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America's Largest Weekly for Public

# Clerical Reallocations Denied; CSEA To Appeal Kelly Decision

## 15-Pt. Program Given

### CSEA Asks Exclusive Bargaining In Buffalo

ALBANY—The Civil Service Employees Assn. has called upon the City of Buffalo to adopt a five-point employee benefit program headed by exclusive bargaining rights for CSEA and a 15 percent pay raise.

Other improvements urged are the new 1/60th non-contributory retirement program, fully-paid health insurance and longevity salary hikes after five years at a job maximum pay.

The request for Buffalo's 11,000 City employees was contained in a letter from Joseph F. Feily, president of the 142,000-member State-wide CSEA, to Mayor Frank Sedita, with a copy of each member of the City Council.

Adoption of the program is sought in the next City budget, Feily said, except for the improved

(Continued on Page 14)

### Vernon A. Tapper

Vernon A. Tapper, 66, second vice president of the Civil Service Employees Assn. and "one of its most dedicated members," died at his desk in the Syracuse Parks Department last week, after suffering a heart attack.

Mr. Tapper was superintendent of the Parks Department and an employee of the city department for more than 35 years.

He was also active in Boy Scout

(Continued on Page 14)

## Demonstrations Staged To Protest Negative Ruling

(Special To The Leader)

ALBANY—An appeal by the Civil Service Employees Assn. to upgrade State clerical titles has been rejected by the State Civil Service Department and the decision last week brought on renewed demonstrations by CSEA chapter members in New York City, Albany and elsewhere to protest the action.

J. Earl Kelly, the Civil Service Department's director of Classification and Compensation, disapproved a CSEA application filed in September calling for a two-grade upward reallocation of 180 clerical titles. Prior to his decision, employee unrest over failure to act on the upgradings produced a rash of demonstrations throughout the State, followed by a public hearing on the issues before Kelly on Nov. 30 in Albany.

In essence, the Employees Association appeal was turned down on the grounds that the State now pays, overall, more than private industry does to persons employed in these positions.

### "Slap In The Face"

This stance was rejected immediately by the CSEA, whose president, Joseph F. Feily, declared that the Kelly decision would be appealed at once to the State Civil Service Commission.

Feily said that "... the blanket turndown of every title involved in this reallocation appeal is a slap in the face to every loyal clerk and secretary in the State." He said the Employees Association believed that the decision was based on "... more than the facts in the case and that the negative influence of outside factors, including opposition from groups resenting private employers, played a

(Continued on Page 14)

*Don't Repeat This!*

Rockefeller, Percy Now Strongest Team For GOP '68 Ticket

FOR political candidates, as well as race horses, it is the performance at the home stretch—not the starting line—that counts. Following the November elections, the first burst of speed toward winning the Republican nomination for President in 1968 came from Michigan's Gov. George Romney. But with the race barely begun,

(Continued on Page 2)



DEMONSTRATION ON CLERICAL TURNDOWN —

Protest demonstrations went on throughout the State last week after a negative ruling by J. Earl Kelly, director of the State Division of Classification and Compensation, that denied a two-grade salary reallocation to the State's clerical employees. These are members of some 13 chapters of the Civil Service Employees

Assn. who staged a two-hour demonstration in front of the Civil Service Department offices at 270 Broadway in New York City. (Protest marches in other cities occurred too late for Leader press time.) Randolph V. Jacobs, president of the CSEA Metropolitan Conference, estimated that more than 800 persons participated in the demonstration during the two-hour period.

### Carl Mager Retires

Carl Mager, a retiring senior tax auditor in the Division of Employment with over 25 years of service, is to be feted at a luncheon held in his honor this week at Rosoff's in New York City. Mager

was presented with a gold watch by staff members from his office as a token of their esteem and admiration.

He was a member of the Metropolitan Division of Employment chapter CSEA for over 20 years.

# DON'T REPEAT THIS

(Continued from Page 1) this quick starter already appears to be fading.

Basically, Romney seems to be suffering from a constant case of "foot in mouth" disease. For instance, in addressing a recent meeting of the National Association of Manufacturers—certainly a friendly audience—he spent so much time reminding them of their past sins that, as a noted columnist reported, "he was unable to get up to the present before the evening ended. It is doubtful he made any deep impression that night." He has pronounced disagreements with policies of other Republicans in the press before trying to straighten out things privately with his fellow GOP-ers. And that's not the way you make friends with Convention votes.

#### The Goldwater Problem

One of his biggest problems will be gaining the support of the right wing elements of his party because of his total rejection of Barry Goldwater in 1964. Goldwater's nomination may have produced a disaster but he still has a powerful group of followers and they must be reckoned with. Ordinarily, and statistically speaking, a convention is usually controlled by a majority of the same delegates who controlled the last previous convention. The evidence is that these delegates are in no mood to accept George Romney, despite the statement of California's conservative governor, Ronald Reagan, that he would support the candidate nominated by the Republicans in 1968. Regan didn't say he expected that candidate to be Romney.

If Romney doesn't recover from recent errors, the field for the

top spot on the GOP ticket is then comparatively narrowed. Richard Nixon is still a favorite in many quarters—but he is also a two-time loser, once for the Presidency, and, later, for the governorship of California. The younger possibilities—Oregon's Mark Hatfield, New York's John Lindsay and Illinois' Charles Percy—are more natural candidates for the Vice Presidency, as is Sen. Jack Javits of New York.

The only truly outstanding figure at the moment, then, is New York's winner—Gov. Nelson A. Rockefeller. He has said his Presidential ambitions are dead. He has refused to lift a finger to promote himself for the candidacy. His announced plans for revitalizing New York State in the next four years are complicated and extensive. But this is all just good politics. Notwithstanding what he has said or done, it is hard to believe he would not be happy to accept his party's nomination in 1968 if offered nor is it hard to believe that he will end up actually fighting to get it.

#### A Man With "Guts"

The Republicans need a man with not only a strong image politically but also with a known reputation for "guts" in fighting for the party. Over the years, Rockefeller has matured from a political amateur to one of the most gifted performers in the field. He has developed a "feel" for audiences and for the things people want out of government. Unlike Romney, who still projects the image of a corporation president, Rockefeller is considered a dedicated government servant, not a wealthy political dilettante.

As for "guts," few will forget his stand against Goldwater and the virulent right wing at the 1964 Republican convention. Rockefeller stuck to his guns despite the boos of his own party members and if he went down to defeat, he went nobly and in an unforgettable fashion. Yet he did not completely close the door to reconciliation because he did appear on platforms publicly with

Goldwater in 1964, although doing no other active campaigning. All in all, he rates head and shoulders above any other candidate now in the running and the odds are that the Republicans will consider him their best bet in 1968 and, if necessary, draft him into the race.

#### The Vice Presidency

Should Rockefeller finally be nominated for the Presidency, two strong Vice President possibilities—Mayor John V. Lindsay and Sen. Jack Javits—would be out of the running for that office since the two top candidates on a ticket cannot come from the same state.

At this writing, it appears that the natural contender for the second spot would then be Sen. Charles Percy of Illinois. He defeat of venerable Paul Douglass drew national attention and party respect. Despite his success as chief of the Bell and Howell Corp., Percy, too, projects the image of a governmental figure rather than a business executive. He also possesses the attributes of youth, good looks, and, something still dear to Americans, is a self-made success who worked his way through college and up to the top in business and politics.

Together, Rockefeller and Percy shape up as a formidable ticket to oppose the Democrats in 1968. This is a ticket that would have a rapport with youth, a seemingly necessary criteria in politics these days. Some other runners may pull up in the race before the Republican convention meets. But at this writing, no one seems to have the speed needed to top a Rockefeller-Percy ticket. It is a strong one—strong enough to have President Johnson thinking about it these days.

### Eighteen Awarded Twenty-Five Year Service Pins

ALBANY—Eighteen civil service employees were honored recently for having completed 25 years of State service. At a luncheon, held in the DeWitt Clinton Hotel, Civil Service President Mary Goode Krone presented each of the 18 employees with a 25-year service pin.

Recipients of the 25-year service pins were: Mary Behan of Troy, Constance Boughton of Averill Park, Harry Boughton of Averill Park; Virginia Browne, of Albany, Beverly Burns of Albany, Helen Burns of Albany, Marie Clearly of Troy, James Dermody of West Albany, Helen Flanigan of Troy.

Helen Forte of Albany, William Kelsey of Troy, Stanley Kollin of Albany, Henry McFarland of Albany, Florence McKeen of Cohoes, Marguerite Nolan of McKownville, Helen Nowicki of Schenectady, John O'Brian of Albany, Lorraine Page of Rensselaer, and Joseph Watkins of Albany.

Civil Service Commissioners Alexander A. Falk and Orin S. Wilcox also attended the luncheon and addressed the group.

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Court Orders Back Pay

Oswego CSEA Member Wins Back Her Job

(From Leader Correspondent)

SYRACUSE—Reinstatement of a fired Oswego city employee as a case worker has been ordered by State Supreme Court Justice Richard J. Cardamone.

In his ruling on a suit brought by Miss Margaret Slosek, Judge Cadamone also ordered that she receive back pay from last July 1.

Miss Slosek, formerly a senior case worker in the Oswego public welfare department, maintained in her legal action that abolishment of the position "was not done in good faith" and "in circumvention of the Civil Service Law."

She asked the court to nullify the action of the Common Council and that she be reinstated in the post and receive back salary with interest from last July 1.

The Exception

Justice Cardamone ruled that the Common Council could legally abolish the position of senior case worker, but not that of case worker in the department, said Earl P. Boyle attorney for Miss Slosek.

The woman was fired last Jan. 1, she said in her petition accompanying the court action, but no charges were filed against her until March 11. In a hearing

on April 26, she was found innocent of the charges of being defiant and insubordinate. The hearing officer also ordered that her back salary be paid.

The Oswego Common Council abolished the position of senior case worker in the Welfare Department's Child Welfare Division last June 27, only two days before the hearing officer decided the case, Miss Slosek said in the petition. Her salary to July 1 was paid, she said.

The suit was filed after the Common Council action against the city, mayor, Common Council and public welfare commissioner of Oswego.

Miss Slosek is a member of Oswego County chapter, Civil Service Employees Assn., which aided her with the legal action.

Jefferson CSEA Wins 5% Raise

WATERTOWN — The Jefferson County Board of Supervisors has approved a five per cent pay boost for County employees, effective Jan. 1, 1967.

The board voted on the pay raise despite of the fact that the clerk, F. Clark Hamlin, said there was no need since it had already been approved in the 1967 budget.

One supervisor, Kenneth Steblin, suggested it might be better to vote an across the board lump sum pay boost. However, he said, he did not oppose the percentage plan and he voted for it.

The Jefferson chapter, Civil Service Employees Assn., has been pressing for a pay increase in the new County budget. The chapter is headed by Raymond C. Pacific.

Twenty Year Club Held Annual Dinner

The annual dinner of the Twenty Year Club of the New York State Department of Taxation and Finance was held recently in the Hotel Commodore.

Attending the dinner were Deputy Tax Commissioners Paul Newman and Abraham Eletz, former Tax Commissioner Ira J. Palestin, and the following officers of the Club: Joseph King, president; Louis Morgenbesser, vice president; Joseph Carter, treasurer; Simon Dickman, finance committee chairman; and William V. Berger, entertainment committee chairman.

Among the over 200 guests and members in attendance were following Club officials: Muriel Fields, secretary; Gertrude Baer, membership committee chairman; and Dora Field, good & welfare committee chairman.

The Twenty Year Club is comprised of Department of Taxation and Finance personnel employed in the State civil service for twenty years or more.

Clarkstown CSEA Wins 1-60th Plan

NEW CITY—The Town Board of the Town of Clarkstown recently passed a resolution approving the 1/60th non-contributory pension system for all employees of the town. In addition, the employees were given a five per cent cost-of-living increase after salary grade advancements.

These benefits were gained through the efforts of the Legislative Committee of the Clarkstown Unit of the Rockland County chapter, Civil Service Employees Assn. in conjunction with the members of the Town Board.

In announcing the Town Board's requests, Paul F. Mundt, supervisor of the Town of Clarkstown, stated it was the policy of his administration to offer sound benefits to employees, thereby increasing efficiency in the operation of government.

New Superintendent Will Be Honored

Frank Nicoll, newly-appointed superintendent of highways for North Hempstead Township in Nassau County, is veteran member of the Civil Service Employees Assn. and a member of the board of directors of the Nassau County chapter.

Nicoll was selected for the vacant post last week by the town board and will assume office Dec. 27. He had served as Nassau County assistant superintendent of road maintenance.

The Nassau chapter will fete Nicoll with a cocktail party-reception Dec. 20 from 5:30 to 8 p.m. at the Salisbury Park Club house.

FREE BOOKLET by U.S. Government on Social Security. MAIL ONLY. Leader, 97 Duane St., N.Y. City, N.Y. 10007.

CSEA Wins Exclusive Bargaining Rights In North Hempstead Town

Rejecting a bid by the National Maritime Union, the Town of North Hempstead has granted exclusive bargaining rights to the Civil Service Employees Assn.

The action, affecting 500 employees of the Nassau County township, came as the campaign for bargaining rights by the Nassau chapter, CSEA, also bore fruit for 9 workers in Sanitary District No. 1, Inwood.

North Hempstead Town was the largest governmental unit to date to react to the CSEA's drive for exclusive bargaining rights. In voting the recognition Wednesday, Dec. 7, the Town Board rejected a protest by representatives of the National Maritime Union, which claimed to represent 50 per cent of the employees of the town incinerators.

Forward Looking

"We appreciate the forward-looking labor relations practiced by Supervisor Sol Wachtler," commented Irving Flaumenbaum, president of the Nassau chapter,

CSEA. He asserted that the "union does not have ONE paid member in the town" and challenged the group to name members.

90 per cent of town employees are paid-up members of CSEA.

The agreement was negotiated by Flaumenbaum and CSEA Field Representative Arnold Moses.

A similar agreement was reached during the week with commissioners of Sanitary District No. 1, which employs 95 workers. Flaumenbaum and Moses also directed these negotiations.

The two big units brought to seven the number of agencies that have granted CSEA exclusive bar-

gaining rights on Long Island. Earlier, agreements, had been reached with the villages of Lynbrook, Massapequa Park, Valle Stream, Freeport and the City of Glen Cove. An early agreement was expected in negotiations with the Mineola Village Board and other units are expected to follow suit.

"The CSEA pledges to continue to represent the interests of public employees in their legitimate demands for improved pay and working conditions without resorting to strikes, slowdowns or work interruptions," Flaumenbaum said. "These towns and villages know that CSEA has done this on behalf of public employees for many years."

Nassau CSEA Hits Plan To Exclude Some Titles In Hempstead Election

A strong protest has been lodged by the Nassau chapter, Civil Service Employees Assn. against a plan by the Town of Hempstead to exclude some workers from voting in a representational election for the Town's sanitation department.

"We want an election at this point," declared Nassau Chapter President Irving Flaumenbaum, "but as a matter of principle we cannot let these titles go."

Flaumenbaum said a vote was welcomed in order to demonstrate the will of the employees of the Town's sanitation department, 80 percent of whom are members of CSEA. The election would decide whether the workers want to continue with representation by CSEA or by the National Maritime Union.

CSEA attorney Richard M. Gaba, in a letter to a three-man committee named to arrange a vote, demanded to know whether it would negotiate the issues of exclusion of some workers.

The committee had proposed to hold a vote among 200 employees on collection duties and 180 in the Town incinerator, excluding clerical workers and foremen.

Fragmenting Seen

Flaumenbaum warned that the idea contained the seed of a threat to all public servants. "The idea is to fragmentize units. The Town would end up dealing with 20 different groups. And the public servants would lose the group power they have earned by solidarity."

The Town of North Hempstead, also in Nassau County, last week rejected a bid by the N.M.U. for an election among incinerator employees noting that the Union had no evidence of membership. North Hempstead at the same time grant-

ed exclusive representational rights to CSEA.

Flaumenbaum noted that he had received a letter from one of the excluded clerks demanding the right to vote.

Other Remedies

Gaba told the three-man committee and Town Presiding Supervisor Ralph G. Caso that he wanted an early reply "so that I can pursue the other remedies available."

The situation is being closely watched by CSEA officials throughout the State because the Hempstead Town proposal that a vote be held sets the stage for a clash between the traditional CSEA and a union newly on the scene. CSEA has represented Hempstead Town workers as a single unit for 13 years.

In the latest package of benefits negotiated by CSEA, Hempstead Town workers starting Jan. 1 receive the 1/60th retirement provision, fully paid hospitalization and dental programs, time and one-half for overtime and a five per cent differential for night work.

McClusky Appointed

ALBANY—William J. McClusky of Watertown has been appointed district attorney of Jefferson County, succeeding Angus G. Saunders, who resigned to become a judge of Family Court.

CSEA Prediction:

\$5 Millions In Pay Hikes Seen For Erie County

(Special To The Leader)

BUFFALO—The Erie County chapter, Civil Service Employees Assn., said last week it was confident that a professional salary survey of all County jobs, which it requested, will result in pay hikes totalling more than \$5 million annually.

The survey, which has been underway for several weeks, is being conducted by Barrington and Co. Inc. of New York City.

Results of the survey are expected in mid-February. Chapter officials are hopeful that recommendations for salary upgrading will be implemented by the County immediately. The County's 1966 budget, effective Jan. 1, was adopted two weeks ago and contains \$4 million for implementing the survey's recommendations during 1967. The Erie County CSEA chapter, which urged substantial funds in the budget to implement the Barrington findings and gave vigorous support to County officials when the \$4 million figure was challenged as excessive, believes that amount will be sufficient to cover proposed adjustments for the balance of the year from March 1.

Hope For 1/60th Plan

Officials of the Erie chapter as well as the presidents of each of its County units, already have met with representatives of the Barrington group to discuss the recommendations and have scheduled another general meeting to make final suggestions.

Chapter officials also are hopeful that the new 1/60 retirement program will be approved by the County before Jan. 1, 1967. The chapter had urged the County administration to adopt the plan which was won in the 1966 session of the State Legislature by CSEA. Cost of the plan for Erie County employee participation would be about \$1.4 million, was estimated.

Season's Greetings

To all our members and all our friends, we send our very best wishes for a joyous Christmas and a truly Happy New Year.

Joseph F. Feily, President Civil Service Employees Assn.

# U.S. Service News Items

By JAMES F. O'HANLON

## Federal Employees; Start Packing For Short Trips

Unemployment has dipped to the point where it can no longer be counted on to feed the kind of rapidly growing economy the country has experienced in the last five years. One result of this will be a very unsubstantial growth of Federal employment up to 1970. On the other hand the one area of employment that should continue to grow and maybe even step up in growth is government employment on the State and local level. The jobs are there and the job categories are ever-expanding.

One reason for this is the massive grant-in-aid programs of the Federal government to State and local agencies in order that they might lay at the grass roots the foundation for some of the social

improvement programs which have been proved successful on the Federal level and are apparently so necessary if government is to keep pace with the ever-expanding complexity of modern society.

The Johnson administration has taken the skeleton of a bill proposed by Sen. Edmund Muskie of Maine earlier this year and is now in the process of broadening it in scope so that when and if it be-

comes law, it will provide the kind of assistance the states and municipalities will need if they are to fill their all-important civil service positions with the people who can handle the work that must be done.

One feature of the plan which would affect all Federal civil servants is the program of personnel exchange between the Federal government and government agencies in the lower levels. It has become clear to many in Washington that if ambitious Federal programs designed to offset widespread problems in health, air pollution, education, and the like, not to mention the declared if not sufficiently mobilized war on poverty, are to be successful, steps must be taken from the top to see that the personnel are available in the communities to perform the day-to-day duties without which they will amount to nought.

The program, a practical aspect of the recently announced and long nurtured concept of "Creative Federalism," will probably depend for its birth on the budgeting problems for the coming year.

If it does go through as it appears in the drafting stage however, it should include:

- A standard of promotion and appointment based on merit which would be acceptable to the Federal government, in any lower level authority which would receive the proposed Federal aid.
- A great deal of Federal assistance to train state and local employees — frequently in

classes with Federal employees.

- An interchange of personnel between state and local governments and the Federal government.
- Aid to educational institutions to help provide well prepared personnel for state and local employment.

### Broadcast Tech.

Applications for radio broadcast technicians are being accepted continually by the United States Civil Service Commission. Starting salaries for the job range from \$6,115 to \$7,779.

## Where to Apply For Public Jobs

The following directions tell where to apply for public jobs and how to reach destinations in New York City on the transit system.

### CITY

**NEW YORK CITY**—The Applications Section of the New York City Department of Personnel is located at 49 Thomas St., New York 7, N.Y. (Manhattan). It is three blocks north of City Hall, one block west of Broadway.

Hours are 9 A.M. to 4 P.M. Monday through Friday, and Saturdays from 9 to 12 noon. Telephone 566-8720.

Mailed requests for application blanks must include a stamped, self-addressed business-size envelope and must be received by the Personnel Department at least five days before the closing date for the filing of applications.

Completed application forms which are filed by mail must be sent to the Personnel Department and must be postmarked no later than the last day of filing or as stated otherwise in the examination announcement.

The Applications Section of the Personnel Department is near the Chambers Street stop of the main subway lines that go through the area. These are the IRT 7th Avenue Line and the IND 8th Avenue Line. The IRT Lexington Avenue Line stop to use is the Worth Street stop and the BMT Brighton local's stop is City Hall. Both lines have exits to Duane Street, a short walk from the Personnel Department.

### STATE

**STATE**—Room 1100 at 270 Broadway, New York 7, N.Y., corner of Chambers St., telephone 227-1616; Governor Alfred F. Smith State Office Building and The State Campus, Albany; State Office Building, Buffalo; State Office Building, Syracuse; and 500 Midtown Tower, Rochester (Wednesdays only).

Candidates may obtain applications for State jobs from local offices of the New York State Employment Service.

### FEDERAL

**FEDERAL** -- Second U.S. Civil Service Region Office, News Building, 220 East 42nd Street (at 2nd Ave.), New York 17, N.Y., just west of the United Nations building. Take the IRT Lexington Ave. Line to Grand Central and walk two blocks east, or take the shuttle from Times Square to Grand Central or the IRT Queens-Flushing train from any point on the line to the Grand Central stop.

Hours are 8:30 a.m. to 6 p.m., Monday through Friday. Also open Saturdays 9 a.m. to 1 p.m. Telephone 573-6101.

Applications are also obtainable at main post office except the New York, N.Y., Post Office. Boards of examiners at the particular installations offering the tests also may be applied to for further information and application forms. No return envelopes are required with mailed requests for application forms.

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# Two Psychiatric Social Worker Exams Offered By State Of New York

Two psychiatric social worker examinations, for both the senior and supervising positions, are being held at frequent intervals by the State Department of Personnel.

Applications are being accepted continuously for the supervising position which pays from \$9,795 to \$11,805 a year, in five annual increments; and for the senior position, with a salary ranging from \$8,365 to \$10,125 per year.

psychiatric social worker and senior psychiatric social worker, with the Department of Mental Hygiene, are located in hospitals, schools for mental defectives, and aftercare clinics throughout the State.

The positions of supervising All candidates must have mast-

er's degrees in social work. In addition, those applying for the senior position must have two years of social casework experience and those seeking the supervising position must have three years of work experience.

Neither U.S. citizenship nor New York State residence is required for the examinations or appointments.

Further information may be obtained by writing to the New York State Department of Civil Service, 1220 Washington Ave., Albany, New York 12226.

**FREE BOOKLET on Social Security; Mail only; Box S, 97 Duane St., New York, N.Y. 10007.**

## Civil Service Television

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

### Sunday, Dec. 25

4:00 p.m.—City Close-up Solomon Hoberman interviews Police Commissioner, Howard Leary.

6:00 p.m.—Human Rights Forum —"The New York City School Principals and the Board of Examiners."

9:30 p.m.—Viewpoint on Mental Health —"The Role of Organized Labor in Mental Health."

### Monday, Dec. 26

4:00 p.m.—Around the Clock — N.Y.C. Police Department training program.

4:30 p.m.—Profile (live) — John Carr interviews people in the news.

6:00 p.m.—Community Action — "New York is a Winter Festival" Discussion.

7:30 p.m.—On the Job — N.Y.C. Fire Department training program: "Direction of Streams."

10:30 p.m.—Safe Driving—Film series illustrating safety measures.

### Tuesday, Dec. 27

4:00 p.m.—Around the Clock — N.Y.C. Police Department training program.

7:30 p.m.—Human Rights Forum (live) — Ramon Rivera moderates.

10:00 p.m.—Film Feature "A" — "With Each Breath" documentary on problem of air pollution.

### Wednesday, Dec. 28

4:00 p.m.—Around the Clock — N.Y.C. Police Department training program.

4:30 p.m.—Profile (live) — John Carr interviews people in the news.

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TUESDAY, DECEMBER 20, 1966

## The Merit System — What Is Its Future

RECENT developments in the Courts and impressively harmonious if somewhat mysteriously scored labor agreements between the City and "representatives" of City employees pose a very serious question for all involved with the future of the civil service and government administration itself in the world's most complex metropolis—"where is the merit system going?"

It has been no secret that there exists within the Lindsay Administration a great deal of sentiment for the honing away of the merit system's effectiveness to fit the new mold being cast for a more efficient City administration. The Hoberman Report and the Seitz Report both point out a need for extended "management prerogative" which would enable the City to perform its duties in a more economic fashion making use of its most qualified operatives in the civil service in order to overcome New York's most pressing problems.

Subsequently, a well rounded attack, from many different angles, has been mobilized by the Lindsay Administration to effect this principle. The decision of the State Court of Appeals two weeks ago authorizing the City to by-pass its Career and Salary Plan and revert back to unlimited grade appointments has, in effect, offered a judicial sanction for the merit system's erosion. The agreement, which followed only days after, between the City and District Council 37 whereby clerks and senior clerks will receive a substantial raise and in turn give away their right to inclusion in the 1954 Career and Salary Plan appears then to be more than just another unconnected working arrangement. A trend toward the eventual elimination of competition by examination for at least the entire upper level of the City civil service structure is apparent. Also, in the face of insurmountable evidence that the causes of the recent Sanitation Department scandal could be traced to the questionable one-in-three practice allowed under the present merit system of promotion and appointment, the City refused to consider the fallibility of the rule and again showed that it was willing to jeopardize even its own standards of efficient personnel operation to maintain a loophole in the merit system.

What then is to come? Will the City's employees take the question of the Rule X to the courts and attempt to set back the City Administration's plans once again? Will the threatened smaller unions of civil service personnel be legally able to turn back the bargaining dynamics now prevailing whereby the super-union aspect looms larger each week and the merit system "kiss-off" seems part of the deal? Will the coming State Constitutional Convention allow the City another opportunity to undercut the merit system's effectiveness or possibly eliminate its power almost wholly? And, maybe most importantly, is the City acting rashly where its own best interests are concerned?

Granted that things have changed since Franklin Delano Roosevelt thought so highly of the merit system of personnel selection and advancement as to recommend that it be a prerequisite for any state government which would participate in the Social Security program in 1939, but the problem of attracting the best people for the job has only become, in the last few years, more acute. The creation of an "elite corps" of civil servants as the Mayor has recently proposed may fill to a degree the security void left by the elimination of a workable step-by-step advancement system

## LETTERS

Letters to the editor must be from publication upon request. They should be no longer than 300 words and we reserve the right to edit published letters as seems appropriate. Address all letters to: The Editor, Civil Service Leader.

### Sick Leave Credits As An Incentive

Editor, The Leader:

The Executive's Bulletin, National Foremen's Institute, Waterford, Conn., reports (issue of Oct. 30, 1966) an interesting program in operation at an Atlanta industrial concern.

Each employee who is present every working day of a month receives a bonus of about two hours' pay. An employee who has a perfect attendance record for six consecutive months gets an additional eight hours' pay on top of the two-hour bonus for each month. Perfect attendance for a whole year means an extra week's pay to a worker. Result: absenteeism has been cut in half and production increased by 15 per cent with the same work force.

New York State can provide the same incentive without spending money for the cash bonuses, simply by paying in cash for unused sick leave credits upon any separation from service. Employees then would have a reason for hoarding such credits. Gone will be the "headaches" which so often occur when an unpleasant task is faced. Less often will an employee become "ill" when he is about to forfeit sick leave credits upon resignation.

Planned absences for vacation, regular pass days and personal leave which must be authorized in advance, are normal operating expense and procedure. It is the unexpected absence which disrupts work and is costly in precautionary over-staffing. Reduction of unnecessary absences will save any employer far more than its proportionate cost in normal wages.

To the worker, cash payment for accumulated time will diminish the financial shock when an employee much change jobs, or provide the down payment on a retirement home when, by long years of service with minimal absence, unused sick leave credits

based on discernible merit and equal opportunity but it still cannot offset the aura of nepotism and other inequities looming ahead for any astute individual considering a career in government service.

And, very practically, to what extent will the City be cutting itself off from possible Federal assistance by degenerating the merit system at a time when its principles are coming up for a stamp of approval in Congress and may in fact be listed as a prime objective under new Federal legislation designed to help State and local governments out of their personnel crisis? A personnel crisis is, after all, just what the Lindsay Administration is trying to overcome lately, is it not? And more Federal funds for the City's problems overall has also been among the Mayor's most fervent wishes.

Maine's Senator Edmund S. Muskie is currently proposing a much-favored piece of Federal legislation which would attempt to help local municipalities such as and especially like New York City. The merit system stands out in the Senator's language however as something to cherish, not perish. He said on May 25 of this year in Congress . . . "I strongly believe that an open system of public employment, operating under public rules and based, among other factors, on competitive examinations, equal pay for equal work, tenure contingent on successful performance and promotion, evaluated capacity and service, provides one of the surest foundations for the development and maintenance of an efficient civil service based on excellence. Equally important, it meets the democratic objective of equal opportunity." All things that the current City trend endangers.

## Civil Service Law & You

By WILLIAM GOFFEN



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

### Back Pay and Reinstatement

THE COURT'S determination that the penalty of dismissal is too harsh does not necessarily mean that the Court itself will fix the penalty. The Court may prefer to remand the case to the agency for this purpose.

WHETHER THE new penalty is fixed by the Court or by the agency, the employee may be entitled to back pay for the time of his suspension. For example, a Civil Service employee had been suspended for thirty days without pay at the end of which time he was dismissed from his position. A year later the Court held that the penalty was too severe and remanded the case for reassessment of penalty. The new penalty was an additional sixty days suspension without pay. Was the employee entitled to back pay for the period that he was improperly deprived of his position? The Court held that he was. However, his earnings from other employment and unemployment insurance benefits reduced the sum recovered. This is in accord with the common law rule mitigating damages.

A PUBLIC OFFICER, like a New York City patrolman, is better treated than Civil Service employees who are not such officers. A public officer receives his salary as an incident of office. Therefore, earnings from other employment received while he was prevented from performing the duties of his office through no fault of his own are not deductible from his recovery of back pay.

JUSTICE WILFRED A. Waltemade made the point in the case of *Giaquinto v. Beame*. The plaintiff, having been found guilty of charges at a departmental trial, was dismissed from the police force. As the determination was

(Continued on Page 10)

have accumulated a substantial nest egg.

The experience of the Atlanta corporation is further proof of the theory; make it profitable to the employee to avoid absenteeism and the employer will gain most.

MAURICE WEINER  
Otisville.

### Grade Four Worker Demands One Level Food Service Dept.

Editor, The Leader:

Speaking for the grade 4 workers, why is there the unfairness of a two grade classification in

the Food Service Department of the Central Islip State Hospital?

We had to pass tests in order to be hired in this department. We do the same eight hours of work as the grade 6. But we in grade 4 are made to believe that we are beneath the grade 6.

Our department is considered one of the hardest departments. Ask employees of any other department how they would feel if they were in two classifications.

Why can't this service have only one level, since we grade 4's actually do the same work as the grade 6's?

EMPLOYEE OF C.I.S.H.  
Central Islip, N.Y.

### Probation Parole Officers' Assn. Refute SCPOA's Statements

Editor, The Leader:

This letter is in reference to the item you printed in The Leader of December 6, 1966 regarding the Supreme Court Probation Officers case which is pending in the Appellate Division, First Department against New York City, the Judicial Conference and the Probation and Parole Officers Association of Greater New York.

The PPOA was awarded the certificate to carry on collective bargaining negotiations for all probation titles in all the probation services in the City. The PPOA is doing just that.

As a member of the PPOA I wish to register my objections to statements published on December 6 because it is replete with untruths, distortions of the facts and inconsistencies. For instance, in one paragraph the spokesman for the "SCPOA" complains that "The PPOA didn't make any demands" for the Supreme Court, and they

(Continued on Page 7)

**Statements Questioned**

(Continued from Page 6)  
 refused to bargain for the Supreme Court when the City and the Judicial Conference brought up the matter." Yet in another paragraph he says, "We have a separate identity and have a suit against the PPOA's right to bargain for the Supreme Court."  
 Further, although the law suit is still pending and was brought because the "SCPOA" didn't want the PPOA to bargain for them, the spokesman complains, that, "The PPOA refused to let the "SCPOA" vote on the agreement." This is not true. The Supreme Court probation officers who are

members of the PPOA were permitted to vote at a membership meeting of the PPOA on matters pertaining to the collective bargaining negotiations.

Another point I wish to make is that the spokesman for the "SCPOA" says that an "agreement" resulting from collective bargaining does "not differentiate the Supreme Court probation officer and the supervisors from those groups less qualified—experience and education wise." I presume the spokesman means by

"those groups" the probation officers and supervisors in the Family and Criminal Courts probation services. What he fails to tell the public is that positions for probation officers in the probation services including the Supreme Courts are filled from lists of eligibles established after the State Civil Service Commission held competitive examinations based on the same requirements for all applicants. Furthermore, the spokesman does not tell the public that most of the present probation officers servicing the Supreme Court were trained in the

probation services of the Family and Criminal Courts and that the majority of the 65 per cent of Supreme Court probation officers who have graduate degrees or credits, obtained them after they were hired by the Supreme Court probation services.

Also, the spokesman for the SCPOA neglects to tell the public that his demand for a differential is based in the main, on a premise that Supreme Court probation officers with fifteen years of service are entitled to a seniority adjustment for years of service but that Family and Criminal Court probation officers, with a

few number of years of service, are not entitled to a seniority adjustment.

Perhaps the readers of the Civil Service Leader will give second thoughts to their reaction to the article as it appeared in The Leader of December 6, 1966.

MARY IDA MILLER  
 New York City.

**Draftsman Exam**

Some 61 candidates participated in a written promotion examination for civil engineering draftsman recently, the City Department of Personnel has announced.

**LEGAL NOTICE**

WYDRA, ROSA.—CITATION.—File No. 7732, 1966.—The People of the State of New York, By the Grace of God Free and Independent, To CILLY LANDAU, EVA BOND, RACHEL OSEMIAN, JACOB SACHS, ERNA KOPPENHEIM, RECHA ARELES, SARI NEUMANN, WOLF HEPNER, RACHEL SACHS BERLIN.  
 YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, New York County, at Room 504 in the Hall of Records in the County of New York, New York, on January 17, 1967, at 10:00 A.M., why a certain writing dated February 24, 1956, which has been offered for probate by Schoeder Trust Company, a banking corporation with offices at 57 Broadway, New York, New York, should not be probated as the last will and testament relating to real and personal property, of Rosa Wydra, Deceased, who was at the time of her death a resident of 415 Ft. Washington Ave., in the County of New York, New York.  
 Dated, Attested and Sealed, December 2, 1966.  
 HON. S. SAMUEL DI FALCO,  
 (L.S.) Surrogate, New York County,  
 PHILIP A. DONAHUE,  
 Clerk.

At a Special Term of the Supreme Court, Bronx County, held at the Courthouse thereof at 151st Street and the Grand Concourse on the 6th day of December, 1966.

PRESENT: Hon. Arthur Markewich, Justice.  
 In the Matter of the Application of MAGDALENA KATHARINA CUCKIER s/k/a MAGDALENA CUKIER For Leave to Change Her Name To MADELINE RHINEHART ORDER Index No. 13146/60.

UPON READING AND FILING the Petition of Magdalena Katharina Cuckier s/k/a Madeline Cukier, verified the 1st day of December, 1966, for leave to change the name of the Petitioner, and it appearing that the petitioner was born on October 1, 1900 in the City and State of New York, County of Bronx, and that the Certificate of Petitioner's Birth issued by the Department of Health, City of New York is 3180 - Bronx County; that Petitioner is not registered and not required to be registered under the provisions of the U.S. Selective Service Act; and the Court being satisfied that said Petition is true and that there is no reasonable objection to the change of name proposed, now on motion of Hale, Grant, Meyerson & O'Brien, attorneys for Petitioner, it is

ORDERED that said Magdalena Katharina Cuckier s/k/a Madeline Cukier be and she hereby is authorized to assume the name of "Madeline Rhinehart" in the place and stead of "Magdalena Katharina Cuckier" or "Madeline Cukier" on the 17 day of January, 1967 upon complying with the provisions of Article 6 of the Civil Rights Law and of this Order; namely that this Order be entered and the papers upon which it is being granted be filed in the office of the Clerk of this Court within ten days from the date hereof; that within twenty days from the date of entry of this Order a copy thereof be published once in the New York Law Journal and once in the Civil Service Leader, newspapers of general circulation in Bronx County; that the affidavits of publication thereof be filed in the office of the Clerk of this Court within forty days after the making of this Order; and it is further

ORDERED that after such requirements are complied with said Petitioner on and after the 17th day of January, 1967 shall be known as and by the name of Madeline Rhinehart, which Petitioner is authorized to assume, and by no other name.

ENTER. A. M., Justice.

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX.—In the matter of the General Assignment for the benefit of creditors of GOLDSMITH'S BAGELS INC., Assignor, to NATHAN COHEN, Assignee.

TO THE CREDITORS OF THE ABOVE ASSIGNOR: SIRS: PLEASE TAKE NOTICE that the Assignee will sell through Irving Garson, Auctioneer, at public auction on the 29th day of December, 1966 at 10:30 A.M., at 2101 Jerome Avenue, Bronx, New York, assets of the above named assignor consisting of Bakery Machinery & Equipment.

PLEASE TAKE FURTHER NOTICE that pursuant to an Order of Hon. Arthur Markewich, Justice of this Court, all Creditors of this estate are required to file duly verified claims, with vouchers attached, against the assignor, formerly doing business at 2101 Jerome Avenue, Borough of Bronx, City of New York, with the undersigned assignee, on or before the 29th day of January, 1967.

Dated New York, December 15th, 1966.  
 NATHAN COHEN, Assignee,  
 Office and P.O. Address,  
 11 West 42nd Street,  
 New York, New York.

NAORAMIE & BENJAMIN,  
 Attorneys for Assignee,  
 Office and P.O. Address,  
 11 West 42nd Street,  
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### CSEA Chapter 416 Holds Yule Party

Chapter, 416, Civil Service Employees Association, of the W.R.C. Home, Oxford, held a Christmas party on December 3 at the V.F.W. Hall in Norwich.

Following dinner, Armand Menard, retiring employee, was presented a purse by Superintendent Joseph L. Marso.

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For enrollment information and an application write to the Council's insurance administrator: The Maurice Blond Agency, 15 Park Row, New York City, New York. Or telephone WO 2-1280.



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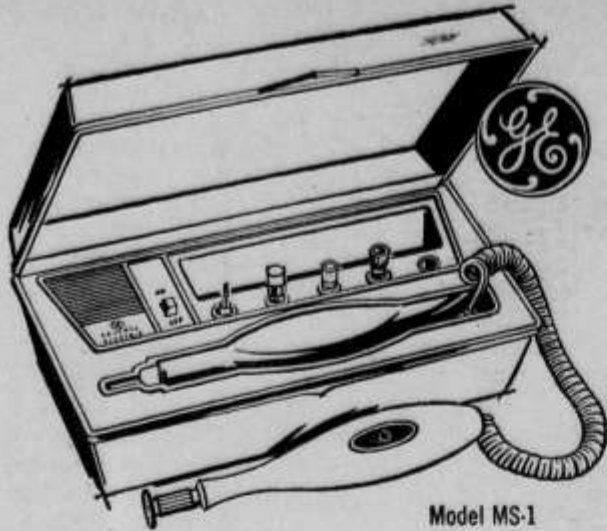
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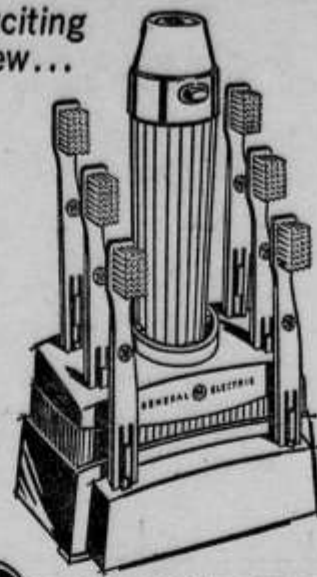
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# Rehabilitation Counselors Ask Reallocations

ALBANY—Reallocation requests submitted by affected employees for three titles in the State's rehabilitation counselor series have been extended to the entire series, in a more recent appeal filed by the State Education Dept.

The new appeal, according to the Department's transmittal letter, was prompted generally by "the recent reclassifications and reallocations in the Division of

Employment and related parole and social worker fields" which have brought about an imbalance in the relationship of comparable titles in the Division of Vocational Rehabilitation.

The departmental bid, which has the full support of the Civil Service Employees Assn., also places strong emphasis "on sharp increases in the responsibility thrust upon our staff" in justifying the reallocation.

### Inadequate Action

The move follows a virtually fruitless attempt early last fall by employees in the Division of Rehabilitation to gain several

grades for three rehabilitation counselor titles. This request, which also had CSEA support, was all but denied by J. Earl Kelly, State Director of Classification and Compensation, who approved a one-grade boost for the basic counselor title only, a decision termed by Education Department officials as "most inadequate."

In submitting the new request, the Department also asked Kelly for a hearing in the matter by Nov. 15. At Leader press time, definite plans for the hearing were not yet known.

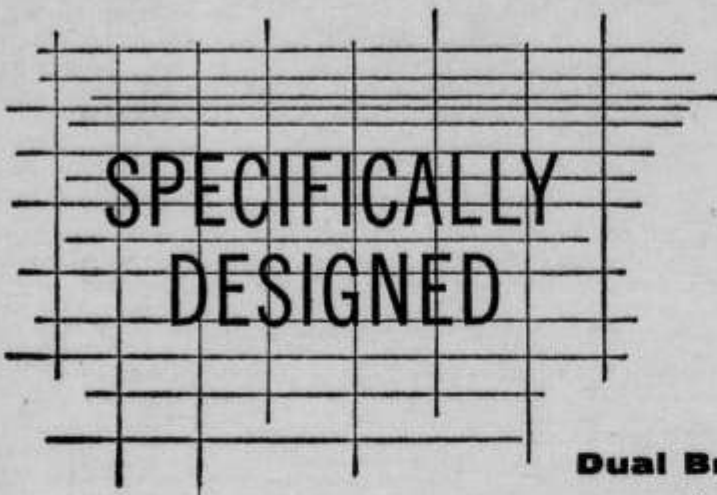
The Civil Service Employees Assn., in its supporting letter, also

stressed the heavier responsibilities that now exist among the affected titles. "For example," CSEA pointed out, "the rehabilitation counselor has now become a consultant to committees, associations, and other agencies, and the category of cases has been extended to cover specialized work not previously performed. These changes alone indicate that an upward reallocation is warranted."

### What Is Sought

New grades requested in the reallocation are as follows:

- Rehabilitation interviewer, grade 9 to 12.
- Senior rehabilitation interviewer, grade 13 to 15.
- Rehabilitation counselor trainee, salary of \$6,675 to \$8,825.
- Rehabilitation counselor, grade 18 to 22.
- Senior rehabilitation counselor, grade 20 to 26.
- Associate rehabilitation counselor, grade 26 to 31.
- Assistant director of vocational rehabilitation, grade 26 to 31.
- Director of vocational rehabilitation, grade 29 to 33.



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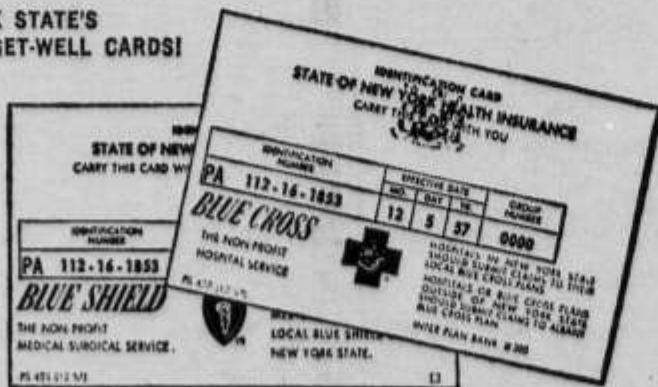
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**LEGAL NOTICE**

File No. 7062, 1966.—CITATION.—THE PEOPLE OF THE STATE OF NEW YORK. By the Grace of God Free and Independent, To DAVID SCHULMAN, if living; and if dead, to the Executors, Administrators, distributees and assigns of DAVID SCHULMAN, Deceased, all of whose names and post office addresses are unknown and cannot be ascertained after the diligence; and if said DAVID SCHULMAN, predeceased the decedent herein, leaving no issue, then TO: SAMUEL SHULMAN, ANNA POLLACK, SOPHIE PERSKY, ALBERT SHULMAN, LILLIAN SKORNICK, NETTIE SHULMAN, MAMIE GUROWITZ, SAUL ALTSCHULER, SAMUEL ALTSCHULER, AL ALTSCHULER, PUBLIC ADMINISTRATOR OF THE COUNTY OF NEW YORK.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, New York County, at Room 504 in the Hall of Records in the County of New York, New York, on January 19, 1967, at 10 A.M., why a certain writing dated October 27th, 1966, which has been offered for probate by THE CHASE MANHATTAN BANK NATIONAL ASSOCIATION, of One Chase Manhattan Plaza, New York, N.Y., and by HARRY OSTROV, residing at 323 Brower Avenue, Rockville Centre, L.I., N.Y. should not be probated as the last Will and Testament, relating to real and personal property, of WILLIAM FORD, Deceased, who was at the time of his death a resident of 150 West End Avenue, in the County of New York, New York. Dated, Attested and Sealed, December 8, 1966.

HON. JOSEPH A. COX, (L.S.) Surrogate, New York County PHILIP A. DONAHUE, Clerk.  
HARRY OSTROV Attorney for Petitioner 1450 Broadway New York, N.Y. 10018 730-2474

**LEGAL NOTICE**

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX. In the Matter of the Application of MAMIE SMITHERMAN, Petitioner, For an Order dissolving her marriage with MACK A. SMITHERMAN, Respondent, Pursuant to Article 12 of the Domestic Relations Law. TO MACK A. SMITHERMAN: TAKE NOTICE that a petition has been presented to this Court by MAMIE SMITHERMAN, your wife, for the dissolution of your marriage on the ground that you have absented yourself for five successive years last past without being known to her to be living, and that she believes you to be dead, and that pursuant to an Order of this Court, dated the 22 day of November, 1966, a hearing will be had upon said petition at the Supreme Court, Special Term, Part I, of the Supreme Court of the State of New York, at the Supreme Court Building, 851 Grand Concourse, Bronx, New York on the 10 day of February, 1967, at 9:30 o'clock in the forenoon.

Dated: Bronx, New York November 22, 1966  
MAMIE SMITHERMAN, Petitioner  
FLOYD N. PATTERSON, Attorney for Petitioner Office & P.O. Address 186 West 180 Street Bronx, New York 10453 TR 2-1736

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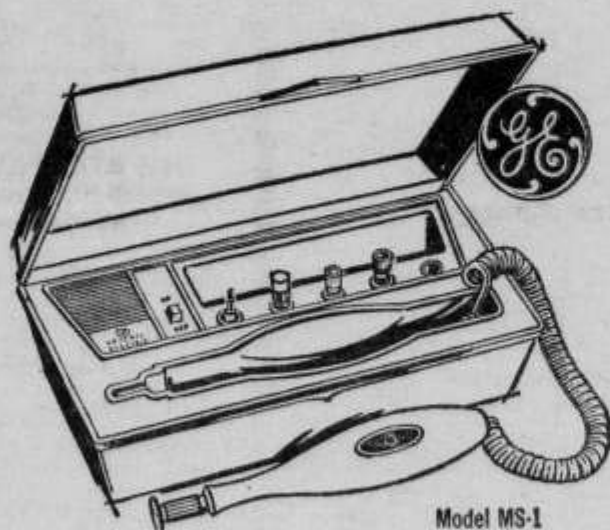
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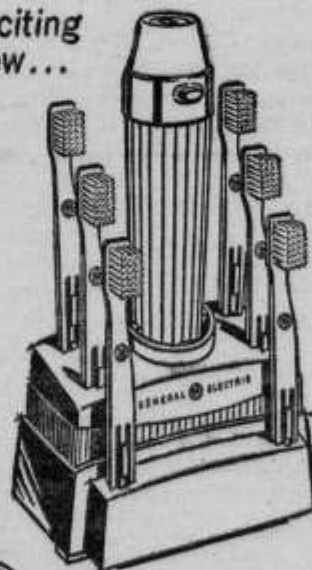
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# Your Public Relations IQ

By LEO J. MARGOLIN



Mr. Margolin is Professor of Business Administration at the Borough of Manhattan Community College and Adjunct Professor of Public Administration in New York University's Graduate School of Public Administration.

CIVIL SERVICE people will understand better than anyone the importance of the recent indoctrination course for the State's 28 newly elected judges, under the sponsorship of the Administrative Board of the Judicial Conference of New York.

FOR THE BENCH and the bar, the publicity attendant upon the week-long course was excellent public relations, primarily, this publicity made the very strong point that the legal profession is vitally interested in having knowledgeable men on the bench, including recently elected judicial fledgelings.

IN CIVIL SERVICE, training and experience usually produces skills so vital to the smooth operation of government. Since all this has been built into the civil service system, the process is all too frequently taken for granted. Actually, it is one of the strongest public relations points the civil service corps possesses.

THE JUDICIAL CONFERENCE a rather unique entity headed by the Chief Justice of the Court of Appeals, Charles S. Desmond, runs the courts in New York State for all practical purposes. Its quiet concern with the public relations image of the courts is an open secret.

EVERY TIME a judge gets into difficulty—on or off the bench—or when some judge make a bad judicial boo-boo, it is a serious reflection on the integrity of the courts. We know of one judge who is reversed so often by the appellate courts for legal errors

no law school freshman would make, that his colleagues jest that "he even walks in reverse."

THUS, THE JUDICIAL Conference decided that it was time to upgrade the bench in the eyes of the various publics the courts serve. The newly instituted indoctrination was the result of this deep concern with the deterioration of the public relations of the courts generally. It will undoubtedly be standard procedure for all new judges in the future.

THE 28 NEW judges came to the indoctrination session from every part of New York State. They heard lectures on the very latest developments in the areas of evidence, criminal law and procedure, matrimonial matters, civil practice law and rules—and most important—how to be a strong judge, and a good one.

THE LATTER ITEM they heard from an old pro, who is usually at home on either side of the courtroom rail—as a top-notch judge and an equally top-notch trial lawyer. He is Justice James B. McNally, of the Appellate Division, First Department, who, among other things, urged the new judges to study the canons of judicial ethics.

"YOU'D BE suprised at how

many judges don't know they exist", he remarked. "Read them and it will keep you out of a great deal of trouble."

THE CALIBRE of the indoctrination faculty was most impressive—Dean Jerome Prince of the Brooklyn Law School; Supreme Court Justices Nathan R. Sobel and Aron Sauer; Prof. Henry H. Foster, Jr., of the New York University Law School and Prof. David D. Siegel of St. Johns Law School.

WE ARE DELIGHTED that the Judicial Conference borrowed freely for the experience of civil service in developing this indoctrination session for the new judges. This has been standard operation procedure for newly appointed civil servants in government departments for many, many years.

TO THE 28 new judges we ex-

tend our best wishes for a successful tenure on the bench.

TO OUR AVERAGE 150,000 readers, we extend our best wishes for a Merry Christmas, a Happy New Year, and a long, successful tenure in superior public service in the best interests of all the people.

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# Suffolk Aide, Fired Without Hearing, Wins Reinstatement On Job

ALBANY—A permanent, competitive class employee of Suffolk County's Department of Public Works, fired without a hearing for allegedly falsifying job applications, must get his job back, according to a court decision affirming his right to protection under Section 75 of the Civil Service Law.

The ruling was handed down by Nassau County Supreme Court in an Article 78 proceeding brought about by Allen A. Smith, an engineering aide against the Suffolk County Civil Service Commission under the Legal Assistance Program of the Civil Service Employees Assn.

The Commission terminated Smith last March for allegedly giving false answers on Civil Service job applications to questions relating to his medical history. The County body maintained that such action, under Subdivision 4 (F) of Section 50 of the Civil Service Law, automatically invalidated the application and any subsequent certification or appointment. According to the Commission, summary dismissal under this provision was entirely appropriate, since no hearing is required where dismissal is not based on disciplinary action.

CSEA regional counsel Richard M. Gaba took a squarely opposite stand for the petitioner, claiming that Smith's status as a permanent competitive class appointee

at the time the allocations were made was the overriding consideration, and that the apparent applicability of Section 50 did not preclude his right to protection under Section 75.

In overriding the Commission, the court pointed out that the applicability of the Section 50 provision revoking certification or appointment to service is limited "to employees serving probationary terms who have not been appointed on a permanent basis." The decision asserted that a permanent employee in the competitive class "is entitled to the protection afforded by Section 75 of the Civil Service Law and may not be avoided by stating the dismissal is based on the employee's disqualifications for certification rather than disciplinary matters."

The court's decision, believed by Gaba to be "the first reported case of its kind in New York", directs the Suffolk County Civil Service Commission to reinstate Smith on a permanent basis and restore his back pay and other employee benefits.

Notice of appeal has been filed by the Commission.

# Vernon A. Tapper

(Continued from Page 1)

work, Masonic and church affairs.

Mr. Tapper was serving his second term as State CSEA second vice president when he died. He also was one of the founders and a past president of Onondaga chapter, and served on the State Association's legislative and other committees. He served several terms as fourth and third vice president of CSEA. For many years, Mr. Tapper served as chairman of the County Division Executive Committee of the CSEA's Board of Directors.

Local CSEA chapter officers called him "one of the most dedi-



**INTELLIGENCE BRIEFING** — New officers of the New York State Identification and Intelligence System chapter, Civil Service Employees Assn., had their installation ceremony recently in the office of Dr. Robert R. J. Galliti, Director of NYSIS. Dr. Galliti points out the System's program to (seated, from left) Rose Heintz, vice president; Bessie Bolton, secretary; Helen Bellinger, alternate delegate; Ann Warner, delegate, and (standing, from left) Mildred Branick, treasurer and Helen Marsh, president.



VERNON A. TAPPER

cated members of the Civil Service Employees Assn."

## Active In Scouting

Mr. Tapper was awarded the Silver Beaver, the highest award presented to adult Scouters, for his work with Boy Scouts.

In more than 50 years as a Scouter, Mr. Tapper organized Boy Scout Troop 18 at the First Baptist Church, Syracuse, and was Scoutmaster of it and Troop 42 for a number of years. He also organized the Troop 42 Drum & Bugle Corps, the first such Scout group in the city.

For several years, he served as the chairman of the Onondaga Council's Scouting "Adventureland," the annual jamboree of local troops and he served on both troop and the council committees for many years.

## Aided Masons

Mr. Tapper was a past grand director of ceremonies for the New York State Grand Masonic Lodge, former master of Salt Springs Masonic Lodge and was secretary of the lodge 33 years. He also was a past patron of Chapter 70, Order of the Eastern Star, and a member of Central City Chapter, Royal Arch Masons, and the Grotto Masonic organization.

He was president of White Chapel Memory Gardens Cemetery, a 50-year member of the First Baptist Church, and a member of the Liederkranz Club. He was born and educated in Syracuse.

Surviving are his wife, Mrs. Verna J. Tapper of 120 Woodbine Ave., Syracuse; three sons, Wayne V., Bruce R., and Arthur E. Tapper, a brother, Donald R. Tapper, and three grandchildren, all of Syracuse.

Funeral services were held at 10:30 a.m. Thursday at the Welter Funeral Home with the Rev. George L. Earnshaw officiating. Burial was in White Chapel Memory Gardens.

# Eligible Lists

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9 Barnes K Levittown 840
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2 Donovan J Buffalo 86.8
3 Ippolito S Westfield 86.8
4 Tracy R Newfane 86.7
5 Gibson G Tonawanda 84.7
6 Dowdell D Rochester 82.8
7 Henry B Yonkers 81.7
8 Merritt W Middletown 81.2
9 Moffat E Ripley 80.6
10 Doane L Keamora 80.4
11 Argersinger E Schenectady 80.3
12 Metz W Little Falls 80.1
13 Heins P Lerly 78.3
14 Vester B New Rochelle 77.8
15 Ott J Depew 76.3

Bus Driver Heads Jericho CSEA Unit
A school bus driver has been elected president of the newly-formed non-teaching unit of the Civil Service Employees Assn. in the Jericho School District of Nassau County.
She is Annamae Ozabal and will guide the new unit in its initial contacts with the school administration. CSEA Field Representative Arnold Moses, who assisted in formation of the new unit, said the group is preparing a program to submit to the school board.
Other officers elected were: Gertrude Hawhurst, vice president; Janet Pisa, secretary, and Gloria Migliore, treasurer.

# CSEA Will Appeal Clerks' Decision

(Continued from Page 1) significant role in the results of the decision."

The Arguments
Proponents of the wage boost claimed that clerical salaries in private industry are higher than those offered by the State and that the jobs of clerical workers now include added responsibilities which would justify a pay raise. They also said that a recent salary hike for blue collar workers has altered pay relationships among jobs within the State's salary plan, and reallocations of clerical titles are needed to restore such relationships.

In denying the request, Kelly said that wage reallocations are granted to State employees only when there has been a "material increase" in the duties and responsibilities of their position, or when outside salaries for certain skills exceed those paid by the State. He said he found "no evidence" that clerical workers were taking on added responsibilities. And according to a recent nationwide wage survey the U.S. Bureau of Labor Statistics, average salaries for clerical work in State service are higher than in private industry, Kelly said.

Comparisons
According to Kelly, a New York State file clerk earns an average of \$4,367 yearly. His counterpart in private industry in the Albany area earns \$3,432; in New York City the file clerk's average wage is \$3,848. Comparative salary studies of other clerical titles show that New York State's wages closely match or top those in private industry.

Other Reallocations
Replying to the assertion that "inequities" now exist in the State's compensation plan due to recent upward reallocations of other titles, Kelly said: "The recent upgrading of a large number of blue collar occupations was the result of our constant scrutiny of the relationships between State salaries and those paid by other employers. Upon our initiative, a systematic study of comparative pay rates in the blue collar field was made. As a result of this study, wage increases for blue collar workers

were authorized effective November 10. It is not the relationships which now exist between clerical and blue collar workers that are disproportionate. It is the ones that existed before the November upgrading of blue collar titles." Kelly's decision came two weeks after he conducted an open hearing on the CSEA application. It was attended by more than 600 clerical employees from all parts of the State. This decision will be appealed by CSEA to the New York State Civil Service Commission within 60 days.

# Seek Exclusive Bargaining Rights

(Continued from Page 1) retirement plan, which "can be given immediately to the employees of Buffalo without any cost to the City until 1968."

Disparity Cited
The general disparity in salary and fringe benefits which now exists between the Buffalo city workers' situation and that of employees of Erie County and other local governments of similar size was cited by Kelly as the main justification for the improvements. He also noted that "The salaries of Buffalo city employees are considerably behind those with comparable jobs in State service."

Felly emphasized that the program had the full support of his State-wide organization, including several thousand CSEA members within the immediate Buffalo area. "It may interest you to know that we have 3,500 members of our Erie chapter who are employed by the City of Buffalo, Erie County and other political subdivisions in the county. In addition, 9,100 State employees, who are members of our Association, reside in Buffalo and Erie County," Felly said.

The Employees Association has requested to meet with Mayor Sedita and the City Council at an early date to present details of the program.

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### Law Column

(Continued from Page 6)

Reached after a hearing, his petition for judicial review was determined in the first instance by the Appellate Division. This practice accords with the provisions of the Civil Practice Law and Rules.

**THE APPELLATE** Division annulled the fourth charge of misconduct in that the plaintiff had failed to make a memorandum book entry of absence from post. The reason for annulling the charge was that the record established that the officer had actually made the entry as soon as circumstances permitted.

**THE APPELLATE** Division, instead of fixing an appropriate penalty itself, remanded the matter to the Police Commissioner for redetermination of the penalty. The redetermination astonishingly was again dismissal. A second appeal to the Court likewise resulted in remand, but this time a new penalty was fixed in the form of a fine of thirty days' loss of pay.

**IN HIS THIRD** application to the Court, the plaintiff sought a judgment for full back pay. This involved a four year period commencing with his initial dismissal and terminating on the date of his reinstatement. The position of the City of New York was that the claim must be mitigated by allowance of the plaintiff's earnings in other employment. In support of this contention, the defendants argued that it was through "some oversight" that the plaintiff had not been suspended during the period involved. To this argument, Justice Waltemade responded:

"It might be added that, upon the basis of the entire record, the dismissal was no oversight whatever. The question is not whether there had been any suspension or for what period of time, but rather plaintiff's entitlement to his position, the right to perform the duties thereof and to receive a salary incident thereto."

**THE DEFENDANTS** made a further argument. This was based upon the fact that the Court had not reinstated the plaintiff, but rather the Police Commissioner. To this contention, the Court replied that the Commissioner was under Court compulsion to reinstate the plaintiff when the case was remanded for disciplinary measures in view of the excessiveness of dismissal.

**UPON HIS** reinstatement, the plaintiff's right to back pay matured. The Administrative Code requires this conclusion:

"The commissioner shall have power to suspend, without pay, pending the trial of charges, any member

of the force. If any member so suspended shall not be convicted by the commissioner of the charges so preferred, he shall be entitled to full pay from the day of suspension, notwithstanding such charges and suspension."

**THE PLAINTIFF** was never suspended. Through the Commissioner's error, he was dismissed. If the plaintiff had sought recovery of back pay for a period of lawful suspension pending the trial of charges, it appears from the Administrative Code that he would not have been entitled to back pay for such period. The plaintiff's unlawful dismissal, however, cannot justify refusal to pay his

salary during the period in which, except for the fine of thirty days' pay, he had the full right to his office. He therefore was entitled to judgment for the entire period that he was prevented from performing his duties.

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**LECTURERS** — Lecturers during the recent workshop of the Metropolitan Conference, Civil Service Employees Assn. confer with Randolph Jacobs, conference president, following the session. Left to right, are: John Rice, assistant counsel,

CSEA; Joseph Lochner, CSEA's executive director; Randolph Jacobs, conference president; Gary Perkinsons, public relations director for the Employees Association; F. Henry Galpin, assistant executive director, CSEA; and William Blom, director of research for the Employees Association.



**LUNCHEON GUESTS** — Dias guests at the workshop session of the Metropolitan Conference, Civil Service Employees Assn., were, from left to right: Adele West, conference secretary; Anthony conference president; Dr. Jack Hammond, director

Foutana, vice president of the host Willowbrook State Hospital chapter, CSEA; Randolph Jacobs, of the hospital; Joseph Lochner, CSEA's executive director; and Jack Weisz, first vice-president. William Roberts, second vice-president of



**GESTURE** — Joseph Lochner, executive director of the Civil session of the Metropolitan Conference, CSEA, attended by some 80 Service Employees Assn. emphasizes a point during the workshop delegates from member chapters in the conference recently.

## Metro Conf. Seminar Explains Workings & Services For Members

Services available to members of the Civil Service Employees Assn. were explained to chapter officers of the Metropolitan Conference at a workshop held recently at Willowbrook State Hospital on Staten Island.

Lecturers at the day-long session included five members of the CSEA's headquarters staff from Albany.

Joseph Lochner, CSEA's executive director, was the lead-off speaker, trading the history of the 144,000-member Association and explaining leadership principles for chapter officers. Lochner further answered questions from the floor relating to individual chapter problems, which, although affecting single chapters, related to those of other chapters.

John Rice, CSEA assistant counsel, explained the rights of employees to demand Article 78 proceedings when they felt aggrieved. Further, the possible effects of the 1968 Constitutional Convention were explained by Rice.

F. Henry Galpin, assistant executive director of the Association, discussed the proper method of instituting grievance procedures, explaining the Association's role in protecting the employee involved. Galpin further noted the benefits of Association membership in other legal problems.

The how and why of public relations and publicity were explained by Gary Perkinson, director of public relations for the Statewide Association. Perkinson did not, however, restrict his discussion to newspaper publicity but expanded to include the role of the Civil Service Leader, chapter publications, special bulletins, radio and television, speeches, community activities and community projects.

Each of the 80 chapter officers attending the session was supplied with a concise outline of the Association's public relations program which contained instructions and outlines for writing news releases.

Perhaps the most timely discussion given during the session was that by William Blom, director of research. Blom traced the steps necessary for instituting salary and job titles upgradings and reported on the present status of pending salary reallocation which—including those for those in the clerical series—instituted by CSEA.

The session preceeded the regular meeting of the Conference

and was moderated by Randolph Jacobs, conference president. Refreshments and luncheon were provided for the guests by the host chapter at Willow Brook.

Participants in the workshop were welcomed by Anthony Fontana, vice-president of the host chapter and Dr. Jack Hammond, hospital director, during the luncheon session.

Following the question and answer session delegates representing the Conference's member chapters held their regular meeting.

## Two Departure Dates For Hawaiian Tour

Because of the heavy demand from members of the Civil Service Employees Assn. for bookings on the annual jet vacation to Hawaii and the Golden West, there will be two departure dates instead of one for next summer, it was announced last week.

One plane will leave New York on July 8 and the next on July 21. Both tours will be identical and the total price of only \$467 will include round trip jet transportation, all hotel rooms, sightseeing, airport to hotel transfers, etc. Departing groups will head for San Francisco, then fly out to Hawaii and the vacation will conclude with a visit to Las Vegas.

Each year, dozens of applicants have been unable to take advantage of this low-cost tour because of failure to book early. To avoid disappointment, immediate applications are urged now.

For either departure date write to Mrs. Julia Duffy, P.O. Box 43, West Brentwood, L.I.; telephone (516) 273-8633 if residing in the Metropolitan New York area, or to John J. Hennessey, 276 Moore Ave., Kenmore, N.Y., telephone (716) TF 2-4966, if residing in upstate New York.

Both trips are strictly limited to CSEA members and their immediate families.

## 36 L.I. Conf. Leaders Hit The Books This Fall

In order to protect their organization, Long Island Conference CSEA officials are going to college under a pilot program conceived by Irving Flaumenbaum.

Thirty-six members from throughout Long Island are studying "Labor Relations" at the Long Island Agricultural & Technical Institute in Farmingdale in six weekly Wednesday night sessions, as of Nov. 9. The course is being conducted by "professor" Ed Levin, extension specialist of the staff of the New York State School of Industrial Relations, Cornell University.

The course sets a goal of acquainting students with the problems of labor relations in public service as compared to private



**NEXT QUESTION** — F. Henry Galpin, assistant executive director of the Civil Service Employees Assn. calls for another question during the question and answer session following the workshop program of the Metropolitan Conference, CSEA, at Willowbrook State Hospital recently.

employment. Topics cover existing legislation, the status of labor management relations in public employment, grievance machinery and collective negotiations.

The students are three delegates from each of the 12 CSEA chap-

ters that make up the Long Island Conference. The course is free.

Flaumenbaum said that similar college courses may be offered for civil service association workers throughout the state if the pilot project proves successful.