out of the taxpayer's pocket, the other million being paid from park revenues. Of the amount spent by the Division of Fish and Game, which is more than \$1,500,000 annually, none of it is a drain upon the general taxpayer, as all is paid from the Conservation Fund made up of sportsmen's license fees, etc. The net cost to the State, therefore, of all the operations of this department is less than \$2,500,000.

It would have been more had the reforestation program been continued on the basis as set up by the constitutional amendment of 1931 but since adoption of the changes suggested by the 1938 Constitutional Convention, reforestation is no longer a mandatory activity and has consequently been greatly reduced. It is understood among executives and legislators, however, that when the State's fiscal condition becomes better, acquisition and planting of reforestation areas will be resumed on a much larger scale.

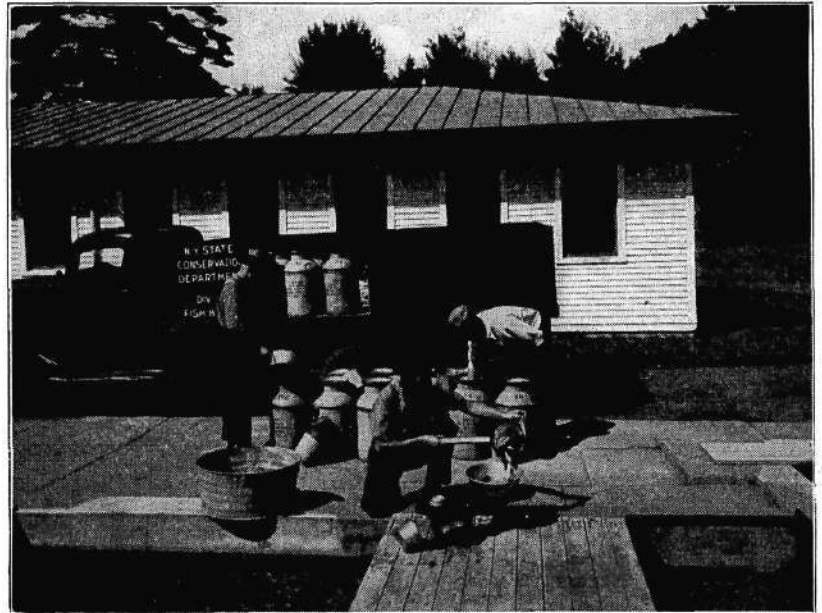
### Work is Popular

While there is much minor and local criticism of the activities of the Conservation Department, particularly in relation to the enforcement of the game laws, the department generally is very highly regarded by the public. Many of its officials and employees are regular guests and

ciation, the Middle Atlantic Fisheries' Association, a commercial group—the Long Island Party Boatmen, the Association of Commercial Lake Fishermen, and numerous others.

The Conservation Department's activities touch the business and recreation of several millions of persons and these are among the most articulate in the State. There are but few departments in the government which receive so many letters discussing matters of public interest.

The public of course is generally familiar with the Department's activities in relation to wildlife management and to forestry. It has practically no knowledge, however, of the activities of the Division of Water Power and Control. A great majority of the people of the State is in complete ignorance of the fact that the park system is part of the



Fingerlings to stock streams are shipped by truck from the hatchery at Warrensburg. The fish are counted out by weight before being transported in cans.

speakers at the meetings of numerous organizations particularly fish and game clubs. In addition to these clubs there exist at least a dozen extremely active organizations which take a lively interest in the work of the department, such as the Adirondack Mountain Club, the Society for the Preservation of the Adirondacks, the Ski Congress, the National Recreation Association, the Society for the Prevention of Cruelty to Animals, the Fur Dealers' Asso-

ciation. In fact some of them regard it as an extension of the New York City park system because it happens that the Commissioner of Parks of the City of New York also is Chairman of the State Council of Parks. Nevertheless the Department finds that knowledge of its functions and appreciation of its importance in the governmental scheme has been growing rapidly in recent years with extremely gratifying results.

# Decision On Temporary Appointments

A decision of far reaching importance with respect to temporary appointments was handed down by the Appellate Division, Third Department, on March sixth. The petitioner, Florence S. Graae, who was No. 1 on the eligible list, was appointed Case Supervisor in the Department of Public Welfare "for a period of six months." Her temporary appointment was renewed for another six months and at the end of this time Commissioner Ahern summarily dismissed her without charges, claiming that she was only a "temporary employee" and not entitled to Civil Service protection. Through her attorney, John T. De Graff, she instituted action for reinstatement, claiming that she became a permanent employee after she had served her probationary period of three months and that her dismissal was illegal because written charges had not been preferred against her and she had been given no opportunity to answer the charges in accordance with the provisions of section 22 of the Civil Service Law. The lower Court denied her application but the Appellate Division unanimously reversed and ordered her reinstatement.

The opinion reads as follows:

HILL, P. J.

Appeal from an order of the Albany Special Term denying petitioner's motion that respondents Ahern, commissioner of public welfare for the County of Rensselaer, Tower, treasurer thereof, and Reavy and others, civil service commissioners of the State of New York, reinstate her in the permanent position of case supervisor in the bureau of old age assistance, department of public welfare, Rensselaer County. She was originally appointed on May 19, 1937. Previously on the 12th, Ahern had written her offering the "position for a period of six months." She accepted on the 15th. Thereupon Ahern notified the commission and other officials that she had been appointed "for a period of six months." On December 15, 1937, she was still holding the position, and the commission wrote Ahern calling attention that the six months had ended in November, and asking that he advise as to "the exten-

sion of her employment to whatever date you will need her services." He replied:

"May I request that the appointment of Mrs. Graae, which terminated as of November 15th, be considered a permanent appointment. As you pointed out in your letter of December 15th, Mrs. Graae is number one on Civil Service list for this job and is qualified for this position."

Appointments in the civil service are to be made according to merit and fitness to be ascertained so far as practicable by competitive examinations. (Constitution, Art. 5, Sec. 6). Appointments to all positions in the competitive class not filled by promotion, reinstatement, transfer or reduction are to be made under the provisions of the Civil Service Law and the rules adopted thereunder. (Regulations are not mentioned) (Civil Service Law, Sec. 14). When the need for service is immediate and urgent and will not continue for more than one month, an appointment for a temporary period may be made from the list of those eligible for a permanent appointment without regard to the standing on the list. (Civil Service Law, Sec. 15, subdiv. 3). Whenever there are urgent reasons for filling a vacancy and no list of eligibles is available, the appointing officer may name a person for the consideration of the Civil Service Commission for non-competitive examination, and if the nominee be certified he may be appointed provisionally to fill the vacancy until an appointment can be made after a competitive examination. "Such provisional appointment shall not continue for a longer period than four months nor shall successive provisional appointments be made to the same position under this subdivision." (Civil Service Law, Sec. 15, subdiv. 1). "Every original appointment to or employment in any position in the classified service shall be for a probationary term of three months, except as otherwise provided herein (this position is not within the exception) and an appointing or nominating officer in notifying a person \*\*\* shall certify the same is for a pro-

bationary term only" and if the probationer serves satisfactorily the original appointment shall be equivalent to a permanent appointment. (Rule 12 for the Classified Civil Service). The commission may make rules for the classification of positions and for appointments therein not inconsistent with the constitution and the civil service law. These rules and any modifications will take effect when approved by the governor. (Civil Service Law, Sec. 10). Subject to the Civil Service Law and the rules, the commission (without action by the governor) "shall make regulations for and have control of examinations," (Civil Service Law, Sec. 10) and may make and enforce regulations for carrying the rules, statutes and the constitutional provision into effect. (Rule XXIII). The commission has made "Regulation 13" which purports to empower an appointing officer to make a temporary appointment whenever he desires for a period exceeding one month and without limit as to the length of service. The appointing officer is to notify the commission of the nature of the services desired, the term of employment and rate of compensation. Thereupon the commission is to certify the names of the three persons standing highest upon the general eligible list who are willing to accept the appointment. The temporary appointment may be made permanent during the temporary term if the appointee was eligible at the time of the appointment or became so at any time thereafter. The commission was not permitted to make a regulation concerning the subject matter dealt with by Regulation 13, as it does not deal with examinations or the enforcement of the constitutional provision, statutes or rules made thereunder. It is an attempt to modify and repeal the time limit concerning temporary appointments contained in subdivision 3 of Section 15, and the provisions of other sections and Rule 12 concerning appointments. The attempt by respondent Ahern to make appellant's appointment for six months was in violation of Rule 12, for thereunder "every original appointment \*\*\* shall be for a probationary

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# EDITORIAL PAGE

## THE STATE EMPLOYEE

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## Workers Are Taxpayers

To the employees of the Hudson River State Hospital belongs the credit for initiating a citizen movement new to New York State. They have formed a Taxpayers' Association devoted to the unselfish purpose of setting forth the truth about taxes. We say this is novel because thus far taxpayers associations have asserted themselves only to question or to declaim against any and all taxes. First of all the new group recognizes and proclaims that all taxpayers should take an equal interest in taxes and approach the methods of taxation and the purposes served with a mind to the general welfare of the State and the nation.

If education is helpful to human progress, then education must be provided. If health is an asset to society, then health must be safeguarded. In short, if life, liberty and the pursuit of happiness are practical things and worth seeking and planning for, then all of the people should know how their government cares for these things and what it costs to do the work and all of the people should help to pay the bills, and taxes simply pay for the services rendered within a civilized society. The first things the new taxpayers' group did was to point out that the tax dollar paid by New

York State tax payers went mostly to care for expenses of town, county and city governments (47 cents of each dollar), that the next largest share (46 cents of each dollar) goes for National expenditures—army, navy, Federal Departments, etc., and that the State Budget concerning which there has been so much said of late really involved only seven cents of each tax dollar, and provided for State courts, prisons, reformatories, mental hospitals, departmental services, and aids to education, health, and relief. If the so-called taxpayers' associations that have been boasting about their desire for economy ever knew these facts they never gave them to the press or at least we failed to find them published in the press. And they have given inordinate attention to saving out of the seven cents and neglected to mention the ninety-three cent portion of the tax dollar. There is little doubt but that as the Employees' Taxpayers Association formed by the employees of the Hudson River State Hospital hits its stride it will become a helpful member of the taxpayers groups of Dutchess County and will in an intelligent way present the economy of taxation in a Democracy. It should be the first to condemn waste in National, State or local governments. It should be the first to awaken a sense of responsibility among all salaried and wage earning men and women as to their stake in taxes. It should endeavor to clear up the present misunderstanding—a misunderstanding often wilfully perpetrated by selfishly interested persons and groups as to the rightful place of taxes and the proper place to retrench when services must be eliminated.

Good luck to the workers of Hudson River State Hospital in their new effort to serve their community, and may the plan spread to other places. It is in direct line with the project of the Association to aid all citizens to a better understanding of the services they demand and of the men and women they employ to perform those services.

## "Racket" Groups Fail Again

Now that the budget for the fiscal year beginning next July 1st has been settled upon, it is more clear than ever before to State employees how necessary it is to maintain a united front and to present the State employees' side intelligently and with proper dignity. The Association of State Civil Service Employees is the only civil service organization recognized in executive, legislative and administrative circles in Albany. Because it always urges constructive action and does it in a convincing manner, the door of every legislator is wide open to Association representatives. It is a serious, difficult job to represent any large group of citizens in Legislative matters. Selfish groups, asking for the moon and misrepresenting themselves and their membership soon wear their welcome and their influence out in Albany. The "racket" group is quickly sensed by legislators.

This year when small but articulate groups from various parts of the State descended upon Albany to demand a wrecking of the budget in the name of "the taxpayers," the Association was faced with the difficult task of clearing the atmosphere as to State services and as to State employees. The so-called "taxpayer" pressure groups submitted only half the picture as to taxes. They sought "economy" in State service at the expense of the State worker. There were many "dues collecting" groups represented at the public hearing.

One of the most unfortunate features of the public hearing was the C. I. O. inspired parade and "march on Albany." The State employees who joined in this and spent their own money to travel to Albany to the hearing were the unsuspecting dupes of a plan that has threatened disrepute and some shame to State employees. The Association found the legislative atmosphere charged with animosity toward such activities among State workers. Obviously

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# The Budget "On the Air"

"Is it wise and practical to cut the proposed State Budget?" was the topic discussed by Association Counsel, John T. De Graff, and Doctor George H. McCaffrey, Director of Research for the Merchants' Association of New York, at the 39th Empire State Town Meeting, held at Union College in Schenectady on February 18th from 3:15 to 3:45 P. M., which was broadcast over NBC Station WGY, Schenectady, N. Y. The following is a transcript of the discussion with questions and answers:

Announcer: Station WGY presents the 39th Empire State Town Meeting at Union College in Schenectady. The audience gathered here in Old Chapel on the campus will join with our two guest speakers in discussing the most important issue confronting the people of New York State: "Is it wise and practical to cut the proposed State Budget?"

President Dixon Ryan Fox of Union College as chairman of this weekly town meeting will introduce our discussion leaders. Dr. Fox.

Dr. Fox: Thank you, Mr. Martin. And ladies and gentlemen who are listening to this program, Union College greets you wherever you may be. A small army of taxpayers descended on Albany on Lincoln's birthday to protest against and also to defend the size of the proposed State budget and a new tax plan which was devised by Governor Herbert H. Lehman in cooperation with both Republican and Democratic leaders of the legislature. When submitted to the legislature it was hailed by its leaders as the easiest way out of a difficult situation. But the persistent and widespread demand of many groups who asked whether this budget and tax plan was the "fairest and wisest way out" led to the State-wide town meeting in the Armory in Albany where about 8,000 gathered to voice their opinions.

Today we are fortunate in having as our discussion leaders the leading speakers for each side of the question, Dr. George H. McCaffrey, director of research for the Merchants' Association of New York, who believes we should cut the budget, and John T. De Graff, Counsel to the

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

After each has spoken for eight minutes, the audience gathered here will be given the opportunity to question the speakers whose replies you will also hear.

First you will hear from Dr. McCaffrey. When he spoke in Albany at the public hearing, he represented not only the Merchants' Association but also the following state organizations: the Associated Industries, the Taxpayers' Federation, the Chamber of Commerce, and the Real Estate Association. A graduate of Harvard College with the bachelor, masters and doctorate degrees, Dr. McCaffrey spent a year as the Sheldon Traveling Fellow in Government and then returned to Harvard for two years as Assistant in Government. After twelve years of semi-public service, he became in 1927 assistant director of research and a year later, director, for the Merchants' Association. Dr. McCaffrey:

Dr. McCaffrey: It is wise to cut the proposed State budget for several reasons, anyone of which is sufficient.

The tax problem of New York State is only one phase of the general problem of all government expenditures—Federal, State and local. The financial situation in all three layers of government is bad and growing worse.

Our municipalities are either fast approaching their constitutional tax limits or keeping within them only by maintaining gross over-assessment of real property. The yield of those State taxes which most quickly reflect business conditions indicates forcibly that the law of diminishing returns is working here. This ominous decline in the tax yield is supported by fast accumulating evidence of an alarming exodus of business and industry from this State. Our national finances are in a sorry condition, which is becoming worse day by day.

The greatest menace of the moment, however, lies in the possibility that we may at any time be drawn into either military or economic war, despite our overwhelming desire for peace. Should either type of war

come to pass, the weakest link in our national defenses would be the vitally important one of money.

They say an army fights on its stomach, but under modern conditions of warfare, either military or economic, a nation really fights on its financial resources. On July 1, 1916, our national debt was \$1,225,000,000. The peak of our World War debt was \$26,600,000,000. If war should come tomorrow, we would start with a national debt in excess of forty-two billion dollars. Inevitably a dictatorship would develop to obtain that regimentation of our people necessary to carry on a war under conditions of bankruptcy. Even if we are fortunate enough to avoid the calamity of actual war, we shall need all of the financial resources we can possibly muster to do our part in the reestablishment of trade when peace at last does come. Obviously we should proceed at once to improve our public finances and to husband our tax resources.

Our present straitened circumstances are largely the result of three factors:

First, the remainder of the World War debt;

Second, the rapid development of governmental services and functions, particularly in the States and municipalities, during the prosperous 1920's, and the stubborn maintenance of these costly functions and services long after economic conditions changed for the worse; and

Third, the added burdens of relief and of the major social reforms which were adopted during the 1930's.

We now find ourselves bending under a staggering load of governmental activities beyond our economic capacity to sustain.

The State's share in this burden is less than that of either the Federal Government or the local governments, but it is still substantial and far heavier than it was only a few years ago, both absolutely and relatively.

The National Industrial Conference Board estimates that in 1919 the private production income of this

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## The Budget "On the Air"

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State was about 7½ billion dollars. The State took in taxes, for its own purposes, about 1 per cent of that income. In the boom year of 1929 that private income rose to \$11,300,000,000, of which the State took in taxes about 2.1 per cent. In 1938 the private income was almost \$200,000,000 less than in 1919, but State taxes took more than 5 per cent of it. In other words, the burden of State taxes was about five times as great as it was twenty years ago.

Translating that percentage into dollars, we are confronted with the disheartening prospect of paying over to State tax collectors alone during 1940-41 the huge sum of \$508,000,000, exclusive of another \$125,000,000 or more which the State will collect and turn over to the Federal Government for the unemployment insurance fund.

The Governor proposes to raise this \$508,000,000 by continuing current taxes in full force, by imposing a pari-mutuel tax, and by increasing personal income tax rates sufficiently to raise \$15,000,000.

This income tax increase well illustrates the extremes to which it is necessary to resort in order to raise more revenue. Since 1930 the general rates of this tax have been more than doubled and the exemptions lowered. That doesn't sound as bad as it really is.

In 1930, a bachelor with an income of \$3,000, all earned, would have paid a State income tax of only \$5.00. Today he must pay \$70, or fourteen times as much, and the Governor asks that it be made seventeen times.

It is significant that, despite these lower exemptions and higher rates imposed upon a larger population, the income tax will yield 11 per cent less than in 1930—only \$107,000,000 as against \$120,000,000.

I believe enough has been said to show the wisdom of reducing the State budget, and I believe it is practical to do that which is wise. I believe it will be done, but the doing of it will not be easy.

This total of \$508,000,000 may be broken down into three major items:

First, \$86,000,000 to pay the debt service and the deficit.

Second, \$139,000,000 for the expenses of the State Government proper, and

Third, \$283,000,000 in various forms of State aid, exclusive of the \$22,700,000 in debt service on home relief bonds already covered in item 1.

The Constitution wisely requires full provision for the debt service and deficit, so no reduction can be made there.

The expenses of the State Government proper may be divided into \$12,500,000 for capital outlays; \$55,500,000 for maintenance and operation; and \$70,500,000 for personal service.

The capital outlay program is lower than the amount needed to keep the State's physical plant and equipment from falling below reasonable standards and needs.

Maintenance and operation have likewise been held down as far as it is safe to go.

Only in personal service is there room for a reduction. Admitting that many State employees, particularly in the hospitals, receive small salaries, their working conditions have been improved since 1930, many have received pay increases, and their only pay reduction during the whole depression was on the average 6½ per cent for twenty-seven months. It is not unreasonable, therefore, to ask that the personal service item be reduced five per cent, or \$3,500,000, rather than to increase the already greatly expanded income tax.

We have good reason to be profoundly disturbed over the fact that the amount we are asked to pay next year as State aid for localities is almost sixteen times what it was in 1919. The mushroom growth of that class of expenditures is obviously the chief cause of our State's financial plight. State aid has become a financial Frankenstein which must be curbed, and curbed promptly, or it will bring ruin to us all.

Time does not permit giving reasons why it seems impractical to reduce some forms of State aid at present. The most important, by far, is State aid to education for which \$122,000,000 is asked that should be reduced. It is indisputable that the

methods in which aid to education is granted and administered have led to waste and extravagance, and even the desire to economize appears to be lacking in far too many cases.

Under present circumstances it is more essential for the maintenance of democracy that we restore a sound economic structure than it is to maintain an educational program based upon conditions which no longer obtain. State aid for education should, therefore, be reduced by \$13,500,000, which is approximately five per cent of the total cost of personal service in the schools.

The total of \$17,000,000 in these reductions would remove the need for the increased income tax and leave a small margin for reduction of the stock transfer tax which is so high that it is driving one of our most important sources of revenue literally out of the State.

Dr. Fox: Thank you, Dr. McCaffrey. Ladies and gentlemen, you have heard Dr. George H. McCaffrey, director of research for the Merchants' Association of New York, speaking in favor of cutting the proposed State budget at the Empire State Town Meeting at Union College. And now you will hear another point of view expressed by John T. De Graff, Counsel to the Association of State Civil Service Employees of the State of New York. Mr. De Graff is also legal assistant to the New York State Board of Law Examiners. He played an important role in his organization's sponsorship of the Feld-Hamilton law which set up standards of salaries for State employees. A graduate of St. Lawrence University, he prepared to practice law at the Albany Law School. Mr. De Graff:

Mr. De Graff: I am very glad to have this opportunity to discuss the State budget, because I believe that it will be a healthy thing for everyone if the present interest in the budget develops into a broader understanding of the State government.

The widespread publicity given to the recent taxpayers' march on the Capitol has created the illusion that tax reduction can be brought about by cutting the State budget. In fact, however, the State expends but a very small portion of the taxes paid by its citizens. If you will total all the taxes collected in New York

State by the Federal, State and local governments you will find that, out of every dollar collected, 45.7c is collected by the Federal government, 47.2c is used to pay the expenses of local governments, such as cities, counties, towns and school districts, and only 7.1c is used to operate the State government. It is apparent therefore, that the State government expends only a part—and a very small part—of the tax dollar and that a reduction of the State budget, without a corresponding decrease in Federal and local budgets, can have but a trivial effect upon the taxes you pay.

When we talk about our State budget of \$397,000,000 we should begin with an appreciation of the fact that the State, to a very large extent, is merely a collection agency for municipal and county governments. Nearly two-thirds of the taxes collected by the State are returned to local governments in the form of State aid or shared taxes. I was amazed, at the budget hearing in Albany, on Lincoln's birthday, to find so many taxpayers demanding that the State budget, and "State aid" in particular, be reduced in order to relieve the burden of the tax on real estate. The fact is that the State does not receive any money from the tax on real estate, which goes entirely to cities, counties, villages and school districts for local services. The only taxes collected by the State of New York are the taxes on income, cigarettes, motor vehicles, gasoline, stock transfers, mortgages, alcoholic beverages and a few other minor taxes. The State government does not even spend the major portion of the revenue from the taxes it does collect. Nearly two-thirds of the taxes collected are returned to localities as "shared taxes" or as "State aid" for roads, schools, welfare, etc.

The average citizen pays very little to the State. He may pay a few pennies when he fills up the tank of his car or when he buys cigarettes or strong drinks. He pays a small sum when he buys a license for his car. He may be the one person in eleven who pays a State income tax. He seldom pays any other State taxes unless he is wealthy or engaged in large business transactions.

It is impossible to even outline at this time all the services performed by the eighteen State departments, and the amazing fact is that the

services are performed at a cost which is less today than it was ten years ago. To appreciate the truth of this statement it is necessary to understand that the State budget is really made up of four separate and distinct budgets, namely—the budget for State services; the State Aid budget; the Relief budget, and the Debt Service budget. Comparing the budget today with the budget of ten years ago, we find that the unemployment relief budget alone has increased by \$82,000,000 and similar increases have been made in State aid. The cost of the State government proper however, has been reduced by \$50,000,000. This is a truly remarkable achievement when we realize that, during this same period, governmental services have been expanded.

It is generally conceded that it is impracticable, if not impossible, to reduce the budget for regular State services without eliminating functions now performed by the State government. Both Governor Lehman and the Republican and Democratic leaders who participated in preparing the present budget have said:

"If any just criticism may be directed against this budget, it is that appropriations for the regular State services are too scanty."

Although the taxpayers who appeared at the budget hearing were asked to point out specific services that should be eliminated in the interest of economy, not a single taxpayer who appeared at the hearing requested that any existing State service be eliminated. The plain fact is that the citizens who demand economy, nevertheless expect government to continue to perform all its present obligations. They want existing services to be maintained, but they want someone else to pay the taxes necessary to perform those services. This attitude is typified by the taxpayer who wrote one of our legislators demanding a \$30,000,000 cut in taxes but insisting in the same letter that appropriations for highways be increased by \$50,000,000. It is also typified by the Syracuse Chamber of Commerce, traditionally a supporter of a bigger and better State Fair, which seeks a special appropriation for a Centennial Pageant but, at the same time demands that the budget be reduced by cutting the salaries of State employees.

I haven't sufficient time to discuss the effect of the proposal to cut the appropriations for relief or State aid, but I do wish to refer to the proposal to achieve economy at the expense of the State employees.

The total salaries of all the employees of the State, from the Governor down through the Legislature, the courts and the lowliest laborer, amount to \$69,000,000—only 17% of the total budget and over half of these employees receive salaries of less than \$1,000 per year. It is suggested that a reduction can be made by suspending the Feld-Hamilton increments, but the fact is that, a suspension of those increments will result in a saving of only \$900,000—less than 1/4 of 1% of the total budget. Is it true economy to make this trivial saving at the expense of demoralizing State Civil Service employees for the second successive year?

New York State has a highly efficient corps of employees, selected on the basis of merit and fitness. No more wasteful policy could be adopted than to repudiate the salary scales that have been established after careful research and study. The Feld-Hamilton law was hailed as the most forward step in the history of budget making that has ever been made in this State. It was called a "Career Law" not only because it established fair-wage standards for the first time, but because it sets forth a sound, permanent salary policy under which an employee can hope for a career in the public service. It is truly a long-range economy measure because, when an employee leaves the service his position is filled at the minimum rate, and these savings will stabilize the budget for personal service when the law is in complete operation. To repudiate this law for the second successive year would nullify the career principle in public service and the demoralizing effect upon the public service would far offset the trivial immediate saving.

I can best illustrate the effect of the Feld-Hamilton Law by relating an incident which occurred when an appointing officer interviewed a candidate in New York City for the position of Junior Clerk, a position which pays \$900 a year. Number One on the list appeared for an interview and when asked to state his

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## The Budget "On the Air"

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qualifications for the position he said, "I was graduated from Erasmus Hall High School; after that I obtained a B.A. degree at New York University . . ." The appointing officer was about to stop him to call his attention to the fact that the position paid only \$900 when the applicant continued " . . . and after that I got my Master's degree at Columbia." The appointing officer could restrain himself no longer and said, "Do you understand that this is only a \$900 job located in Albany?" The applicant replied, "I realize that, but I have been reading that Feld-Hamilton law and it seems to me that there are opportunities for a career in the public service. I am willing to start at the bottom because I believe there is a future in the State service under this law."

True economy can best be achieved by attracting the most qualified employees to the public service. The benefits resulting from the maintenance of a fair and equitable personnel policy cannot be achieved if economy is continually to be sought at the expense of State workers. State employees are competent and interested in their work, but they are human and they expect a square deal.

Last year the members of the Legislature received many letters for and against the suspension of the Feld-Hamilton law. One of them was unique. It was a small birth announcement card with the picture of a stork and a basket containing a baby. It disclosed the birth on January second of a son weighing eight pounds, twelve ounces. On the reverse side in ink, was written:

"This is a Feld-Hamilton baby. He wouldn't have come if it hadn't been for this law for which you voted and which gave me my first salary increase after eight years in the State service. But I can't suspend him now. What shall I do?"

Dr. Fox: Thank you, Mr. De Graff. Ladies and gentlemen, that was John T. De Graff, Counsel of the Association of State Civil Service Employees, who spoke at the Empire State Town Meeting at Union College where we are today discussing whether it is wise and practical to cut the proposed State

Budget. And now we will have the question period where both Mr. De Graff and Dr. George H. McCaffrey, our first discussion leader, will answer questions from the audience gathered here in the Old Chapel. Who wishes to ask the first question? Please rise and state your question directly to the speaker from whom you wish a reply. Question, please!

Question: Is not State Aid to Schools and a cut in State Civil Service employees being urged for benefit of a small group who would save from such economy?

Dr. McCaffrey: No. The cut is urged for the welfare of the whole State. We are urging this so that we may keep our industries from running out of the State to other States, so that we may keep our stock exchange in New York.

Question: How do you propose that salaries of State employees be cut?

Dr. McCaffrey: By a graduated cut of salaries above a certain minimum until \$3,500,000 is reached.

Question: Is it not true that the legislature is forced by "pressure groups" to maintain State services and salaries?

Mr. De Graff: Services are maintained or curtailed in response to public opinion. Taxpayers' groups are as much "pressure groups" as those who advocate the extension or maintenance of existing State services. The demand for State services comes from the public not from the officers or employees of the State. The cost of government has increased because in response to public demand, the government has undertaken to provide financial and other assistance to the unemployed, has provided more and better roads, etc., and regulates and inspects many more fields of activity. Almost half the cost of the State government goes for the maintenance of our State institutions. You cannot reduce the cost of maintaining State institutions while the inmates are increasing at the rate of 3,000 a year. In the Mental Hygiene Institutions alone, there has been an increase of 2,000 patients every year for the past ten years.

Question: How true is it that industries are moving out of the State because of a heavier tax load in New York than elsewhere?

Dr. McCaffrey: It is so true that the Ives Industrial and Labor Rela-

tions Committee recommended a special investigation of the matter.

Question: How does the average State civil service employee's salary compare with that of the average salary in business?

Mr. De Graff: The average State employee receives less than the average employee in private business in New York State. He likewise receives less than Federal employees and less than New York City employees. As a matter of fact, the average State salary is about \$100 lower today than it was in 1930.

Question: Why do you gentlemen differ as to the size of the proposed State Budget? Mr. De Graff speaks of a \$397,000,000 budget while Dr. McCaffrey speaks of a \$508,000,000 budget. Which is correct?

Dr. McCaffrey: I spoke of \$508,000,000 which the citizens of New York will be taxed by the State for all purposes, this includes not only the \$397,000,000 but also \$33,000,000 which will be collected by State tax collectors to wipe out the deficit in relief expenditures, and \$77,000,000 which will be collected in "shared taxes," such as mortgage filing fees, etc.

Mr. De Graff: As a matter of fact, neither is correct. The actual cost of operating the State government is \$139,000,000, as Mr. McCaffrey pointed out in his opening remarks. The figure of \$397,000,000 is the amount submitted by the Governor as the authorized expenditures for the coming year, including State aid, relief, etc. Mr. McCaffrey's figure represents the estimated tax collections, including shared taxes which are no part of the State budget, because they are retained by local units of government.

Question: How does New York's stock transfer tax compare with that of other states?

Dr. McCaffrey: New York's tax is about 20% to 40% higher than that of Massachusetts and Pennsylvania. The only other two States having such a tax are Florida and North Carolina where it is almost negligible. The other forty-three States have no stock transfer tax.

Question: What would happen if State aid is greatly cut?

Mr. De Graff: The localities will increase their real estate taxes, as 85% of them did last year when State aid to schools was cut by the legis-

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# Local News

## Orangeburg Chapter

Sven S. Munson was elected president of the newly formed chapter at Rockland State Hospital, Orangeburg. There were 165 members present at the initial meeting.

Other officers chosen were: Irving Scott, vice president; Margaret Merritt, recording secretary; Arthur A. Lawson, Jr., financial secretary and Oswald Graf, treasurer.

The Executive Council consisting of seventeen units, giving every department representation, is composed of the following members:

Harold A. Williams, chairman; Irving Scott, Theodore Clark, James Anderson, Emil Bollman.

Royal Bonville, William Gruenwald, Alyce Watt, Raymond Murray, Nannette Berkwits, Dr. William H. Walker.

Elizabeth O'Brien, Marion Phillips, Charles Davidson, Margaret Pull, Florence Goodfield and Anna Gottlieb.

Robert Ortlieb and Margaret A. Merritt are delegates.

The delegation which attended the recent budget hearing at Albany, composed of Mrs. Alyce Watt, Miss Marion Howell, Edmund T. Logue, Harold A. Williams and Charles Davidson, reported that they made satisfactory contacts in regards to commutation and other matters of importance for their fellow employees with officers of the New York State Civil Service Employees Association, as well as officers of the Mental Hygiene Association. Their report was most enthusiastically received by the members.

## Westfield State Farm

Mildred J. Buzza is the new president of Westfield State Farm Chapter. Other officers for 1940 are: Mabelle Pickett, vice president; William Johnston, treasurer; and Mildred Sanders, secretary. Katherine Wasserchied is delegate and Lillian V. Fish, alternate.

The second annual dinner dance of the chapter was conducted January 27. About 100 members and guests met at the Motor Inn, Mt. Kisco. Guest speaker was Brigadier Agnes McKernan, prison secretary of the Salvation Army.

## Binghamton State Hospital

A basket ball game and dance for the benefit of the Athletic Association and the Nurses' Alumni was held at Kalurah Temple, February 27. The game between Harlem Valley State Hospital and Binghamton State Hospital teams resulted in a victory for the former. The score was 77 to 40.

Much to the grief of Binghamton was the loss of one of their fine players, Harry Howard of Ward 73, who was injured a few days before the game.

Officers of the chapter are: Andrew Augustine, president; Clara Jayne, vice president; Hazel Wood, secretary; and James William, treasurer.

Trustees are: James Many, Arthur Smith and Frank Bell. Harold E. Boyce is chief representative.

## Highway Engineers' Convention

The fifth annual convention of the New York State Association of Highway Engineers will be conducted at the Hotel Seneca, Rochester, March 28 to 30.

An interesting program featuring the discussion of pertinent problems, the largest number of exhibits in the history of the organization and fine entertainment during the evening has been planned.

## Rome Club Meets

A meeting of the Rome State School Employees Club was held February 27 in the club rooms, for the purpose of electing officers for the current year. The club was founded in 1909 for the social, charitable, and athletic activities of the employees and has been an active asset of the institution since then.

Dr. M. C. Montgomery, retiring president, gave an interesting account of the organization and early activities of the group. He was elected Honorary President, and a life membership was awarded him.

The following officers were elected for the year:

President, Dr. W. MacCasland; vice president, Raymond Butler; treasurer, Leslie Patterson; and secretary, Joseph Wissman.

## Buffalo Annual Dinner

Buffalo Chapter of the Association will conduct its annual dinner Saturday, April 13, at the Buffalo Trap and Field Club. J. Milford Diggins is chairman of the committee in charge of arrangements by appointment of E. J. Hylant, Chapter president.

Assisting Mr. Diggins are Laura Clancy, E. M. Simon, Milton J. Brocconier, W. G. Clark, Fred Dopp, L. D. Spink, Milton Perry, John Meehan.

Also Dorothy Krull, A. W. Marquardt, Petrina LaDuca, George Arnstamm, William McKernan, E. B. Larkin, M. Serreiter, C. Karnofsky.

Dr. D. H. Solomon, W. E. Cook, Marie Keller, J. T. Slattery, K. Graham, T. R. Nardoizzi, Harold Stevens, L. A. Maeder and Charles V. Roarke.

## Long Island Chapter

District Court Judge Norman F. Lent was guest of honor and installing officer at the meeting on March 12 of the Long Island Inter-County State Park Chapter of the Association in V. F. W. Hall, Freeport.

Officers installed were: President, Clinton E. Travis, Jones Beach State Park; Vice-president, Edward Bert, Belmont Lake State Park; Secretary, Theron Chase, South Valley Stream State Park; Treasurer, John McGrath, Jones Beach; Financial Secretary, Frank Keyser, Jones Beach; Sergeants-at-arms, Fred Pedersen, Valley Stream; and George Loesser, Northern State Parkway.

## Utica Credit Union

The N.Y.S.D.P.W. District 2, Employees Federal Credit Union, reports 239 members and is anxious for all employees of the district to join. James L. Davies, P. O. Box 138, Utica, will furnish any information desired.

A four per cent dividend was declared at the annual meeting which named Gerald Fenner president. Mr. Davies was elected vice president; Thelma Tilbury, treasurer; Lillian Peckham, clerk; and Herman Gunther, Edward J. Foster and Clarence Gallagher, directors.



## The Budget "On the Air"

(Continued from page 76)

lature. Only 15% of the school districts were able to make sufficient economies to absorb the cut. In all other cases, the localities had to increase their real estate taxes to make up for the loss in State aid.

Dr. McCaffrey: Last year the legislature only did part of its job in cutting State aid to schools. They did not suspend the mandatory laws regarding salaries. This time if they suspend the mandatory laws, the localities will not have to maintain the high salaries which some cities, like New York, pay and which can stand a small reduction without harm.

Question: Do you think we can have a "ceiling" for our State expenses? Can't we make economies to hold the budget to a total of \$400,000,000 or \$500,000,000?

Mr. De Graff: There can be no "ceiling" for State expenditures until there is a "ceiling" for the demand for State services. If the public continues to demand additional services of the State, the cost will necessarily increase. Some economies are possible but they are not achieved by the simple expedient of cutting 5% or 10% from existing appropriations. They require careful formulation. For example, a saving of \$20,000,000 can be made if local units of government would purchase supplies through the Division of Standards and Purchases at prices now paid by the State. The State today pays \$16 for tires for which the cities pay \$40. The State pays 7c for gas while local units pay the prevailing rate. \$1,000,000 could be saved in the purchase of coal alone. Thousands of other items of food, supplies and equipment can be purchased through the State at a saving of 25% to 100% below the prices paid by our cities, counties and towns. This idea is not new. A bill along these lines was introduced by Senator Desmond last year. It was defeated because Mr. McCaffrey's constituents, the local merchants throughout the State, who belong to his Association, objected so strenuously that the bill was killed in Committee. While the Merchants' Associations are loud spoken in their demand that the expense of government be reduced, they took exactly the opposite stand when the proposal was made to cut costs by pur-

chasing governmental supplies at the prevailing prices now paid by the State.

Question: Will not a further reduction in salaries of civil service employees tend to break the morale of "career" men and women in public service?

Dr. McCaffrey: No. They are getting salaries as high as those of ten years ago which is better than the experience of people in business, and a 5% cut for those above a certain minimum, should not break their morale. New York City School teachers receive an average of \$3,100 to \$3,500 a year, which certainly can be cut 5% without seriously affecting them.

Dr. Fox: Our radio time is about gone. Before we close, however, we wish to invite our radio listeners to write us their opinions of these weekly Empire State Town Meetings which we have been promoting as part of a broad education program in which an earnest effort has been made to obtain authoritative speakers to discuss problems of general interest, problems which affect each individual and are therefore of vital concern.

## The Annual Dinner

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giene Employees Association; John Livingston, Poughkeepsie, Vice President, Mental Hygiene Employees Association; Miss Lucy Baumgrass, Marcy, Secretary-Treasurer, Mental Hygiene Employees Association; Herman Redmont, St. Lawrence, and Louis Selig, Wingdale, members of the Executive Committee, Mental Hygiene Employees Association.

Fred Walters, Middletown State Hospital Chapter; Wilfred Denno, Attica State Prison Chapter; Kenneth Borey, Kings Park State Hospital Chapter; Sgt. Anthony Stanwix, Troop G, Division of State Police; Frank Fetter, Poughkeepsie District, Public Works Department.

John W. Gould, Hornell District, Public Works Department; William Gorman and Fred Burke, Travelers Insurance Company and Charles A. Carlisle, Jr., Ter Bush & Powell, Inc.

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## Classification

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The matter of full understanding and close cooperation between the Division of the Budget and the Classification Board is brought home in the power which rests with the Governor to reject the classifications filed with him by the Classification Board. It must be assumed that the Classification Board is the final agency for determining the scope of duties and responsibilities and a uniformly desirable title for each position. This is done only after full inquiry within the department where the position is located and after careful study of the qualification requirements. When the Classification Board has established the class of a position and the Salary Standardization Board has established a salary scale for that position, the only conceivable grounds for rejection is the inability of the State to pay for the services in question. It is, of course, possible to achieve complete harmony as to facts where either of the boards err as to individual cases and to secure correction of such situation by conference and mutual cooperation between the department concerned, the budget division, the Salary Standardization Board, and the Classification Board. Having certified a reclassification to the Budget division, the work of the Classification Division is finished so far as that title is concerned. The certificate stays on file with the budget office until such time as that division corrects the budget with the inclusion of the new title.

The great objective of efficient State government and of good employment procedure was gained with the passage of the career service law. As with all important forward steps there remains the development of refinements of methods and procedures to assure the maximum of good. Surmountable difficulties face the agencies concerned with applying the merit system in the State. Cooperation is necessary. The employees will do their part and they rely fully upon the State to provide the good will and the financial support necessary for the functioning of the Civil Service Department in its classification work.

## Reduction in Personnel in An Institution Is False Economy and Dangerous Practice

When a person becomes a ward of the State for any reason and is confined in an institution it is assumed that the State is qualified and prepared to give that individual the care, attention and protection which commitment indicated was necessary. That this ideal is not an actuality is manifested in several recent occasions, as serious as they are regrettable and uncalled for.

We cite three cases on which claims presented the State are based. For the loss by fire of Dover Plains property there is a demand for \$14,259.35. It is alleged an escaped Wasaic State School inmate caused the damage. Injuries said to have been inflicted by an escaped Hudson River State Hospital patient have brought a demand for \$35,000. The sum of \$25,505 is asked for the death of a patient in the same institution said to have been fatally beaten by an attendant. Just these few cases, considered in money value alone, bring before the Court of Claims demands for the award of \$74,764.35. The recent Wingdale tragedy when an inmate suffered fatal injuries while presumably attempting to escape is to be added to the above cases.

An investigation by an unbiased commission is the solution offered by one authority. Any investigation by any commission would cost money and considerable money. No investigation is necessary, A thorough survey, a comprehensive, an exhaustive, investigation would disclose what is already apparent—a lack of manpower.

Why have tragic things happened to wards of the State?

Why has responsibility that cannot be delegated been neglected?

Why has adequate control and sufficient care been absent in various cases?

Lack of manpower and lack of personnel properly to care for the State's wards because of lack of funds by reason of reduced appropriations is the ready reply of institutional heads.

"Superintendents of State institutions in Dutchess County have a story to tell of their problems of administration, created by reduced al-

lowances, but they have difficulty in finding the proper place to tell it, where the account will be most effective," the Poughkeepsie Evening Star states editorially, suggesting a fact finding commission as the proper audience for a thorough review of institutional circumstances created by the reduced allowances.

"If," states the editorial, "lack of manpower is the reason for this growing list of claims, unquestionably it would be better business for the State to provide the necessary help for the proper operation of its own institutions."

In these times when economy must be observed is it economy to allow the institutions to reach the danger line of diminished staffs? In the matter of dollars and cents wouldn't it have been cheaper to have provided funds adequately to have cared for the inmates cited than to pay the substantial claims arising out of only these few tragedies?

The State of New York has invested many millions of dollars in building and modernly equipping institutions wherein to house and provide treatment for its mentally sick. This vast investment of the taxpayers' moneys should be protected. However, if proper supervision over mental patients cannot be exercised because of lack of sufficient personnel, it can readily be realized that destruction of equipment and furnishings of institutions might easily over-balance the supposed savings accomplished through reductions in personnel.

### Tribute Dinner

Fellow workers in the maintenance division of the State Education Building gave a farewell dinner to John Neary March 5. Mr. Neary, who had been with the State for more than ten years, retired after reaching the statutory age limit.

A native of Hudson, Mr. Neary was a blacksmith in the West Albany railroad yards for fourteen years before entering State service. He plans to live with two daughters on Lincoln Avenue, Albany, and hopes to pursue his hobby of attending all major baseball games possible. During the dinner at which Arthur Giles, general mechanic of the department acted as toastmaster, a purse was presented the guest of honor. It was the first testimonial dinner the maintenance men had ever given.

### Court Decision

(Continued from page 71)

term of three months." The acceptance by appellant of the proposal made by the respondent Ahern and the approval thereof by respondent Reavy, et al. is without significance. These parties may not act in civil service appointments in violation of the constitution, statutes and rules, for other qualified applicants and the people at large are interested and their rights in the premises may not be disregarded. An intention to continue appellant's "temporary appointment" indefinitely and in violation of the plain terms of the statute and rules is indicated by the offer of the commission in its letter of December 15, 1937, to extend it to whatever length the respondent Ahern wished.

The May, 1937, appointment was, under the statutes and rules, probationary until three months had passed, then it became permanent and she could be removed only after notice and an opportunity to be heard. (Civil Service Law, Sec. 22, subdiv. 2; Matter of McNeles v. Board of Supervisors, 173 A. D. 411, aff'd 219 N. Y. 578; Rick et al v. The Board of Education, 245 id, 729; Weishar v. Thayer, 245 id, 893; Burch v. Finegan, 248 id, 561; Matter of Voll v. Helbing, 256 id, 44; Hilsenrad v. Miller, decided herewith, .....id, .....).

The order should be reversed and the prayer of the petition granted.

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## "For Distinguished Service"

(Continued from page 66)

Guard of the State, his services to both the State and the Nation were marked by his great devotion to duty and a sense of loyalty that has been unexcelled. No man could be richer in his sympathy toward his subordinates nor more genuine in his fidelity to his superiors. Throughout his entire service, he won the respect and admiration of those who were privileged to be his associates." One sentence evidences so noble a record as to merit emphasis: "No man could be richer in his sympathy toward his subordinates nor more genuine in his fidelity to his superiors."

He was a graduate of the Army War College. He served in the 2nd Infantry and 1st Pioneer Infantry, A. E. F., and was Colonel of the latter regiment at the close of hostilities. He participated in the Marne Offensive and the Oise-Aisne and Meuse-Argonne operations.

Truly "an officer and a gentleman" he was widely loved and will be keenly missed.

The State Employee takes great pleasure in the recent promotion of John Thomas Higgins to the position of Deputy Superintendent of Purchase after ten years of State service. He represents the Executive Department on the Association Executive Committee and is an ardent, hard-working champion of Civil Service.

Mr. Higgins, a native of Cohoes, attended the local schools, the Wharton School of Finance and Commerce of the University of Pennsylvania and the Albany Law School, gaining a well-rounded preparation for a post of great responsibility such as his present position, which covers all the purchases for the State institutions and agencies and involves the annual expenditure of approximately \$30,000,000. In making the appointment, Joseph V. O'Leary, Superintendent of Purchase, expressed his confidence that merit and fitness had been justly rewarded.

Mr. Higgins' industry, ability and genial qualities have given him a rapid rise which affords us all a shining example of the possibilities for a career in State service for persons of genuine qualifications. His youth gives promise of many years of further attainment, years which

we hope will be blessed with happiness and health.

Major Daniel A. Ruddy, State Staff, N. Y. N. G., an employee of the Adjutant General's Office and a resident of Schenectady, has been awarded the State Long Service Medal of the First Class in recognition of twenty-five years of service with the armed forces of the State.

Lieutenant Colonel Patrick H. Clune, who has a brilliant record for service to the State, both in the Attorney General's Office by virtue of his legal ability, and in the National Guard, where he has had a long and honored career, was tendered a dinner by his fellow officers of the 10th Infantry on March second. Many prominent officers from various parts of the State assembled to honor Colonel Clune on this the occasion of his retirement from the Guard. One of the happy moments of the evening was the receipt by Lieutenant Colonel Clune of a commission conferring upon him the rank of Colonel.

## HRSR Notes

Employees of the Hospital gave a surprise party at noon, March 13, to Walenty Kusmercyk, fireman of the engineering plant of the institution, who retired upon reaching the statutory age limit of seventy years. He had to his credit eighteen years of faithful service.

Guy de Cordova, President of the Employees Association, presided at the gathering and presented a gold watch to Mr. Kusmercyk on behalf of the members. The watch carries a dedicatory inscription.

William Herring, on behalf of George Magee, chief engineer, who was out of town, spoke briefly of Mr. Kusmercyk's service. The amusement hall, where the meeting took place, was decorated with masses of spring flowers grown in the hospital conservatories.

George Magee was elected commodore of the Hospital Yacht Club at the annual dinner meeting, March 4, in Ryon Hall. More than thirty-five members attended in spite of the inclement weather.

Other officers named were: Paul R. Leonard, vice commodore; James Connelly, rear commodore; Wilfred Pae, secretary; and Robert Tillman, treasurer.

The slate of officers was presented by a nominating committee com-

posed of David Jones, Miss Wilma Reynolds and Arthur Marx. Unanimous election followed presentation of the slate.

Retiring Commodore, H. P. Carpenter, M.D., will be given a commodore's supper at the next meeting of the Club. He was also made honorary commodore. The entertainment committee named by Commodore Magee is composed of Miss Reynolds, Mrs. Anna Leonard and Mrs. Wilfred Pae.

Capping exercises were conducted March 6 at the Hospital Training School for Nurses when thirteen probationers were advanced to the junior class. Nine girls were given caps and four boys received surgical shirts and stripes.

Members of the class are: Helen Dudek, Marie Opitz, Marian Walley, all of Poughkeepsie; Catherine Ballard, Albany; Miss Chutka, Amsterdam; Mary Sipso, Millbrook; Charlotte Weeks, Newburgh; Miss Wadlin, Rhinebeck; Gloria Swanson, Yonkers; Mr. Cuda, Utica; Harold Hodder, Wappingers Falls; Francis Leedecke, Saugerties; and Leo Darmody, Chauteaugay.

Miss Gladys E. Russell, principal of the school, presided. Mrs. Edward A. Conger of Poughkeepsie was guest speaker. Awards were presented by Mrs. Herbert Jerrell, assistant principal. Miss Leona Wood, instructor, was hostess.

Prizes were won by Miss Wadlin, Miss Chutka and Mr. Cuda.

Dr. Charles Solon Wolff, psychiatrist at the Hospital, was guest speaker at the fourth mid-week Lenten service at the First Presbyterian Church, Poughkeepsie. On the general topic of "Meeting the Challenge of Life," Doctor Wolff's theme was "The Problem of Nervous Instabilities."

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# Summary of Legislation Pending

*The following is a complete list of bills which have been introduced in both houses of the Legislature which affect State workers and are of interest to them, since the publication of the February issue of this magazine. This summary will be continued in future issues so that a complete record may be had. Record of legislative action on these measures is also noted.*

## IN SENATE

- Int. 879, Print 978—Senator Riley—**Includes with powers and duties of superintendents of State correctional institutions those powers and duties prescribed for the New York State Vocational Institution. Referred to Assembly Penal Institutions Committee. 3rd reading.
- Int. 891, Print 1688—Senator Hammond—**Provides that service of any teacher who has attained age 69 on July 1, 1940, 68 on July 1, 1941, 67 on July 1, 1942, and 66 on July 1, 1943, may be terminated at discretion of employer at end of the school year in which specified age is attained; after July 1, 1944, service of all teachers shall be terminated at end of school year in which they become 65 years of age, except on application of employer with consent of education commissioner, competent and efficient persons in proper physical and mental condition may be retained until age 70. Referred to Education Committee. 3rd reading.
- Int. 892, Print 1856—Senator Hammond—**Provides that any member of State teachers' retirement system who has attained age 69 on July 1, 1940, 68 on July 1, 1941, 67 on July 1, 1942, and 66 on July 1, 1943, instead of at age 70 as at present, may be retired at his own request or at request of employer; after July 1, 1944, at request of member or of employer, retirement board shall retire at end of school year members who have attained age 65, except that any member may be retained until age 70, at discretion of employer. Referred to Pensions Committee.
- Int. 909, Print 1035—Senator Egbert—**Continues State board of mediation in the labor department, increases members from five to not more than seven, to be appointed by governor, provides for appointment of deputy commissioners who shall be exempt from Civil Service examinations, and appropriates \$5,000. Referred to Labor Committee, and Labor Law.
- Int. 924, Print 1050—Senator McCall—**Repeals provision for payment of fees by applicants for Civil Service examinations. Referred to Civil Service Committee and Civil Service Law.
- Int. 942, Print 1068—Senator Phelps—**Provides that at least two members of Whiteface Mountain highway commission shall be honorably discharged World War veterans and that in employment of personnel, preference shall be given to

- veterans. Referred to Finance Committee and Public Authorities Law.
- Int. 943, Print 1653—Senator Egbert—**Provides that veterans in public office or on public works shall be entitled to leave of absence with pay on Memorial and Armistice days. Referred to Finance Committee and Public Officers' Law.
- Int. 945, Print 1072—Senator Feinberg—**Fixes salary schedules for prisons' safety service in State correctional institutions. Referred to Finance Committee and Correction Law and Civil Service Law.
- Int. 950, Print 1077—Senator Hampton—**Provides that any veteran, veterans' wife or widow, who has served continuously in a veteran relief agency since July 1, 1937, in a similar position to the one now held, shall be appointed to the Civil Service without further examination. Referred to Assembly Civil Service Committee.
- Int. 956, Print 2000—Senator Martin—**Extends to all Civil Service positions and offices provision which prohibits employment of persons advocating overthrow of government; present restriction is limited to classified Civil Service. Referred to Civil Service Committee and Civil Service Law.
- Int. 962, Print 1089—Senator Nunan—**Allows credit to members of New York City retirement system for services during World War of honorably discharged veterans and nurses who were residents at time of entry into service. Referred to Pensions Committee and New York City Administrative Code.
- Int. 964, Print 1091—Senator Page—**Authorizes legislature to grant preferences to honorably discharged veterans in original appointments to Civil Service but not in promotions, similar but subordinate to preference granted to disabled veterans; veterans are required to be citizens and residents for five years immediately preceding application. Referred to Judiciary Committee.
- Int. 967, Print 1094—Senator Page—**Authorizes veterans and volunteer firemen formerly employed under Civil Service to receive information contained in public records to determine existence of vacancies in positions similar to those from which they were suspended. Referred to Civil Service Committee.
- Int. 968, Print 2036—Senator Phelps—**Provides that after July 1, 1941, instead of 1940, it shall be unlawful to practice nursing without being duly licensed and registered, increases from 7 to 12 the minimum membership of State board of examiners for nurses, with four to be selected from each of three lists submitted by certain nurses' organizations, and makes other changes. Referred to Education Committee and Education Law.
- Int. 992, Print 1125—Senator Pack—**Provides that employees of State hospitals after one year's service shall be allowed sick leave with pay of not more than fourteen days a year. Referred to Penal Institutions Committee and Mental Hygiene Law.
- Int. 1001, Print 1134—Senator Nunan—**Fixes five-day week for certain officers and employees of State hospitals. Re-

- ferred to Penal Institutions Committee and Mental Hygiene Law.
- Int. 1004, Print 1137—Senator Hampton—**Provides that application for removal of town, village, improvement or fire district officers may be made by district attorney of the county. Referred to Assembly Excise Committee.
- Int. 1006, Print 1139—Senator Griffith—**Extends to March 15, 1940, time for report of commission studying application of Civil Service provisions of constitution to political subdivisions. Referred to Finance Committee.
- Int. 1010, Print 1143—Senator Condon—**Authorizes industrial commissioner to collect from employer amount equal to 10 per cent of moneys collected for employee on each wage claim and to pay the sum into the wage enforcement contingent fund for paying expense and costs of proceedings. Referred to Labor Committee. 3rd reading.
- Int. 1013, Print 1146—Senator Martin—**Extends to officers and members of State police force provisions for one day rest in seven now allowed to other State employees. Referred to Assembly Labor Committee.
- Int. 1044, Print 1210—Senator Hammond—**Appropriates \$22,000 from conservation fund for traveling expenses and uniforms for regular game protectors. Referred to Finance Committee.
- Int. 1058, Print 1224—Senator Mahoney—**Allows credit to members of State employees' retirement system for service as employee of U. S. government with Civil Service status or of a U. S. government agency or board. Referred to Pensions Committee and Civil Service Law.
- Int. 1067, Print 1242—Senator Egbert—**Provides that suspension of salary increments in State service shall not apply to employees whose salaries are less than \$3500 if minimum prescribed salary and increments exceed that sum. Referred to Finance Committee.
- Int. 1084, Print 1259—Senator Swartz—**Extends preferences allowed veterans and exempt volunteer firemen as to removals from positions in Civil Service to include Civil Service positions in any other political or civil divisions of the State or municipality or in any public or special district or in service of any authority, commission, board or other branch of public service. Referred to Civil Service Committee.
- Int. 1108, Print 1288—Education Committee—**Fixes grades and salaries for superintendents, instructors and employees of the New York State Merchant Marine Academy and provides that instructors may be allowed leave of absence for travel or study with partial salary. Committed to Finance Committee.
- Int. 1122, Print 1304—Senator Coudert—**Provides for examination and disability retirement of mentally or physically incapacitated persons in positions under New York City education board, with right of court review. Referred to Education Committee and Education Law.
- Int. 1175, Print 1357—Education Committee—**Provides that State Civil Service commission shall establish an eligible list
- (Continued on page 82)*



## Summary of Legislation Pending

(Continued from page 81)

- for district superintendents of school and for appointments from such list by boards of school directors; provision for election of district superintendents is stricken out. Referred to Education Committee. 3rd reading.
- Int. 1176, Print 1358—Senator Coughlin**—Provides that employees in the veteran relief division of New York City welfare department and of committees of organizations assisting in administration of veteran relief may hold temporary positions in competitive Civil Service class until June 30, 1941, and thereafter there shall be Civil Service examinations to establish eligible lists for appointments. Referred to Cities Committee.
- Int. 1205, Print 1405—Senator Martin**—Prohibits removal except for incompetency or misconduct, shown after hearing, of veterans and volunteer firemen from temporary or provisional positions in State or municipal welfare department or emergency relief bureau, if employed on or before December 31, 1937. Referred to Assembly Civil Service Committee.
- Int. 1211, Print 1416—Senator Mahoney**—Provides that credit unions shall not pay fees to committee members unless dividends paid during previous fiscal year equalled 4 per cent instead of 5 per cent, or unless total fees and compensation to officers, committee members, counsel and employees for fiscal year will not exceed 33½ per cent of gross earnings for preceding fiscal year. Referred to Banks Committee and Banking Law.
- Int. 1217, Print 1422—Senator Mahoney**—Allows credit to members of State employees' retirement system for service within the State as an employee in U. S. postoffice department. Referred to Pensions Committee and Civil Service Law.
- Int. 1221, Print 1426—Senator Egbert**—Provides that choice of method of treatment by a teacher, janitor or other person affected by requirements for medical inspection and health service in public schools, and in case of a child by the parent or guardian, must be in accordance with Health Law provisions relating to dentistry and chiropody as well as the practice of medicine. Referred to Education Committee and Education Law.
- Int. 1225, Print 1430—Senator Kleinfeld**—Provides that member in New York City service on attaining age of 70 must be retired on last day of December in year of attaining such age, instead of forthwith or on first day of calendar month next succeeding. Referred to Pensions Committee.
- Int. 1228, Print 1689—Senator Egbert**—Requires board of education of New York City to provide after July 1, 1941, for appointment of a teacher librarian in each high school. Referred to Education Committee.
- Int. 1238, Print 1443—Senator Swartz**—Gives volunteer firemen, citizens and residents of the State, disabled during actual performance of duties and as members of an organized volunteer fire company, the preference in Civil Service appointment now given to veterans. Referred to Judiciary Committee.
- Int. 1274, Print 1494—Senator Twomey**—Extends for not less than three years eligible list for supreme court attendants for 1st and 2nd judicial districts, promulgated July 10, 1936, and expiring July 10, 1940. Referred to Civil Service Committee and Civil Service Law.
- Int. 1282, Print 1502—Senator Twomey**—Provides that assignment by board of justices of New York City municipal court of stenographers, interpreters and attendants shall not be limited to the respective districts within borough for which they have been appointed. Referred to Codes Committee.
- Int. 1284, Print 1504—Senator Joseph**—Provides that employees mentally disabled as result of accident arising out of employment shall be entitled to receive medical care and maintenance in public hospital or institution at expense of employer and without deductions from compensation payable to him. Referred to Labor Committee and Workmen's Compensation Law.
- Int. 1285, Print 1505—Senator Joseph**—Extends for two years eligible lists of candidates for appointment as draftsman, structural steel and reinforced concrete design, in Westchester County, promulgated in 1932. Referred to Civil Service Committee and Civil Service Law.
- Int. 1307, Print 1538—Senator Hampton**—Changes grades and salaries of positions in insurance examining groups, including insurance examiners and auditors and other similar positions, minimum being raised from \$2,400 to \$3,000 a year and maximum being reduced from \$9,500 to \$9,000. Referred to Civil Service Committee and Civil Service Law.
- Int. 1310, Print 1541—Senator Kleinfeld**—Extends for not less than two or more than three years duration of eligible list for clerk, grade 7, supreme court in Kings County, promulgated April 8, 1936. Referred to Civil Service Committee and Civil Service Law.
- Int. 1361, Print 1619—Senator Wicks**—Provides that mounted patrolmen in State prisons and in Napanoch and Woodbourne institutions shall receive the same compensation as that received by guards in State prisons. Referred to Finance Committee and Correction Law.
- Int. 1368, Print 1626—Senator Condon**—Provides for retirement of war veterans and nurses with 25 years' service in State retirement system, on pension equal to one-half of the final average salary, pension to discontinue through life of veteran; applies only to those disabled in war duty. Referred to Pensions Committee and Civil Service Law.
- Int. 1379, Print 1661—Senator Coughlin**—Provides that any person in the State Civil Service and every per diem employee having salary or wages not exceeding \$1,800 a year shall receive for overtime work double his regular compensation. Referred to Civil Service Committee and Civil Service Law.
- Int. 1381, Print 1663—Senator Coughlin**—Provides for taking over by any municipality for employment in a unified or otherwise acquired rapid transit system, of employees who have been in employ of former owner for three months or more during year immediately prior to acquisition, gives alien employee twelve months after act takes effect within which to apply for a declaration of intention to become a citizen, protects seniority rights in appointments, etc., provides that hourly and weekly pay of each employee shall not be less than that received before acquisition, gives employees right to self-organization and to bargain collectively, defines unfair labor practice by employer and makes certain other changes. Referred to Public Service Committee.
- Int. 1406, Print 1701—Senator Hampton**—Prescribes conditions under which temporary appointments in State service may be made by appointing officer. Referred to Civil Service Committee and Civil Service Law.
- Int. 1407, Print 1702—Senator Hampton**—Strikes out provision that salaries of officers and employees in State hospitals shall be uniform for like service and provides they shall be fixed in accordance with provisions of Art. 3, Civil Service Law. Referred to Finance Committee and Mental Hygiene Law.
- Int. 1415, Print 1710—Senator Condon**—Provides that all regular employees in classified Civil Service shall be given sick leave with pay at rate of fifteen days a year, no such leave to be in excess of six months in any fiscal year. Reported to Labor Committee and Labor Law.
- Int. 1433, Print 1729—Senator Nunan**—Provides that there may be credited to member of State employees' retirement system as prior service, the period of enlistment during time of war of an honorably discharged member of U. S. camp for military instruction and training of citizens. Referred to Pensions Committee and Civil Service Law.
- Int. 1453, Print 1749—Senator Quinn**—Provides that confidential attendant of New York County general sessions court judge who has held position for not less than ten years shall, on death or retirement of judge, be classified as a court attendant under Civil Service Law, but succeeding judge shall have right to appoint confidential attendant outside Civil Service list. Referred to Judiciary Committee and Judiciary Law.
- Int. 1474, Print 1782—Senator Kleinfeld**—Provides that no person who because of employment in Civil Service of State is located outside a city, town or village in which he resides shall become ineligible for employment in the city or civil division in which he lives because of temporary change of residence, provided he does not vote in any other city, town or village. Referred to Civil Service Committee and Civil Service Law.
- Int. 1489, Print 1797—Senator Gutman**—Requires that all custodian employees in New York City schools shall be employed from appropriated Civil Service eligible lists established by local commission, fixes hours of employment, defines powers of education board relative to custodians; requires issue of special revenue bonds by city authorities for providing fund for teachers' retirement system necessary for 1941 and makes certain other changes. Referred to Education Committee and Education Law.
- Int. 1516, Print 2034—Senator Condon**—Provides that in villages of Westchester County having a police department, no new employees shall be participants in police pension fund after June 1, 1940, increases contributions to fund by mem-

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## Summary of Legislation Pending

(Continued from page 82)

- bers of a force and makes compensation for member rendered permanently unfit for duty because of accident or injury, not less than one-half of full annual salary. Referred to Villages Committee.
- Int. 1517, Print 2064—Senator Condon—** Provides that in certain towns of Westchester County no new employees shall be participants in police pension fund after June 1, 1940, increases percentage of monthly pay to fund, of each member of police force, and makes compensation for a member rendered permanently unfit for duty as result of an accident or injury, not less than one-half of full annual salary and relates to powers of trustees of pension fund. Referred to Pensions Committee.
- Int. 1545, Print 1875—Senator McNaboe—** Provides that every registration card of applicant for Civil Service examination in this State must have affixed to it a photograph of applicant. Referred to Civil Service Committee and Civil Service Law.
- Int. 1563, Print 1902—Senator Pack—** Provides where any person holding position in supervising or teaching service in a city is separated from or demoted in service through no fault or misconduct on his part, suspension or demotion shall be in inverse order of original appointment and his name shall be entered on preferred eligible list for position. Referred to Education Committee and Education Law.
- Int. 1567, Print 1909—Senator Seelye—** Authorizes any town, village or special police district having a local pension system to provide on or before June 1, 1940, that new employees shall not participate in such system, this provision to be in force from July 1, 1940; any non-participation ordinance heretofore enacted is legalized. Referred to Pensions Committee and Civil Service Law.
- Int. 1573, Print 1915—Senator Condon—** Strikes out provision that each district office for unemployment insurance shall be in charge of a superintendent and that each local employment office shall be in charge of a local manager. Referred to Labor Committee and Labor Law.
- Int. 1612, Print 1954—Senator Quinn—** Provides that at least one of the deputy clerks appointed in New York County general sessions court, shall be a deputy law clerk and at least one of the assistant deputy clerks shall be an assistant deputy law clerk. Referred to Codes Committee and Criminal Code.
- Int. 1613, Print 1955—Senator Quinn—** Extends for one year from respective expiration dates term of eligibility of open competitive and promotion eligible lists established by New York City Civil Service Commission, and due to expire prior to July 1, 1940. Referred to Civil Service Committee and Civil Service Law.
- Int. 1629, Print 1971—Senator Stokes—** Permits a game protector in conservation department to elect on or before January 1, 1941, to base his contribution to retirement fund on completion of 25 years of total service as protector or on attaining age of 60, allowance to be one-fiftieth

of final average salary for each year of total service not exceeding 25. Referred to Finance Committee and Civil Service Law.

- Int. 1634, Print 1977—Senator Page—** Provides that in case of termination of employment of an employee insured under a group life policy, insurance benefits shall continue for period of unemployment of thirty days after such termination, without payment of further premiums. Referred to Insurance Committee and Insurance Law.
- Int. 1672, Print 2031—Senator Young—** Provides a contractual basis for permanent employment for members of supervisory and teaching staffs in schools in cities, on expiration of a probationary term and on receiving a permanent appointment. Referred to Education Committee and Education Law.
- Int. 1676, Print 2047—Senator Perry—** Provides that domestic workers shall not work more than six days nor more than sixty hours a week. Referred to Labor Committee and Labor Law.

### IN ASSEMBLY

- Int. 914, Print 930—Mr. Ostertag—**(Same as S. 1084).
- Int. 922, Print 938—Mr. Rapp—**Provides that in computing the 25 years of completed service of a member in State police division for purpose of retirement allowance, full credit shall be given for service in time of war and as member of American Expeditionary Forces subsequent to November 11, 1918, and prior to June 30, 1919, and also for service on Mexican border. Referred to Civil Service Committee and Civil Service Law.
- Int. 930, Print 946—Mr. Wilson—**(Same as S. 741).
- Int. 934, Print 955—Mr. Austin—**Extends for one year from respective expiration dates, term of eligibility of open competitive and promotion eligible lists established by New York City Civil Service Commission, and due to expire prior to July 1, 1940. Referred to Civil Service Committee and Civil Service Law.
- Int. 940, Print 961—Mr. Dwyer—**Provides that every rule, regulation, resolution or act of a head of a department or agency relating to persons holding classified Civil Service positions, except laborers in exempt class and other exempt employees, shall be subject to court review both on law and facts. Referred to Civil Service Committee and Civil Service Law.
- Int. 952, Print 974—Mr. Teagle—**(Same as S. 480).
- Int. 953, Print 975—Mr. Wagner—**Defines custodial employees and provides for their employment, compensation and supervision by New York City education board. Referred to Education Committee and Education Law.
- Int. 965, Print 987—Mr. Cariello—**Provides that employees appointed from lists promulgated by municipal Civil Service commissions, except employees of education boards, shall be considered as employees of specific city where commission is authorized to act and shall receive all rights and benefits granted employees of such city, in the appointed positions. Referred to Civil Service Committee and Civil Service Law.
- Int. 966, Print 988—Mr. Cariello—**Provides where annual salary increments have been provided for employees in competitive Civil Service class, salary of such employees shall not be reduced below minimum of salary grade or salary at time of original appointment and increments of \$120 for each year's service. Referred to Civil Service Committee and Civil Service Law.
- Int. 967, Print 989—Mr. Dollinger—**Provides that no persons other than regular Civil Service employees shall be employed by cities of 300,000 or more or by independent agencies thereof or of the State operating within such cities, for architectural, engineering or technical service on public buildings or projects. Civil Service Committee and Civil Service Law.
- Int. 976, Print 998—Mr. E. F. Moran—**(Same as S. 866).
- Int. 983, Print 1005—Mr. Quinn—**(Same as S. 870).
- Int. 984, Print 1006—Mr. Quinn—**(Same as S. 867).
- Int. 993, Print 1015—Mr. Devany—**Permits State and municipal officers and employees who were members of National Guard, naval militia or reserve corps at time the U. S. was not at war, and after honorable discharge, to be absent from duties or service, with pay, on July 4 of each year. Referred to Military Affairs Committee and Military Law.
- Int. 995, Print 1016—Mr. Fogarty—**(Same as S. 865).
- Int. 1004, Print 1026—Mr. Todd—**Gives to members of teachers' retirement system credit for services rendered outside State, allows members after 25 years of combined service, with at least 15 years within State, or after 15 years of service if health requires, to receive superannuation retirement allowance based on accumulated contributions with pension based on years of service and final average salary and if member is a present teacher to a further pension based on final average salary and years of total service. Referred to Education Committee and Education Law.
- Int. 1007, Print 1029—Mr. Conway—**(Same as S. 844).
- Int. 1008, Print 1030—Mr. Conway—**(Same as S. 822).
- Int. 1017, Print 1044—Mr. Austin—**(Same as S. 175).
- Int. 1030, Print 1057—Mr. Thompson—**(Same as S. 723).
- Int. 1063, Print 1092—Mr. Crews—**(Same as S. 1251).
- Int. 1066, Print 1095—Mr. Downey—**Increases from \$12 to \$20 a week the amount of wages or income allowed to employees before garnishee execution can be issued to satisfy judgment. Referred to Codes Committee.
- Int. 1100, Print 1138—Mr. Torsney—**(Same as S. 858).
- Int. 1128, Print 1178—Mr. Babcock—**Strikes out from option four allowed beneficiary of member of State employees' retirement system, provision that any single cash payment shall not exceed member's accumulated contribution. Referred to Pensions Committee and Civil Service Law.
- Int. 1186, Print 1238—Mr. Marasco—**Extends duration of eligible list of candidates for appointment as court stenographer in supreme and county courts, New York City, promulgated February

(Continued on page 84)



## Legislation Pending

(Continued from page 83)

- 24, 1936, and expiring February 24, 1940, for not less than one nor more than four years or until new list shall be promulgated. Referred to Judiciary Committee.
- Int. 1198, Print 1256 — Mr. Bormann —** (Same as S. 962).
- Int. 1201, Print 1259 — Mr. Devany —** (Same as S. 956).
- Int. 1213, Print 1271 — Mr. MacKenzie —** (Same as S. 942).
- Int. 1217, Print 1275 — Mr. Sherman —** (Same as 967).
- Int. 1219, Print 2012 — Mr. Wagner —** (Same as S. 968).
- Int. 1225, Print 1286 — Mr. Burney —** Requires governor to submit proposed appropriations and reappropriations for a State department, by separate bill or bills appertaining only to such department. Referred to Judiciary Committee.
- Int. 1227, Print 1513 — Mr. Crews —** Provides for retiring citizen resident veterans and nurses, disabled in performance of duties in any war, and after 20 years' service in State retirement system, on a pension equal to one-half of average annual salary for any five-year period and an annuity based on accumulated contributions at time of retirement. Referred to Pensions Committee and Civil Service Law.
- Int. 1228, Print 1289 — Mr. Dwyer —** (Same as S. 978).
- Int. 1233, Print 1294 — Mr. Fite —** (Same as S. 1006).
- Int. 1234, Print 1295 — Mr. Fitzpatrick —** (Same as S. 1001).
- Int. 1235, Print 1991 — Mr. Fogarty —** (Same as S. 943).
- Int. 1255, Print 1319 — Mr. Torsney —** (Same as S. 964).
- Int. 1267, Print 1335 — Mr. Downey —** (Same as S. 950).
- Int. 1340, Print 1428 — Mr. Goldberg —** (Same as S. 992).
- Int. 1352, Print 1441 — Mr. Demo —** (Same as S. 1044).
- Int. 1395, Print 1485 — Mr. McLaughlin —** Provides for pensioning Spanish-American or World War veterans employed for twenty years or more in Civil Service of New York City with annual sum equal to one-half highest salary or wages paid during employment. Referred to Pensions Committee.
- Int. 1401, Print 1491 — Mr. Owens —** Requires public appointing officers who pass over an eligible applicant for competitive Civil Service position, in favor of lower eligible person, to make sworn certification of reasons therefor and that such acts were not done by reason of race, color or creed. Referred to Civil Service Committee and Civil Service Law.
- Int. 1418, Print 1519 — Mr. Fogarty —** Extends for not less than two years' duration of an eligible list of candidates for appointment as supreme court attendants in first judicial district, promulgated July 10, 1936, and which expires July 10, 1940; municipal Civil Service commission may extend list for further period of one year. Referred to Civil Service Committee and Civil Service Law.
- Int. 1428, Print 1529 — Mr. Wadsworth —** Provides that no person, by reason of age, may be disqualified, from competing for a Civil Service promotional examination or be penalized in final rating or barred from a promotion. Referred to Civil Service Committee and Civil Service Law.
- Int. 1430, Print 1534 — Mr. Babcock —** Provides that member of State retirement system, upon withdrawing election to contribute on basis of retirement at age of 55, shall be entitled to refund of contributions and interest in excess of amount contributed on basis of retirement at age of 60, unpaid loans to be deducted from refund. Referred to Pensions Committee and Civil Service Law.
- Int. 1439, Print 1543 — Mr. Fite —** (Same as S. 1175).
- Int. 1445, Print 1549 — Mr. Goldberg —** (Same as S. 1122).
- Int. 1449, Print 1761 — Mr. McCreery —** Exempts attorneys and counsellors-at-law from provisions relating to filing of certificates of partnership. Referred to Senate Codes Committee.
- Int. 1470, Print 1574 — Mr. Devany —** (Same as S. 1205).
- Int. 1491, Print 1596 — Mr. Boccia —** Limits to eight hours a day and forty-eight hours a week the hours of labor of graduate and practical nurses in hospitals in New York City; excepts administrative officials and members of religious orders acting without pay. Referred to Labor Committee.
- Int. 1499, Print 1604 — Mr. Fite —** Authorizes Civil Service commission to designate a commissioner, officer or employee of the department to conduct hearing which commission is authorized to hold, provided that member of classification board or officer or employee of that division shall not conduct hearing on appeal from determination of classification board. Referred to Civil Service Committee and Civil Service Law.
- Int. 1535, Print 1654 — Mr. Averill —** (Same as S. 1108).
- Int. 1536, Print 1655 — Mr. Babcock —** Authorizes any town, village or special police district having a local pension system to provide on or before June 1, 1940, that new employees shall not participate in such system, this provision to be in force from July 1, 1940; any non-participation ordinance heretofore enacted is legalized. Referred to Pensions Committee and Civil Service Law.
- Int. 1540, Print 1659 — Mr. Fogarty —** (Same as S. 1285).
- Int. 1541, Print 1660 — Mr. Foy —** Provides that when member of State retirement system who has served in State service as civil engineer for thirty years and subsequent to August 1, 1938, applied for retirement, dies before time specified in notice, his beneficiary shall be entitled to optional benefits elected by such member. Referred to Civil Service Committee and Civil Service Law.
- Int. 1542, Print 1661 — Mr. Foy —** Authorizes court of claims to determine claim of Edward C. Peasley. Referred to Claims Committee.
- Int. 1551, Print 1671 — Mr. Crews —** (Same as S. 1489).
- Int. 1553, Print 1673 — Mr. Fogarty —** (Same as S. 1274).
- Int. 1560, Print 1905 — Mr. Owens —** (Same as S. 1238).
- Int. 1575, Print 1697 — Mr. Devany —** Allows credit to members of New York City retirement system for service as paid officer or employee of the U. S. or any agency thereof. Referred to New York City Committee.
- Int. 1586, Print 1713 — Mr. Pease —** Permits a game protector in conservation department to elect on or before January 1, 1941, to base his contribution to retirement fund on completion of 25 years of total service as protector or on attaining age of 60, allowance to be one-fiftieth of final average salary for each year of total service not exceeding 25.
- Int. 1600, Print 1727 — Mr. Kreinheder —** (Same as S. 536).
- Int. 1603, Print 1730 — Mr. Steingut —** Permits the payment of death benefits in the case of a judge of the court of appeals who died after January 1, 1939, and more than thirty days before such death had attained age of 60, had become eligible for retirement and had advised the chief judge of inability to continue service. Referred to Civil Service Committee and Civil Service Law.
- Int. 1615, Print 1743 — Mr. Moritt —** (Same as S. 1251; A. 1063).
- Int. 1621, Print 1764 — Mr. Babcock —** (Same as S. 1460).
- Int. 1629, Print 1772 — Mr. Rudd —** (Same as S. 1433).
- Int. 1651, Print 1802 — Mr. Piper —** (Same as S. 1307).
- Int. 1682, Print 1848 — Mr. Crews —** Extends for not less than two or more than three years' duration of eligible list for clerk, grade 7, supreme court in Kings County, promulgated April 8, 1936. Referred to Civil Service Committee and Civil Service Law.
- Int. 1683, Print 1849 — Mr. Crews —** (Same as S. 1176).
- Int. 1706, Print 1881 — Mr. Crews —** (Same as S. 1368).
- Int. 1716, Print 1891 — Mr. McLaughlin —** Provides where rate of compensation paid to elected officer or employee now in city service in New York City may have been reduced or diminished, such reduction or diminution shall not impair pension or retirement rights provided the officer or employee elects to contribute to pension fund on basis of highest salary rate formerly received. Referred to New York City Committee.
- Int. 1734, Print 1914 — Mr. Conway —** (Same as S. 1361).
- Int. 1735, Print 1915 — Mr. Dooling —** Defines work week for Civil Service employees of State or any political subdivision to mean five days in any calendar week. Referred to General Laws Committee.
- Int. 1736, Print 1916 — Mr. Fite —** Provides that officers or employees in Civil Service competitive class shall not be removed except for incompetency or misconduct and permits suspension without pay for not exceeding thirty days pending determination of charges; provides for appeals to State commission or to the court by one aggrieved because of penalty or punishment of demotion or dismissal. Referred to Civil Service Committee and Civil Service Law.
- Int. 1737, Print 1917 — Mr. Fite —** (Same as S. 1406).
- Int. 1740, Print 1920 — Mr. Kreinheder —** Provides no person in Civil Service who attained his position through fraud or deception shall have his name placed on preferred list in case of removal from or

(Continued on page 86)

## "Racket" Groups Fail Again

(Continued from page 72)

there is need for only one State employee organization. Obviously, too, legislative, executive and administrative heads have been dealing with the Association of State Civil Service Employees for twenty years now and they know how well and honestly the Association represents employees. The only possible result of C. I. O. activities in State service is to befuddle the State employees' program for betterment in the minds of legislators and citizens and to give those legislators and others who do not believe in employee organization an opportunity to criticize and resist honest employee efforts. There is another result and that is the collection of unnecessary dues and the causing of unnecessary expense and embarrassment to employees who are misinformed enough to join with dissension groups. Surely State workers should give very careful thought to the matter of organization. Those who ally themselves with questionable groups not only waste their good money in dues and parades and useless propaganda but they help to bring discredit upon the State employees' honestly organized efforts and make it more difficult for the Association to carry on its progressive program on behalf of all State workers.

The Association of State Civil Service Employees urges all State workers to join with the over thirty thousand workers now enrolled in it and to resist the futile and harmful activities of those groups which lend neither help nor dignity to State service.

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## Communication

Editor, *The State Employee*:

Dear Sir:

As representative of the Association for the Department of Public Works, Division of Highways, Babylon, L. I., it gives me great pleasure to inform you that the efforts of our Association toward having employees of this District receive their pay-checks when due, has not been in vain.

To my mind, the efforts of our Association had a great deal to do with this new procedure, and on behalf of my group I extend our sincerest appreciation. A special word of thanks goes to Joe Lochner, our executive secretary, who has always been a willing helper in our many problems; and to Ed. Ramer, the representative of our Department on the Executive Committee, who since his election to this committee has labored tirelessly in his sincere efforts to remedy this delay of employees of our department in receiving their salary checks.

It is not necessary for me to recall to you the many letters our Babylon group has written regarding this delay of salary checks. It is interesting to note, however, that last August a letter and petition signed by members of our group was forwarded to Association headquarters, recommending action by the Association on the situation and that an effort be made to have the auditor's office to allow our payrolls to be sent to Albany five days prior to the end of the payroll period and thus allow the main office more time to work on these payrolls and ultimately end in our receiving our pay checks when due.

It is needless to say that our group is highly elated over this new procedure and although it has been stated that "this is only an experiment and if successful will become our permanent procedure," we feel that it is going to be the regular procedure in the future and that we will be receiving our salary checks on the 1st and 16th as provided by law.

Very truly yours,

FRANCIS P. RYAN,  
Association Representative,  
Department of Public Works,  
Babylon, L. I., N. Y.

February 5th, 1940.

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Gallon, \$1.29    ½ Gallon, 79c    3 Full Fifths, assorted, \$1.00

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4-YEAR-OLD RYE and BOURBON, 90 Proof.....\$1.69 Quart  
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## Legislation Pending

(Continued from page 84)

- demotion in service; in case abolished position has been filled by promotion, person affected shall be demoted to position held prior to such promotion, procedure likewise to affect employees in positions in a lower grade so that person compelled to leave is the last original appointee. Referred to Civil Service Committee and Civil Service Law.
- Int. 1743, Print 1923—Mr. Turshen—** Provides that after expiration of a temporary period for which eligible persons have been appointed from a competitive Civil Service list and on satisfactory completion of probationary term they shall be placed on preferred list for permanent appointment. Referred to Civil Service Committee and Civil Service Law.
- Int. 1751, Print 1947—Mr. Babcock—** Provides that member of State retirement system with more than five years of allowable service, who has been discontinued from State service through no fault of his own, may elect to keep accumulated contributions until he is eligible for retirement, when he shall be entitled to an allowance based on allowable service. Referred to Pensions Committee and Civil Service Law.
- Int. 1755, Print 1951—Mr. Ehrlich—** Provides that preference in employment from list of applicants for labor class, registered by a city Civil Service commission, shall be given according to fitness for position involved, instead of date of application. Referred to Civil Service Committee and Civil Service Law.
- Int. 1756, Print 1952—Mr. Ehrlich—** Strikes out provision that a person who has served with fidelity for at least three years in a similar position may be assigned to perform duties of a position subject to Civil Service competitive examination, so as to limit provision only to those who pass such examination. Referred to Civil Service Committee and Civil Service Law.
- Int. 1757, Print 1953—Mr. Ehrlich—** Provides that the State or a municipal Civil Service commission must refuse to certify the estimate, payroll or account of any persons transferred, assigned or reinstated in violation of Civil Service Law or rules thereunder. Referred to Civil Service Committee and Civil Service Law.
- Int. 1758, Print 1954—Mr. Ehrlich—** Provides that State institutional employees who have served for at least one year shall, when incapacitated by accident or illness, be given a reasonable sick leave with pay. Referred to Civil Service Committee.
- Int. 1778, Print 1974—Mr. Wagner—** (Same as S. 1415).
- Int. 1805, Print 2008—Mr. Wachtel—** Provides that employees appointed, reappointed or promoted in State service during 1939 shall be entitled to a salary increment during year beginning July 1, 1940. Referred to Ways and Means Committee.
- Int. 1817, Print 2025—Mr. Fitzpatrick—** Prohibits removal of veterans and volunteer firemen holding temporary appointments in Civil Service of State or subdivisions except for incompetency or misconduct shown after hearing, with right to a review by certiorari; also provides for transfers where positions become unnecessary or are abolished. Referred to Civil Service Committee and Civil Service Law.
- Int. 1820, Print 2028—Mr. Goldberg—** Provides that a preferred eligible list created under act for protection of rapid transit employees shall take precedence over a promotion list only in the department or agency which operates the unified, purchased or otherwise acquired transit facilities. Referred to Pensions Committee.
- Int. 1844, Print 2052—Mr. Wilson—** Provides that in certain towns of Westchester County no new employees shall be participants in police pension fund after June 1, 1940, increases percentage of monthly pay to fund, of each member of police force, and makes compensation for a member rendered permanently unfit for duty as result of an accident or injury, not less than one-half of full annual salary and relates to powers of trustees of pension fund. Referred to Internal Affairs Committee.
- Int. 1847, Print 2055—Mr. Wilson—** Provides that in villages of Westchester County having a police department, no new employees shall be participants in police pension fund after June 1, 1940, increases contributions to fund by members of a force and makes compensation for member rendered permanently unfit for duty because of accident or injury, not less than one-half of full annual salary. Referred to Villages Committee and Village Law.
- Int. 1854, Print 2066—Mr. Dooling—** (Same as S. 1453).
- Int. 1862, Print 1474—Mr. Wagner—** (Same as S. 1474).
- Int. 1867, Print 2079—Mr. Barrett—** (Same as S. 1407).
- Int. 1868, Print 2080—Mr. Barrett—** Provides that employees of mental hygiene institutions may receive not less than \$32 a month in addition to regular wages for outside board and lodging whether or not there is lack of accommodations in institution. Referred to Health Committee and Mental Hygiene Law.
- Int. 1874, Print 2086—Mr. Fite—** Authorizes State Civil Service commission to render service relative to classification of positions, etc., to a commission of a city or to governing body of a civil division for such compensation as may be agreed upon. Referred to Civil Service Committee and Civil Service Law.
- Int. 1943, Ways and Means Committee—** Directs State education commissioner to deduct 2 per cent from amounts apportionable as State aid to schools for year beginning July 1, 1939. 2nd reading.
- Int. 1944, Ways and Means Committee—** Provides that all salaries and expenses of transit commission shall be paid by the State instead of by New York City. Referred to Public Service Law. 2nd reading.
- Int. 1945, Ways and Means Committee—** Requires public service commission to appoint inspectors of gas meters as well as electric meters. Referred to Public Service Law. 2nd reading.
- Int. 1949, Ways and Means Committee—** Provides that salary and salary increment of any person employed by New York City education board, higher education board and trustees of public institutions of higher learning, except teaching and supervising staffs, shall be fixed by the employing board or institution, subject to approval of board of estimate, salary reduction not to reduce pension or retirement rights of any person who is a member of a pension system. Referred to Education Law. 2nd reading.
- Int. 1951, Ways and Means Committee—** Empowers New York City board of estimate to reduce salary of any person employed by any court or as member of teaching or supervising staff of education board or by trustees of institutions of higher learning or by any county officer, whose salary in whole or part is paid out of city treasury, reduction not to reduce any salary to a rate less than \$3,000 a year; reduction in no case shall exceed 10 per cent of salary as fixed in budget of January 1, 1940; during time reduction remains in force power to increase salary shall be suspended; pension and retirement rights are protected. New York City Administrative Code. 2nd reading.
- Int. 1968, Mr. Lonis—** Admits to practice as a registered professional nurse a person now engaged in practice of nursing, with three years' experience therein prior to 1920, two of which have been spent in a hospital or an equivalent for such hospital experience and who applies for license prior to July 1, 1940. Referred to Education Committee and Education Law.
- Int. 1984, Mr. Rapp—** Provides that special act for periodic increases in salaries of officers and employees in State institutions reporting to division of standards and purchase shall not apply to State employees in competitive and non-competitive classes of classified Civil Service. Referred to Ways and Means Committee.
- Int. 1997, Mr. Steingut—** Changes the title of office of superintendent of standards and purchase to that of commissioner of standards and purchase. Referred to Ways and Means Committee, Executive Law and State Finance Law.
- Int. 2021, Mr. Sullivan—** Repeals provision prohibiting a person while an employee of New York City education board to take any other employment with such board or with the State or civil division. Referred to Education Committee and Education Law.
- Int. 2069, Mr. Burrows—** Provides that domestic workers shall not work more than six days nor more than sixty hours a week. Referred to Labor Committee. (Same as A. 1827 of 1938).
- Int. 2071, Mr. Creal—** (Same as S. 1634).
- Int. 2072, Mr. Fite—** Repeals provision extending for not more than four years eligible lists, now expired, for certain clerks in supreme court, first judicial department. Referred to Civil Service Committee and Civil Service Law.
- Int. 2080, Mr. Pease—** (Same as S. 1628).
- Int. 2081, Mr. Pease—** (Same as S. 1627).
- Int. 2104, Mr. Piper—** Provides that the final average salary for purpose of determining pension under State employees' retirement system shall mean compensation earned in the State service instead of as a member of State retirement system. Referred to Civil Service Committee and Civil Service Law.

## The "Civil Service Leader"

An exclusive series of articles on the Fite Merit Extension Commission has just started in the Civil Service Leader, weekly newspaper. Written by members of the Commission, the series will take up in detail the many phases of the giant task of extending Civil Service to 200,000 more employees throughout the State.

At the same time, Charles A. Brind, Jr., president of the Association, has announced that members have only until April 20 to take advantage of the special introductory subscription rate of \$1 a year, through the coupon on the back page of The State Employee.

The articles on the Fite Commission follow in the path of a number of outstanding series. A few months ago, The Leader published a group of articles by experts on Unemployment Insurance. These were preparatory for the February series of exams for positions in the D.P.U.I. Currently, another series is running on "How to Get a Civil Service Job," written by State Civil Service Commissioner Howard P. Jones.

The titles of the series on the Fite Commission are:

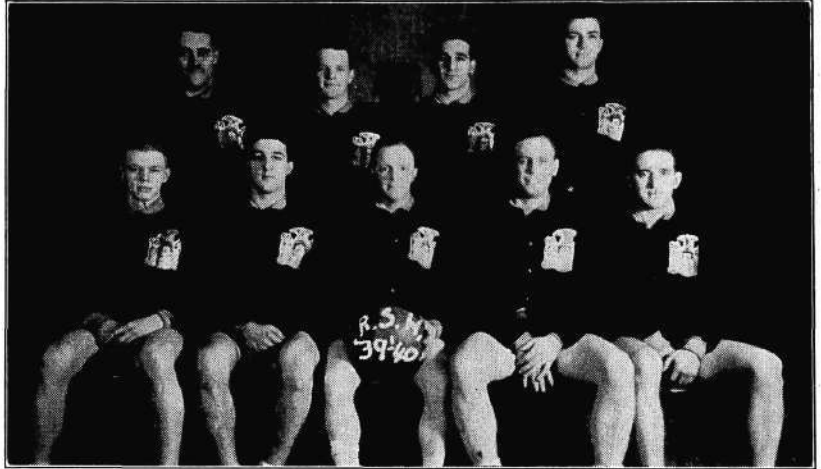
"Problems Facing the Fite Commission," "Why the Fite Commission," "How Civil Service Operates," "Work of the Fite Commission to Date," "Counties Meet the Fite Commission," "Towns Meet the Fite Commission," "Villages Meet the Fite Commission," "School Districts Meet the Fite Commission," "Rights Under Civil Service," "When Civil Service Workers Organize," and "The Meaning of Civil Service."

They will be written by Grace A. Reavy, president, State Civil Service Commission; Prof. Emerson D. Fite, Chairman of the Assembly Civil Service Committee; John T. De Graff, counsel to the Association of State Civil Service Employees; State Civil Service Commissioner Howard P. Jones; W. Earl Weller, director of the Rochester Bureau of Municipal Research; Frank C. Moore, executive secretary, Association of Towns; Charles A. Brind, Jr., president, Association of State Civil Service Employees; H. Eliot Kaplan, contributing editor of The Leader, executive secretary, National Civil Service Reform League.

## Rochester Basketball Team

Rochester State Hospital is proud of its basketball team.

In the past two seasons under the guidance of Stan Hampson, manager, and Don Webb, captain, the team has compiled an enviable record. Of thirty-one contests played to date, the Hospital Cagers have scored twenty-seven wins. Among the victims were some of Rochester's top notch quintets.



The players as shown in the photograph are, left to right, back row: Gordon Walzer, Stan Hampson, Frank Pezzulo and Don Webb. Front row: Leon Carson, Ed Pezzulo, Eddie Brennan, Cliff LaRue and Ray St. Aubin.

# EGGS

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## Accident and Sickness Insurance

By

C. A. CARLISLE, JR.

In the last few months, great strides have been made in the Group Plan of Accident and Sickness Insurance. The number of persons insured thereunder have now increased to over 12,000. The amount of benefits being paid out to State Employees has reached a peak of nearly \$15,000 per month, so that there are many State employees now who are receiving benefits due to their wise decision some time ago in signing up for the Group Plan of Accident and Sickness Insurance.

It is not impossible that anyone of us can be taken sick or can be involved in an accident which disables us for a long period of time. It is only the forethought of taking advantage of the low-cost Group Plan of Accident and Sickness Insurance that makes possible this wonderful protection in time of need.

Ter Bush & Powell, Inc., who have handled the Group Plan of Accident and Sickness Insurance since its inception, are now sending out a letter to all those insured and with it is a circular showing many thousands of claims that have been paid to State employees all over the State. In many cases four or five claims have been paid to one person. A great many have received benefits under this Group Plan of Accident and Sickness Insurance who had no other income when they were disabled due to accident or illness, and it was like a real gift from heaven to receive that check every month to help pay the bills at home—doctor bills, hospital bills, bills for special medicine, extra help in the home, special foods, or whatever the needs might be.

Everyone who has this insurance is warned not to let anyone influence them to cancel this insurance for any other form or any other policy, because this policy has been especially prepared for State employees by the Insurance Committee of the Association and it is the broadest possible coverage available at anywhere near the cost.

It is very important for anyone carrying this insurance when they are off the payroll for any reason whatever, to immediately notify the

Association Office or Ter Bush & Powell, Inc., that they are off the payroll and what the reason is. Also, when any person insured under this Plan is transferred from one department or division, or institution to another, it is of utmost importance that this notification be sent in at once so that the premiums may continue under the salary deduction plan without omission.

To the present assured is being sent a summary of the history of this plan and a good many things for the assured to remember in time of need so that their claims may be paid promptly, and correctly.

In addition to the letters and circulars now being sent out to the persons insured under this plan, a letter, circular, application and salary deduction card is also being sent to every person in the Mental Hygiene Department who is not insured at the present time. This, then, brings to each individual, in his own individual way, all the important facts concerning this Group Plan of Accident and Sickness Insurance so that he or she may consider the Plan and decide for himself, whether or not this plan will serve that particular person's needs.

It is important in the consideration of the Group Plan of Accident and Sickness Insurance that every State employee remember that no one has to buy the insurance. No one is to be coerced into even considering the insurance. It is not a plan evolved to make money for the Association or for any individual—it is a Plan prepared to give you income protection at an exceptionally reasonable cost and with very broad coverage.

### Legislative Report

*(Continued from page 63)*

ing to make all the corrections requested by the Association, because the cost would run into large figures, and because they felt that new and old employees should be treated on the same basis.

The Wachtel Bill, which would have repealed the suspension statutes with respect to all appointments in 1939, was killed in Committee on March 13. Thereafter, on March 15, Assemblyman Moffat, at the request of the Association, introduced a bill

drafted by the Association, which would repeal the suspension statutes with respect to employees appointed during the period from January 1 to July 1, 1939. This bill will correct a situation under which employees appointed during this period would have had to wait two to two and one-half years to receive an increment, and will place this group of employees on a parity with old employees who also have to work two years to receive one increment, under the suspension statute. Mr. Moffat issued a public statement in which he declared "Necessary money to pay these increments, amounting to about \$22,000 will be provided for in the supplemental budget." This bill will assure increments on July 1, 1940, to a substantial number of employees appointed between January 1 and July 1, 1939. Employees appointed after July 1, 1939, will receive their increments on July 1, 1941. The Association has also left with the Ways and Means Committee for introduction a bill which will provide increments for those receiving under \$3,500, whose minimums are fixed in excess of \$3,500, but the future of this bill is uncertain at the present time.

The Hampton-Barrett Bill, Senate 1407, Assembly 1867, extending the Feld-Hamilton Law to Mental Hygiene employees, the Rapp Bill, extending the Feld-Hamilton Law to Social Welfare Institutions, and other bills extending the Feld-Hamilton Law to other groups are still in committee. While the advisability of the extension seems everywhere recognized, the economy issue makes the passage of these bills uncertain this year.

The Babcock Bill, Assembly Intro. 1430, amending the Pension Law to provide for withdrawals of contributions in excess of the normal amount required for retirement at 60 years, in the event employees change from the 55 year to the 60 year plan, has been reported from committee and is on the third reading calendar in the Assembly.

The Barrett Bill, Assembly 1868, liberalizing commutation payments for Institutional employees is still in committee.

A complete report of all bills before the Legislature will be contained in the next issue.

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# New Books

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

## FICTION

**Children of God, by Vardis Fisher.** Harper. \$3.00.

Cast in the form of a novel, this is essentially an epic picture of the amazing inception and growth of the Mormon church under two great leaders, Joseph Smith, the prophet and founder, and Brigham Young, the organizer. The author, of Mormon descent, glosses over neither misdeeds of the Mormons nor the brutality of their enemies, as he depicts with sweeping strokes the trek west, or minutely envisages domestic conflicts resulting from plural marriage. Map on end papers.

**How Green Was My Valley, by Richard Llewellyn.** Macmillan. \$2.75.

Life in a Welsh colliery town from the good days when the men came home singing and laughing to throw their wages, golden sovereigns, into the laps of their waiting wives, through years of increasing injustice and strife, when women mourned for their sons who left the valley to seek a living in foreign lands. Written with deep feeling, integrity and an awareness of the beauty as well as the bitterness in life, and of the solace and peace of unspoiled mountain and valley.

**Moment in Peking, by Lin Yut'ang.** Day. \$3.00.

Changing manners and ideas, changing political and military conditions observed as they affect a large upper class Chinese family and its connections by marriage, or liaison, friendship or work, from the time of their flight from the Boxers in 1900 to the flight of the family from the Japanese in 1938. A vital, absorbing yet leisurely novel. written with understanding and wisdom.

**The Nazarene, by Shalom Asch; trans. by Maurice Samuel.** Putnam. \$2.75.

In this vivid and powerful picture of the Roman and Jewish Palestinian world, Jesus, the Jewish rabbi, is portrayed with profound reverence and intensity of emotion, from three points of view, first by Cornelius, Roman governor of Jerusalem, again

in a fragment of a "discovered" gospel supposedly written by Judas Iscariot and, lastly and most fully and movingly, by a student of Nicodemus, the Pharisee. An exceedingly ambitious work, involving the mystical reincarnation of the narrators in Poland today.

**No Arms, No Armour, by Robert Henriques.** Farrar. \$2.50.

Tubby Windrush, second-lieutenant in the British army, as a typical English soldier, has always accepted life at its surface value. How he is brought to a consciousness of life's complexities and deeper meanings through the effects of a painful accident, his friendships with two unusual men, his experiences of love, losses, loneliness, and danger, is related in a story which is thoughtful, moving and absorbing. The settings are England and the Sudan.

**No More Gas, by Charles Nordhoff & J. N. Hall.** (Atlantic Monthly Press bks.) Little. \$2.50.

The improvident, irresponsible Tuttle clan of Tahiti, in whose veins New England blood is intermingled with Polynesian live happily in a rambling, ramshackle dwelling, always expectant that the next cock-fight or fishing trip will pay for their lavish hospitality or buy the needed gasoline. How fate changes the fortunes of this lovable but exasperating group and how, characteristically, they react to prosperity brings the rarely entertaining tale to a poignant climax.

**Portrait of Jennie, by Robert Nathan.** Knopf. \$2.00.

A young artist, his courage gone and desperate at the world's indifference, meets a little girl in an old-fashioned dress one night, playing alone on a New York street, who asks him "to wait for her to grow up." How in the following months, Jennie, transcending time and space, and on each visit several years older, comes to him, waiting and longing, and how he paints her portrait which is to make him famous, and how through Jennie, he finds meaning in life and love and beauty is delicately revealed in a fantasy whose gossamer threads are as real as the realities with which they are interwoven.

**Walk Like a Mortal, by Dan Wickenden.** Morrow. \$2.50.

All his young life, sensitive, idealistic Gabe Mackenzie has been dominated by his mother, and now, a senior in high school, he is aware of her increasing hostility toward his easy-going father. In the months of confusion, worry and suspense, Gabe adjusts himself to changing human relationships, keeps his emotional balance and maintains his place in sports and scholarship at school.

## NON-FICTION

**Land Below the Wind, by A. N. Keith.** (Atlantic Monthly Press bks.) Little. \$3.00.

In this informal and informing record of four years in North Borneo as the wife of an Englishman connected with government service, the American author is equally fascinating whether commenting on the high adventure of extended trips into the jungle, or describing her own plight when ingloriously dispirited by the rains, mud, insect bites and fatigue, or gaily recounting the vagaries of native help, or the ways of the animals given the freedom of the house as pets.

**Pioneers of Plenty, by Christy Borth.** Bobbs. \$3.00.

The modern research chemist's discoveries of how varied and invaluable products can be made from milk, corn, soy beans, cotton, coal, etc., are glowingly described and evaluated by a journalist who feels the thrill of these discoveries and whose keen interest extends as well to the lives of the "pioneers" who include William Jay Hale, Charles Holmes Herty, Leo Hendrik Baekeland, George Washington Carver and others.

**Through China's Wall, by Graham Peck.** Houghton. \$3.50.

After idling in Peking, the author-artist became more venturesome and traveled far and wide in the interior in 1936-1937, mingling with the Chinese in overloaded buses, journeying on foot with native guides or sailing down the Yangtze in a ramshackle sampan always intent on sketching the picturesque types especially in the Szechuan, Kweichow and Yunnan provinces.

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