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THE STATE EMPLOYEE is published monthly except April, July, and August. Publication office, 2 Norton St., Albany, N.Y. Editorial and executive offices, Room 156, State Capitol, Albany, N.Y. 10¢ a single copy, 1.00 per year. Entered as Second-class matter, July 19, 1934, at the Post Office at Albany, N.Y., under the Act of March 3, 1879. Letters to the Editor, contributions, news items, applications for memberships and application for advertising rates should be sent to Executive Headquarters, Room 156, State Capitol, Albany, N.Y.
Legislative Report of Counsel

By
JOHN T. DEGRAFF, Counsel

The 165th annual session of the Legislature, which closed on April 24th, will be remembered by Civil Service employees chiefly for the extension of the Feld-Hamilton law to the 25,000 institution workers in the State service. This forward step, long advocated by the Association, will remove the unfair discrimination which has heretofore existed between departmental and institution workers and will make the fair and equitable principles embodied in the Career Law applicable to over 90% of the employees of the State.

When the Feld-Hamilton law was first sponsored by the Association in 1937, it was a new and untried experiment. Each succeeding year has demonstrated that it is the best and fairest solution of the salary problem that has been devised, and this year it was generally recognized that it should be extended to the remainder of the State service as rapidly as possible.

The session was also noteworthy for the passage of a large number of constructive Civil Service measures. Twelve bills, drafted and sponsored by the Association, have already become laws. Sixteen other bills supported by the Association, have also been enacted. All bills which were prejudicial to a sound merit system were defeated in the Legislature or were vetoed by Governor Lehman.

Feld-Hamilton Extension

The extension of the Feld-Hamilton law was accomplished by four Association-sponsored bills, all of which were passed and signed by Governor Lehman in the early part of the session.

Chapter 132—Ostertag bill, Assembly Int. 952, Print 1062.

This law extends the Feld-Hamilton career service to employees in the institutions under the jurisdiction of the Department of Correction.

Chapter 133—Barrett bill, Assembly Int. 1222, Print 1390

This law extends the Feld-Hamilton career act to employees in the institutions under the jurisdiction of the Department of Mental Hygiene.

Chapter 457—Rapp bill, Assembly Int. 1183, Print 1365

This law extends the Feld-Hamilton career act to employees in the institutions under the jurisdiction of the Departments of Health, Education and Social Welfare.

Chapter 594—Lawrence bill, Assembly Int. 1183, Print 1365

This law extends the Feld-Hamilton career act to game protectors in the Department of Conservation.

The foregoing laws will become effective July 1, 1943. It was necessary to defer the effective date of these laws until next year to enable the Classification Division to assign new titles, which will correspond with the duties actually performed by the employees in the institution service. The classification is already under way and the new titles, together with the salary allocations made by the Temporary Salary Standardization Board, will be incorporated in the next budget, which will be prepared during the latter part of this year.

Feld-Hamilton Amendments

Two bills amending existing Feld-Hamilton schedules were also passed by the Legislature.

The Wicks Bill, Senate Int. 1700, Print 2136, revising the schedule for the budget examining group by increasing the number of grades from three to eight, was signed by Governor Lehman and is now Chapter 529.

The Wright Bill, Assembly Int. 942, Print 1052, revising the salary schedules for the insurance examining group, passed the Legislature, but has not yet been acted upon by Governor Lehman.

Other Salary Revisions

Three other bills prescribing revised salary schedules have likewise been enacted.

Chapter 734—Moffat Bill, Assembly Int. 1556, Print 2655.

This law prescribes salary schedules, similar to those contained in the Education law, for employees of the Merchant Marine Academy.

Chapter 817—Rapp Bill, Assembly Int. 1622, Senate Print 2507

This law prescribes new salary schedules, similar to those contained in the Education law, for teachers and instructors at the Batavia School for the Blind.

Chapter 776—MacKenzie Bill, Assembly Int. 1567, Print 2456

This law prescribes similar salary schedules for the members of the faculty at Alfred University.

Cost of Living Salary Adjustments

At the beginning of the session, the Association had three major objectives—(1) the extension of the Feld-Hamilton law to all institution employees; (2) an immediate salary increase for all institution employees, and (3) a long-range plan to adjust the salaries of State employees to meet the continued rise
in the cost of living. The first two objectives have been accomplished. The third was passed by the Legislature, but vetoed by Governor Lehman.

The legislative report in the March issue of the State Employee explains in detail the provisions of the Hampton-Pillion bill, which provided for an immediate increase of $100 for all institutional employees receiving $1,500 or less, together with a cost of living adjustment plan which provided for a salary increase for all State employees receiving $2,000 or less, to be effective when the cost of living rises twenty per cent above the pre-war cost of living. This bill passed the Legislature unanimously. Governor Lehman, who had previously recommended an immediate increase for institutional workers, vetoed the bill because of his opposition to the cost of living plan. In his veto message he said in part:

"In addition to granting compensation to the low bracket State institutional employees, as I recommended, the bill establishes a general system for cost of living adjustments to all State employees receiving less than $2,000.

The large number of employees now covered by the Feld-Hamilton Law have been receiving annual increments for a number of years. These increments aggregate on the average nearly 15 per cent. The cost of living has increased slightly over 11 per cent. Most of the employees covered by the Feld-Hamilton Law who have been in the State service for some time and who have not reached their maximum, have therefore already received increments larger than the increased cost of living during the same period.

"No one can foretell what the future may have in store for us. It may be that later on inflation of a serious character may set in. If that should be the case it might be that a general salary adjustment would have to be made. It would seem to me, however, that those employees receiving a wage above the subsistence level may be expected to absorb any reasonable increased cost of living in the same manner as do other citizens of the State.

"This bill proposes to increase salaries of all employees receiving less than $2,000 by 10 per cent on the first $1,200 and 5 per cent on the amount between $1,200 and $2,000, effective June 1, 1943, if the cost of living has risen 20 per cent above the pre-war cost of living. Like salary adjustments shall be made whenever there is a further rise of 10 per cent above the pre-war cost of living. Every 10 per cent salary increase which would be granted under this bill would cost about $4,000,000 in addition to the $1,520,000 of immediate salary raises also provided in this bill to the low bracket institutional employees. These costs would be in addition to the regular increments called for by the Feld-Hamilton Law. If therefore the provisions of this bill become effective, not less than $7,000,000 would have to be added for personal service in the next year's budget commencing July 1, 1943. It would seem most unwise for the State to commit itself at this time to so large an expenditure during a period commencing nearly fifteen months hence."

While the Governor was opposed to the cost of living plan contained in the bill, he announced in his veto message that he was in favor of that part of the bill which provided for a $100 increase for institution employees. A new bill eliminating the cost of living plan was thereupon immediately introduced and passed by the Legislature.

This bill, introduced at the request of Senator Hampton, Senate Int. 1921, Print 2502, was approved by Governor Lehman and is Chapter 721 of the Laws of 1942. It assures all institutional employees of an increase of $100 per annum, effective July 1, 1942, which will be supplemented by Feld-Hamilton adjustments the following year. In determining eligibility for the $100 increase, all increments, time service increments, commutation, head of family and other extra allowances are disregarded, and all employees receiving a basic salary of $1,500 or less will be eligible for the increase on July 1, 1942.

While the cost of living plan proposed by the Association failed of enactment, it has served to focus attention upon the plight of public employees on fixed salaries and to lay the foundation for a salary increase next year if the cost of living continues to rise. The Legislature, by the passage of this bill has indicated that it favors a salary increase for State employees if the cost of living rises 20% above the pre-war cost. The index maintained by the U.S. Department of Labor shows that, as of March, 1942, the cost of living had risen 14.3%.

Whether the controls recently adopted by the Federal Government will be effective, remains to be seen. The plan advocated by the Association was patterned after the plan which has operated so successfully in Canada. The Canadian plan involves (1) a freezing of prices and (2) a freezing of wages based upon a formula which provides that wages shall rise or fall as the cost of living rises or falls. President Roosevelt has recommended the adoption of that part of the Canadian plan which freezes the prices of commodities, but has not as yet advocated any legislation to control wages.

Time alone will tell whether the price freezing plan will be successful or whether it will be supplemented by Federal control over wages. Many authorities believe that Federal price freezing will be ineffective unless the plan is enlarged to cover wage control as well. It is possible that action may be taken by the Federal government during the coming year which will render State legislation with reference to salary adjustments unnecessary. It is equally possible that a continued rise in the cost of living will make salary adjustments for State employees imperative next year.

The problem is one that transcends State boundaries. The critical conditions which confront low-paid State employees on fixed salaries are equally applicable to teachers, Federal employees, county, city and town employees, as well as a large group of white collar workers in private employment. None of these groups have received any salary increase to lighten the burden of the increased cost of living although labor generally, and employees in defense industries in particular, have received wage increases which far exceed the rise in the cost of living.

If the price controls that have been adopted by the Federal government prove to be ineffective, the desperate plight of public and private employees on fixed salaries will be one of the major problems confronting both Federal and State authorities during the coming months. The soundness of the Association's proposal will be tested by developments during the coming year and if the...
broader aspects of the problem are not solved by action of the Federal government, our proposal, with such modifications as may be required by the situation which then exists, will again be submitted to the Legislature and the Governor.

Military Service
Chapter 725, Page Bill, Senate Int. 1847, Print 2370

This bill, sponsored by the Association, provides that any person who accepts appointment as a “substitute” shall be given a leave of absence from his former position and shall be entitled to restoration to his former position upon the termination of his appointment as a substitute.

Section 246 of the Military Law, which was sponsored by the Association last year, fully protects the rights of employees who enter military service, by providing that their positions shall be restored to them upon the termination of their military duty, and that any interim appointments to fill the vacancy shall be designated as a substitute appointment. During the past few months, however, it has been found that employees are reluctant to accept substitute appointments unless they can be assured that their former positions will be kept available for them when the substitute appointment is terminated.

This bill gives this necessary protection all along the line. If an employee enters military service and another employee is promoted to fill the vacancy as a substitute employee, the lower position must likewise be kept vacant and be filled only by a substitute appointment. In this way all employees who accept substitute appointments, as well as those who enter the military service, can be assured that their former positions will be available for them when the war is over.

Chapter 727—Brees Bill, Assembly Int. 1596, Print 2759

This bill provides that differential pay shall not be payable to any employee inducted under the provisions of the Selective Act and also, that no employee shall be entitled to differential pay by virtue of his appointment as a substitute. Some employees, who were inducted under the Selective Service Act and who were then temporarily released, subject to recall, have contended that they are on the reserve list and, consequently, entitled to differential pay under Section 245 of the Military Law. This bill was designed to settle any possible arguments on this score and to definitely bar the payment of differential pay to any person inducted under the Selective Service Act.

Chapter 255—Brees Bill, Assembly Int. 1042, Print 1353

This bill prohibits the payment of differential pay to all persons who became members of the reserve forces after April 1, 1942. Although this bill expressly authorizes differential pay for all who joined the reserve forces prior to April 1, 1942, some doubt as to the status of employees who joined the reserve forces after December 7, 1941, and before April 1, 1942, has arisen as a result of the decision of Mr. Justice Shientag in the case of Williams vs. Walsh. Mr. Justice Shientag held that an employee who was inducted into active service shortly after becoming a member of the reserve forces was not entitled to differential pay.

Acting under this decision, the Comptroller of the City of New York has ruled that no person who joined the reserve forces after December 7, 1941, should be entitled to differential pay. These rulings would seem to be contrary to the express terms of the Brees bill and thus far the State has declined to give effect to these rulings. The Attorney General stands by his ruling that differential pay is to be given to all who joined the reserve forces prior to April 1, 1942, in conformity with the terms of the Brees bill. The case of Williams vs. Walsh is to be reargued and there is good reason to believe that the decision will be reversed, on appeal, if not in the court of original jurisdiction.

Chapter 727—Halpern Bill, Senate Int. 640, Print 2473

This bill amends section 246 of the Military Law to provide that efficiency ratings of employees in military service shall be based on the average of their last three ratings instead of their last rating. It also provides that the life of the special eligible list, created by section 246, shall be two years instead of one year.

Chapter 726—Austin Bill, Assembly Int. 492, Print 508

This bill expressly provides that the provisions of section 246 of the Military Law shall be applicable to volunteers. The passage of this bill was entirely unnecessary because section 246, by its terms, is already applicable to volunteers as well as to persons inducted under the Selective Service Act.

Chapter 436—Burney Bill, Senate Int. 1674, Print 2097

This bill provides that any person who was inducted into military service after July 1, 1940, who holds a license to practice medicine, nursing, architecture, engineering, etc., may obtain a renewal of his professional license, without examination, upon making application within three months after the termination of his military service.

Chapter 505—Riley Bill, Senate Int. 870, Print Assembly 2700

This bill provides that elected officers and civil service employees appointed for a fixed term, may, if they are absent on military service, continue their membership in the Retirement System after the expiration of their term of office, upon payment into the System of their own regular contributions, plus the contributions ordinarily paid by the State on their behalf.

Pensions
Chapter 857—Halpern Bill, Senate Int. 1433, Print 1738

This Association-sponsored bill is designed to protect the retirement privileges of employees, who obtain a leave of absence to engage in war work or defense industries. This bill, which was explained in detail in the March issue of the State Employee, provides, in substance, that all employees who obtain such a leave of absence, may obtain retirement credit by paying into the fund their regular contribution plus the contributions normally paid by the State on their behalf. This law will be particularly helpful to employees in the Department of Public Works where a layoff of three or four hundred employees is imminent unless a sufficient number obtain a leave of absence.

Chapter 596—Starkey Bill, Assembly Int. 422, Print 1296

This bill extends to January 1, 1943, the time within which an employee can join the Retirement System and obtain prior service credit.

Chapter 645—Fite Bill, Assembly Int. 561, Print 580

This bill provides that if a retired employee dies, his accrued allowance shall be payable to his designated beneficiary, otherwise to his estate.
This bill, which was opposed by the Association, authorizes the ac-
tuary of the Retirement System to compute the annuity payable from 
"additional contributions," under a 
different mortality table than is used for the payment of annuities on reg-
ular contributions. The Association 
opposed this bill on the ground that it would authorize the Retirement 
System to reduce a retirement allow-
ance in violation of the recent Con-
stitutional amendment which pro-
vides that benefits in the retirement 
system are a contractual obligation 
which cannot be diminished or im-
paired, and that it would permit the 
Retirement System to use two dif-
ferent mortality tables for the same 
individual.

Governor Lehman vetoed the Pil-
lion Bill, Assembly Int. 1485, Print 
2601, which was opposed by the 
Association and which would have de-
prived State employees of all rights 
in the Retirement System upon their 
transfer to Federal service. Gover-
nor Lehman in his veto message 
said:

"This bill provides that every new 
member of the State retirement sys-


tem must file with the Comptroller 
an agreement that should he subse-
quentlv become a member of the 
federal retirement system, his mem-
bership in the State retirement sys-

tem shall cease.

"Membership in the federal retire-
ment system is compulsory for all 
civil service employees. If this bill 
were enacted into law, a State em-
ployee who accepted a federal posi-
tion would automatically lose all of 
his accumulated rights in our re-
irement system.

"Recently, the State Employment 
Officers were federalized. Some two 
thousand employees automatically 
became federal employees and there-
fore members of the federal retire-
ment system. Some of these employ-
es had as many as twenty-five years 
of service. If this bill had been law, 
these employees would automatically 
lose all of their rights under our re-
irement system. At the present time 
they are continuing as members of 
both the State and the federal retire-
ment systems.

"I agree with the sponsor of this 
bill that no person should receive 
benefits from two retirement sys-
tems at the same time. However, 
some equitable method of transfer-
ring accrued rights between the fed-
eral and State systems should be 
worked out. The State Pension 
Commission has advised me that it will 
prepare sound legislation to achieve 
the desired objective and will spon-
sor it at the next session of the Legis-

ature.

The Association, shortly before 
the close of the session, suggested a 
plan for the transfer of retirement 
credit when employees transferred 
from the State to the Federal Ser-
vice or vice versa. This plan has al-
ready been approved by the State 
Pension Commission as well as Fed-
eral retirement officials. Senator 
James M. Mead and Congressman 
William T. Byrne have agreed to 
sponsor the necessary legislation in 
Congress, and Senator Dunnigan has 
agreed to sponsor the necessary 
legislation in the Senate at the next 
session of the Legislature. Federal 
retirement officials are now drafting 
the necessary Federal legislation 
which will be introduced as soon as 
the bill is prepared in final form.

**DPUI Employees**

Chapter 208—Condon Bill, Senate 
Int. 398, Print 1071

This Association-sponsored bill 
protects the Civil Service status and 
promotion eligibility of DPUI em-
ployees who are transferred to the 
Federal service. Its terms were 
explained in detail in the March issue 
of the State Employee.

**Eight-Hour Day Extension**

Chapter 350—Barrett Bill, Assembly 
Int. 376, Print 383

This bill extends the provision of 
the eight-hour day law to watch-
men in State institutions, effective 
July 1, 1943. This bill was sponsored 
by the Association in furtherance of 
its long established policy of extend-
ing the eight-hour day law as far as 
possible.

**Miscellaneous Bills**

Chapter 381—Erway Bill, Senate 
Int. 1537, Print 1582

This bill, which is essential to 
the extension of the Feld-Hamil-
ton Law to institution employees, 
amends the provisions of Section 
48-a of the Civil Service Law, with 
reference to the reclassification of 
titles and positions of employees. It 
permits the reclassification of present 
employees if they have performed 
the duties of a certain position for 
one year or more prior to the date 
the law became effective. It also pro-
vides that if an employee lives out-
side an institution, without permis-
sion from the superintendent, the 
value of the lodging or maintenance 
which the institution has offered to 
furnish, may be deducted from the 
employee's statutory salary. This 
provision is a restatement of the law 
presently in effect in order to pre-
vent any possible misinterpretation 
when the Feld-Hamilton law be-
comes effective next year.

Chapter 268—Fite Bill, Assembly 
Int. 1442, Print 1694

This bill makes it a misdemeanor 
to defeat, deceive or obstruct any 
person in respect to his rights to cer-
tification, appointment, promotion 
or reinstatement in the Civil Service.

Chapter 282—Halpern Bill, Senate 
Int. 621, Print 1983

This bill prohibits the disqualifi-
cation of a person on a promotion 
examination because of his age.

Chapter 706—Fite Bill, Assembly 
Int. 1751, Print 2104

This bill provides that if a mu-
cipal civil service commission has 
no appropriate eligible list, it can 
request the State Civil Service Com-
mission to furnish a list of residents 
of the civil division in which the 
appointment is to be made. This 
legislation will enlarge employment 
opportunities from State Civil Ser-
vice lists by making such lists avail-
able for the use of local authorities.

Chapter 795—Halpern Bill, Senate 
Int. 1879, Print 2560

This bill provides that the ap-
pointing officer may limit appoint-
ments from eligible lists to positions 
as members of the uniformed force 
in the Police, Fire or Correction De-
partments to persons who have not 
been placed in classification 1-A un-
der the Selective Service Act and 
who are not members of the U. S. 
reserve forces. Any person, who has 
been skipped because of his classifi-
cation, shall be continued on the 
eligible list for one year after the 
termination of his military duty and 
shall have the same seniority as if he 
had been appointed from the list 
when his name was first reached in 
its regular order.

Chapter 828—Barrett Bill, Assembly 
Int. 1281, Print 1489

This bill prohibits the employ-
ment of persons under 18 years in 
Correction or in Mental Hygiene in-
istitutions if such employment relates 
to the custody or care of prisoners or 
inmates.
The Capitol Beat . . . . .

State Education Department and the New York State War Council have launched a State-wide program for establishment of Youth Service Councils, composed of young adults between the ages of 16 and 25. The movement is designed to broaden the participation by older youth in the community's war and civic activities.

When it comes to oddities, that request by some unidentified State employee just about beat anything the Department of Audit and Control ever had encountered.

The State employee designated the Veterans of Foreign Wars in Ogdensburg as his retirement fund beneficiary. Audit and Control officials sought an opinion and this week Attorney-General Bennett, in a communication to Deputy Comptroller A. L. Doris, ruled that the employee was fully within his rights and his designation was valid.

Employment in the construction industries in New York State advanced 1.4 per cent from mid-February to mid-March, Industrial Commissioner Frieda S. Miller reports. Payrolls advanced 6.5 per cent and man-hours 4.9 per cent. The report is based on returns from 1,400 firms which reported they employed 33,404 workers in March with weekly payrolls aggregating $1,454,379 for 1,155,748 hours worked.

Boys at the New York State Training School for Boys, in Orange County, are doing their bit for their country in a big way. Dr. H. D. Williams, school superintendent, reports 125 of his boys have donated a pint of blood each, to be stored in a blood bank and made available to United States soldiers or sailors wounded in action.

Mention the word "sportsmen," and it means just that down Steuben County way, take it from John L. Halpin, secretary of the State Conservation Department.

When Keuka Lake Inlet broke through its dikes above Hammondsport and flooded a large area of surrounding farmland, hundreds of rainbow trout varying in weight from 1½ to 8 pounds—"beauties," in the lexicon of the fisherman—were left stranded as the water receded. Game protectors reported the sportsmen, hatchery employees and Boy Scouts turned to and salvaged the trout, which were returned to their natural habitat.

Charles C. Agar, senior sanitary engineer of the Division of Sanitation, State Health Department, has been appointed a captain in the Sanitary Corps, U. S. Army, and is now on active duty. He joined the Health Department staff as assistant sanitary engineer in 1930.

Busy as a bee means exactly that in New York State, the State Department of Agriculture has let it be known. In a joint report with the U. S. Department of Agriculture, the department announced bee colonies this spring are the strongest in years and, with stocks of old honey extremely light in the State, all signs are pointing to a banner honey season in 1942. Many colonies that required feeding were given sugar syrup, the report said.

Fatal industrial accidents totaling 102 were reported during March from various New York State industries covered by the Workmen's Compensation Law, according to Industrial Commissioner Frieda S. Miller. The victims included 94 men and eight women, with 60 of the fatalities occurring in the New York City area and 42 up-State.

The State Department of Agriculture has surveyed the feed grain picture among New York State farmers, and has reported these conclusions:

Chances are good that there will be a smaller supply of feed grains available for livestock in the 1942-43 season than there was for the 1941-42 season. Production of livestock and livestock products is also on the upgrade, a tendency which, the report points out, will also make more livestock to feed and hence less feed per animal to be fed.

Paul D. McCann of Albany has been promoted to the position of assistant director of the Division of Criminal Identification, State Department of Correction.

McCann, graduate of Niagara University, entered the department in 1937 and soon was assigned to assist William E. Cashin, director of the identification division, on research work preliminary to perfection of an automatic single fingerprint system. Since early in 1940 McCann has been identification analyst in the department.

New York State chartered 940 stock companies during March, an increase of 73 over the February figure, reports Secretary of State Michael F. Walsh. The figure is considerable of a drop, however, in comparison to the 1,348 new companies chartered in March, 1941. New real estate concerns numbered 252 in March, as against 400 for March, 1941. Restaurant incorporations, with 67 in March, stood in second place on the list.

Even the animals are acting peculiarly in some parts of the State these days, according to reports submitted to the State Conservation Department.

Take the report investigated by Game Protector Guy R. Milroy of Rhinebeck, Dutchess County. He received word from a resident of Rhinecliff that children were trying to catch an animal that appeared to be a dog, in a backyard. The animal, which wandered aimlessly about and ran into trees and fences, turned out to be a gray fox, which finally was lassoed and destroyed.

Then there was the deer that wandered into one of the main streets of Mount Vernon. The deer frightened people, jumped over back fences, and ran into at least 30 automobiles. At one juncture of its rampage the deer knocked down a boy and a girl, although neither was seriously injured. The animal finally found its way to Eastchester, where it ran into a wooded area and vanished. The game protector who investigated this incident ventured the opinion it means deer are becoming more plentiful in Westchester.

May
Forward, State Institutional Employees!

Welcome! Welcome to a new day in State institutional service! The Association has never ceased to work, and pray, and hope for the extension of honest, straightforward attention to wage scales in institutional employment.

We cannot hope for a contented society anywhere until sound wage policies are adopted. It has not yet dawned upon the people as a whole that those who work for others, those who employ others, or those who conduct their own businesses—that their prosperity as well as national prosperity depends first of all upon the sufficiency and equity of wage scales. Wages are life to the worker in factory, mine, forest, office or store. Beyond the lowest subsistence level, the farmer is not independent of wages paid in industry. And what is true of the farmer is true largely of those who work and wages it is inconceivable that there should be such a lack of moral and scientific thought to the question of wage scales. Today, while it may be that there are certain groups of workers who are overpaid, it is certainly true that there are very many who are grossly underpaid—underpaid to the extent of presenting a serious social problem.

There is no group more sensitive to the question of wages than the civil service group. For years, in State departments and offices, workers were grossly underpaid and what is even more serious, wages were fixed without the slightest regard for justice or equity. It must be said in fairness to the executive and legislative branches of the State government that when the matter was properly presented the inequities and inadequacies were admitted openly, and steps taken to correct the condition.

In 1937, after twenty years of neglect, State employees in departments and offices were granted salary scales worked out upon a plan intended to reward as to type of work done and based upon the seemingly best planned scales found here and there in business and professional jurisdictions. There was also some thought to establishing a minimum that would reflect to a degree at least a wage that would permit of decent food, clothing and housing. But this minimum wage of $900 was not based upon actual living costs but was really a surrender to the prevailing rates of pay arrived at by others. It replaced rates of $600, $720 and $840, more or less common, in some State departments. As stated, it was not the result of inquiry as to what it costs a man or woman to live decently or with proper regard for health and the common social obligations of society. This minimum of $900 is not accepted by employees as adequate.

Obviously, while the State should lead in the establishment of adequate and equitable wage scales, it may not advance far beyond the accepted contemporary standards. The whole question of wages and work everywhere must be explored in the right spirit and settled in the interest of sound economic developments.

Bills approved by the Legislature and the Governor this year provide for the same thought and study of wage scales for employees in State institutions that have been given to the wage scales of departmental and office workers in State service since 1937. Such scales as are adopted will not become effective until July 1, 1943. It is not an easy job to evaluate the maintenance factors that now enter into the actual wages paid to institution workers. Each institution is in fact a village with a fair-sized population. Managers, bookkeepers, clerks, doctors, nurses, cooks, meatcutters, and all trades and skills are represented among the employees. For each job, the duties and responsibilities must be defined. The worth of the food and lodging furnished must be appraised, and charged against the wage scale adopted. Fortunately, we now have in State service salary standardization and job classification agencies experienced in these fields.

The extension of sound wage scales to institutional service is a new triumph for good government. It is a progressive venture into a field long neglected. Those responsible for the classification of positions and those responsible for wage determinations may not morally base their findings alone upon figures and measurements relating to material factors. The results will affect human relations, human dignity. The American way of life is an ideal always in the making. The thousands of workers in State institutions want their work and the rewards for that work to permit them to attain individually and collectively in their communities, the finest and the most substantial things possible under the four freedoms of America. To achieve this result, must be the controlling motive of all concerned with the extension of the career service law to the institutional service.
The Front Cover

All of the glamour and the romance of work on the New York State Barge Canal has been ably caught by the artist who painted the cover for this issue of The State. The clever brush-wielder is a State employee in the bargain.

When the painting was submitted recently the editorial board members nodded and agreed that here was the work of a real artist. But the artist, Albert H. Van Vliet of Amsterdam, is extremely modest.

When he was pressed for a story on himself, Mr. Van Vliet responded with a letter that concerned chiefly the work on the canal. Away at the end of his letter, this able State employee with an interesting avocation had this to say about himself:

"Of myself personally there is little to state, save that painting and drawing is a hobby with me and among the above group of State workers (the canal men), I am one of them."

The specific title of the man whose activities Mr. Van Vliet has caught so adeptly in color is Buoy Light Tender, State Bureau of Canals. Since Mr. Van Vliet is one of the State's tenders, we will let him take over:

"The work consists in the operation and maintenance of equipment used as navigation aids throughout the canal system. During the running season we patrol approximately 10 miles of water each, keeping navigation lamps thoroughly clean at all times, lamps filled with fuel and wicks trimmed.

"Occasionally, usually due to high water when a freshet is running, or high wind conditions, a buoy may be hit or dragged out of position and we have to tow it back in place. If the lamp has been submerged or broken we have to recondition it for service."

That no one might get the idea the buoy tender takes things easily during the winter when the canal is closed, Mr. Van Vliet hastened to point out that all buoys and lamps are removed, placed at terminals or locks along the way, and painted the buoys, boats and other equipment against the day when spring returns and the canal traffic moves again.

"The work calls us out in all kinds of weather," Mr. Van Vliet added.

"But it is healthy, outdoor work for most of the year."

The State worker-artist said his painting shows a buoy tender at his work. He has stopped his boat at a buoy and is about to change a lamp. The lamp and buoy shown are of the kerosene-burning type. The boat is of the standard type, built in State shops and of steel construction throughout.

Mr. Van Vliet, we feel, has caught with his brush and colors a typical action scene in a division of State service where unsung heroes are going about their everyday duties without fanfare and benefit of the public spotlight. Congratulations, Mr. Van Vliet, on a marvelous piece of work!

Civil Service Investigation

Let no one imagine for an instant that the merit system is on trial before the newly created Legislative Civil Service Investigational Committee. The merit system of selection of public employees written into the Constitution of the State in 1894 is responsible in greater degree than any other factor for the efficient carrying on of the many vital services demanded by the people to be carried on in their name and for their greatest good.

The investigation may, if properly planned and conducted, improve the administration of the merit system. There is not a department of State Government that could not be improved as to efficiency of functioning. Naturally therefore, the Civil Service Department may be made more efficient and inasmuch as the Legislature is responsible for the appropriation of funds where additional facilities are needed for better functioning of a State Department, we may confidently expect that the Department of Civil Service will benefit from a complete diagnosis of its many and important responsibilities.

That it has not been financed to carry out Constitutional requirements is plainly apparent from Legislative survey of 1939-40.

A thoughtful survey of activities and of the question of adequacy of personnel and of facilities, will, most present civil service employees feel, result in recommendations for increased facilities and personnel in order to broaden and quicken compliance with the stern and straightforward demands of the Constitution.

The history of the merit system in this State unfolds some interesting and quite remarkable situations. For instance, whether from lack of appreciation of the importance of the plan, or by deliberate political design, the application of Constitutional requirements has been slow indeed. It was not until the Court of Appeals in a dramatic decision in 1937 pointed out that "the failure of the Legislature, and the Civil Service Commission to provide for ascertainment of merit by examination has led local bodies to assume that appointment might be made without such examination—there can be no right to make an appointment or contract which would create a legal right of tenure where the Constitution forbids the creation of such a right." Following this decision the Legislature and the people of the State at large understood that because of failure to interpret the Constitution of 1894 literally a very dangerous situation existed and many employment contracts made in good faith by subdivisions of New York State government were actually invalid. Only last year, after a two year Legislative study, this vital and long standing error was corrected by legislation.

For years lack of personnel and facilities limited appointments in the competitive class of civil service. It was not until Governor Lehman by official order called for this extension that thousands of workers in State institutions were brought into the competitive class.

Again and again throughout the years bills have been passed by Legislatures which would have established precedents destructive of the merit system. These have either been vetoed by Governors or set aside by the Courts. The principle and mandate of the Constitution, that all citizens of the State shall have the right to compete for positions in public service, has been zealously upheld by every good citizen whether in public or private life. By the Constitutional provision the integrity of the service is enhanced and the opportunity of citizens is protected against the spoilsmen of whatever sort.

Friends of the merit system without and within the service had for years pointed out the foregoing and
other fundamental facts relating to the incomplete application of merit-
system principles in State service proper and in local government as
well.

The Civil Service Commission is in fact the employment bureau of
State government. But it has other
duties as well as those of selection
of workers. Under the Civil Service
Law it must oversee promotion in
service, safeguard service ratings,
correctly classify or reclassify posi-
tions, new and old, on basis of duties
and responsibilities and check and
approve all State payrolls to assure
correctness of classification and pay.
It has responsibility for fairness in
demotions and layoffs. Its authority
and duties extend to cities, counties,
villages and school districts.

To even meditate upon any other
objective in the investigation into
Civil Service affairs of the State is
distasteful to good citizens every-
where and would be an unfair blow
at good government, extending in
its injurious effects far beyond the
boundaries of New York State. To
uncover errors of judgment or
omission on the part of individuals
would be common results of any in-
vestigation touching upon human
conduct. But the high ideal of con-
structive survey and investigation
and of recommendation must be the
goal of the Civil Service Legislative
investigation. Two hundred thou-
sand faithful public employees now
under the merit system who have
seen throughout the years the con-
tribution that system has made to
honest, efficient government will
join readily with the thirteen mil-
lion citizens of the State to make
even more certain that the way to
public service will continue open to
every boy and girl and man and
woman of the State on the sole
grounds of individual merit and fit-
tness, and they will expect only con-
structive criticism by the Legislative
Committee. Every citizen has a
stake in this investigation—a duty
to see to it that the merit system is
unsmirched by a single word or deed
and that any weakness in admin-
istration is discovered and promptly
and generously corrected.

Privilege, Not Sacrifice!

What price life? President Roose-
velt and the leaders of the Nation
know that before liberty and con-
tentment comes the safeguarding of
life itself. That's what the United
States is now intent upon; making
secure the lives of its citizens. Al-
ways first things must come first.

And prescribing ways for dealing
with momentous problems, the
President has mentioned first among
his seven points the matter of tax-
atation—of actually paying the price
for security of life. We who are in
public service have sought constant-
ly to get a fair hearing for taxes.

We have pointed out the indisput-
able fact that aside from any actual
dishonesty in expenditure of public
funds, the citizen gets more for his
taxes than he gets for any other ex-
penditure he makes. Disregarding
wiser cracking, and "death and taxes"
thinking, the sound substan-
tial, forward-looking people have al-
ways had respect for public ventures
and public accomplishment. Their
support of schools, and highways,
and health, and parks, and many,
many other public enterprises is full
proof of this. Why, the National
Treasury just issued a report show-
ing that since the Pearl Harbor at-
tack, over $550,000,000 unrequested
cash gifts have been sent in by over
25,000 donors!

The last of the seven points
stressed by the President as essential
to the success of the war for the four
freedoms, had to do with encourage-
ment to pay one's debts, and to cur-
tail installment buying, and to save
against post-war depression. It is
certain that the President did not
think this was the least important
simply because he placed it seventh.
These proposals together with gen-
erosity in tax paying constitute pa-
triotic, offensive action.

Due to spending for war purposes
and large payments for materials
and for labor, the amount of money
in circulation has almost doubled in
the past few years. As of the last
week in May it was $11,723,000,000.
The President and all who are mind-
ful of the seriousness of the times
wishes that this vast reservoir of
power be so conserved that it will
serve the unselfish ends of the people
and of the country responsible for
the values which this currency repre-
sents.

State workers have none of the
new money which is now available.
Their incomes are limited to scales
of pay which were adjusted only a
few years ago to what were deemed
to be fair peace time scales. There
is no overtime pay to be earned in
State service. In many instances,
in fact in the great majority of in-
stances throughout departmental
and institutional services, State
workers are not yet receiving the
rates of pay which the Field-Hamil-
ton Law established. This is because
of failure to apply the plan to many
institutional workers until July next,
and because in applying the plan to
departmental workers in 1937, adjust-
ments were limited to a single an-
nual increment regardless of how
far below the proper scale the work-
er might then be paid.

In the light of the above facts,
and without adjustment in salaries
to meet a fifteen per cent increase in
cost of living, State workers find it
difficult to answer as fully as they
would like the calls to buy war
bonds, support the Red Cross, the
U.S.O., the Russian, Chinese, British
and other war relief funds, and to
care for the fixed and proper calls
upon them for church and com-
community needs. Yet State workers
are giving to every cause and giving
generously.

State workers are one with the
President and the patriotic citizens
of our Nation in the belief that
"The price for civilization must be
paid in hard work and sorrow and
blood." Many fellow workers of a
few weeks back are now in military
service in many capacities. There is
a bond between the military and the
civil branches of government that is
indissoluble. More than any other
citizen, the civil employee is bound
to sacrifice and to dedicate himself
and his means to assuring that the
military branch of his government is
efficiently and generously provided
for.

Civil employees will sacrifice and
conduct themselves proudly as fel-
low fighters with their military
brothers in support of our National
leaders and their policies. And they
will not consider it a sacrifice; to
them it will be a glorious privilege.

SECURE YOUR ASSOCIATION PIN AND EMBLEM TODAY
New State Executives

New faces are to be found in several key positions in New York State government since the last issue of The State Employee went to press.

Governor Lehman, in announcing Commissioner Mealey's appointment, announced at the same time the designation of Thomas L. Holling, former Mayor of Buffalo, to the State Parole Board. He succeeds Dr. Joseph W. Moore, whose term expires on June 18.

Only a few days earlier, Governor Lehman had appointed M. William Bray of Utica, former lieutenant-governor, to the $15,000-a-year post of Public Service Commissioner. He succeeds George R. Lunn of Albany, who resigned his P.S.C. post because of illness.

Mr. Holling's acceptance of the Parole Board post came on his 53rd birthday.

HON. CARROLL E. MEALEY
President, State Tax Commission

Carroll E. Mealey, for some years commissioner of motor vehicles, succeeded to the $12,000 post as president of the State Tax Commission to succeed Mark Graves, who resigned because of illness.

HON. M. WILLIAM BRAY
Public Service Commissioner

The campaign to enroll every New York State employee as a buyer of War Savings Bonds was stepped up this week with the distribution, to all State employees, of a personal appeal by State Comptroller Joseph V. O'Leary.

Comptroller O'Leary, who three months ago was asked by Governor Lehman to formulate and direct a payroll deduction plan for purchase of bonds by State employees, emphasizes in his letter that the plan is purely voluntary.

"However," he admonishes each employee, "if you value the liberties and the material benefits you are now enjoying as an American citizen, you should not hesitate to answer this call to increase your pledge to buy War Savings Bonds up to the full limit of your power."

With the letter, which bears the slogan, "The American Way is the Voluntary Way," are two coupons State employees may fill out. One grants to Comptroller O'Leary the employee's authorization to put in effect the payroll deduction plan toward purchase of bonds. The other, printed below is for employees presently buying bonds under the plan, to increase their deductions or for employees to secure detailed information on the plan.

"Speaking to you about quotas, particularly about pledges, recalls to mind the greatest pledge of all. I wonder how many of you remember it. A few of our forefathers were called upon to sign it for the people, just as your government today is calling for the people to sign. Only these men 166 years ago did not sign up for 10 per cent. The signers of the Declaration of Independence pledged in these words: 'Our lives, our fortunes and our sacred honor'."

For America!

The appeal to State employees tied in with a radio appeal by Governor Lehman, who exhorted all residents of New York State to join in the good work of pledging 10 per cent of their incomes to War Savings Bond purchases. He concluded with:

"Speaking to you about quotas, particularly about pledges, recalls to mind the greatest pledge of all. I wonder how many of you remember it. A few of our forefathers were called upon to sign it for the people, just as your government today is calling for the people to sign. Only these men 166 years ago did not sign up for 10 per cent. The signers of the Declaration of Independence pledged in these words: 'Our lives, our fortunes and our sacred honor'."

Brind Elected President of Capital District Associated Hospital Service

Charles A. Brind, Jr., counsel to the State Department of Education and editor of The State Employee, has been elected president of the Associated Hospital Service of the Capital District.

Mr. Brind succeeds Lewis S. Greenleaf, Jr., president of the association since its inception in 1936. Mr. Greenleaf resigned to become chief of the industrial branch in the bureau of Industrial Operations at Washington.

Please increase my War Savings Bond deduction to $_______________.

I am not now a member of the Payroll Deduction Plan. Send me full details.

Name

Department and Location

STATE COMPTROLLER'S OFFICE
ALBANY, NEW YORK

May
The following is the twenty-second of a series of articles devoted to New York State Government. This series is in charge of our Editorial Board member, A. K. Getman, of the State Education Department Staff. The next article of the series, which will discuss the State Department of Public Service, will appear in the June issue.

BY HENRY E. BRUCKMAN
Chairman, State Liquor Authority

Since the Dawn of Civilization mankind has made an unceasing effort to curb the social consequences of excessive consumption of Alcoholic Beverages. In earlier days religious edicts were directed toward this end; more recently, Civil Law has borne the brunt of the effort to regulate this traffic.

In the United States numerous attempts to keep anti-social conditions attributed to the distribution of Alcoholic Beverages within reasonable bounds, culminated in National Prohibition. The failure of the “Great Experiment” is too recent a memory to warrant treating of it here. Let it suffice to say that disillusionment brought about repeal and the problem was once again restored to the individual states.

Admittedly, efforts at regulation prior to Prohibition had been all too unsuccessful, not only in New York State but throughout the Nation. The chief fault lay in lack of adequate legislation. However, the critical clamor and widespread protest that preceded Repeal awakened the public to the urgency of finally devising an adequate solution to an ancient problem. As Repeal became imminent much publicity was given to conditions in countries trying out new systems of control, and the reports of the effectiveness of these systems opened people’s minds to the importance of new principles. Consequently, there arose an almost universal willingness to consider the subject not only from the aspect of taxation and repression, but also to give due consideration to psychology and sociology. A New Deal was in the making.

It was in such a frame of mind that New York State set about formulating a new system of Alcoholic Beverage control. Almost two months before the enactment of the Cullen Beer Act, legalizing 3.2 beer, Governor Lehman appointed a commission to undertake an inquiry and report on suitable control legislation.

The report of this commission, commonly called the Conway Commission, embodying the results of its deliberations formed the basis not only for the legislation which was subsequently enacted, on April 12, 1933, to govern the manufacture, sale and distribution of beer in this State, but also for the permanent legislation governing all Alcoholic Beverages which became effective October 1, 1934. It is noteworthy that this latter legislation was adopted after the previous act had been subjected to the rigorous test of practical administration, and benefited from the experience gained thereby.

As a result of the attitude then prevailing and the considerable forethought that preceded the enactment of the Law, it was to be expected that the final instrument, Chapter 478 of the Laws of 1934, would provide a startling contrast with antecedent attempts to legislate control. The new attitude prevailing is clearly reflected in the present Law which declares that it is the policy of the State to regulate and control the manufacture, sale and distribution of Alcoholic Beverages “For the purpose of fostering and promoting temperance in their consumption.” And, furthermore, the restrictions, regulations and provisions of the Law are declared to be enacted “For the Protection, Health, Welfare and Safety of the People.” As a final token of determined departure from the past it was further stated: “It shall be against the public policy of the State to permit the selling or serving of Alcoholic Beverages for consumption in such premises as were commonly known or referred to as Saloons, prior to the adoption of the Eighteenth Amendment . . .”

The deliberations of the Commis-
sion had led to a belief that the interest of control could best be served by the creation of a central licensing body that would be removed from the reach of local politics. Accordingly, the Law, as enacted provided for the establishment of a board of five members, one of whom was to be chairman. These members, called Commissioners, were to be appointed by the Governor by and with the advice and consent of the Senate, for a term of five years, and not more than three of them were to be members of the same political party.

The creation of such a centralized body was not an innovation in control. Previously, under the Raines Law, such a body, the State Excise Commission, had been created and invested with licensing powers. Its creation was prompted by a similar consideration, more immediate at that time, due to widespread corruption to break the hold of local politics on liquor control. Unfortunately, in the case of the Excise Commission, the cure proved but little better than the disease. For, though the Commission was granted licensing powers, no adequate discretionary powers, either licensing or disciplinary, were forthcoming. As interpreted, the licensing function of the Commission was limited to the mere issuance of the desired license upon the payment of the required fee accompanied by the appropriate application. Unless there were statutory bars affecting the applicant's eligibility the issuance of the license was, in effect, a "Rubber Stamping" procedure.

Of course, this lack of discretionary licensing powers insured that the commission could function as little more than a revenue agency. But completely frustrating any serious attempt at regulation the Commission was divorced of any effective supervisory powers. Supervision must be reinforced by some form of disciplinary compulsion. Under the Law, however, a license could only be revoked by the courts. Such a procedure, of course, largely nullified attempts at enforcement. Long delays enforced by congested court calendars postponed punishment of offenders and afforded ample opportunity for repetitions of the violations.

It was obvious that if control were to be at all effective any such impotence on the part of the present authority was to be avoided at all costs.

Consequently, the list of powers of the Authority is headed by those provisions empowering it to issue or refuse licenses; to limit any class of licenses as may seem warranted in its discretion and to revoke, cancel or suspend for cause any license issued by it.

Various other provisions supplement and extend the powers and responsibilities of the Authority, but the nucleus of the Authority's ability to regulate the traffic in Alcoholic Beverages is contained in the foregoing provisions. Experience has proven that the greatest single factor in promoting observance of the Law is the Authority's power of revocation. But it is no less true that the Authority's power of discretionary licensing has provided a lever with which to influence for the better standards of distribution.

True, a minimum level of law observance must be demanded of licensees if the public welfare is to be safeguarded; but law observance, in itself, merely entails the upholding of a minimum standard of conduct. A more positive factor is required if the aims of control are to be furthered. The qualitative improvement possible under wisely administered discretionary licensing powers is a more positive conditioner of conduct in that it serves to induce higher standards of distribution in keeping with the best interests of the community.

The Raines Law may again be resurrected to serve as an illustration. Briefly, it prohibited the sale of Alcoholic Beverages on Sundays except by hotels and in conjunction with the service of a meal. As might be expected a great number of pseudo-hotels sprang into existence with the service of a meal. As might be expected a great number of pseudo-hotels sprang into existence with the service of a meal to circumvent this provision. The service of food alone was insufficient to qualify as hotels, lent themselves to minimum of inconvenience, to constitute an eating place. No "Props" will suffice to obtain a license. The Authority seeks to it that the spirit of the Law is adhered to. Again, as it is the policy of the Authority to limit the issuance of licenses, in areas already amply supplied, to clearly superior establishments which will serve to influence improvement in the surrounding neighborhood, the spirit of the Law is amplified and standards of distribution are constantly advanced.

But before treating further of the administrative policies that serve to safeguard the general public, it might be well to revert to a consideration of the functions and powers of the Authority.

Division of function and the institution of checks and balances are standard concepts of government, and in drafting the Alcoholic Beverage Control Law due heed was paid to these accepted American traditions. Under modern governmental procedure there is some overlapping of function—an overlapping that is necessary to enable administrative agencies to grapple with modern complexity. Yet the division of functions is more real than is apparent at first blush.

In the instance of the Authority, both the civil and criminal functions derive from the Legislature. Except for some minor instances, specified in the Law, no real sub-legislative authority has been delegated by the Legislature—the Authority remains only an administrative arm of the State. Again, while the Authority may be said to exercise quasi-judicial powers, inasmuch as its commissioners are entitled to conduct hearings and render decisions, its powers are no greater than those of any similar administrative body and, generally, its decisions are subject to review by the courts upon the instance of an ag-
The creation of the Authority as a centralized agency functioning exclusively for the purposes of control was deemed advisable, ample provision was made to insure local participation in the administration of the Law. Provision was made for the formation of County Boards in each of the counties of the State with the exception of those counties in New York City which were grouped together under a New York City Board. These local boards were invested with three main powers: to recommend to the Authority the issuance or refusal of licenses; to recommend revocation of licenses and, except in New York City, to further restrict the hours during which Alcoholic Beverages may be sold at retail. To implement the foregoing, they are further invested with such powers of examinations, subpoena, etc., as are essential to their operation. While the local boards are limited to making recommendations to the Authority, additional emphasis is added to their recommendation by the fact that any license issued by the Authority contrary to the recommendation of a local board may be subjected to court review. Furthermore, the local boards are largely responsible for supervising the conduct of retail licensees within their jurisdiction and have one or more persons on their staff authorized to conduct investigations of such licensees.

Further recognition of the principle of Home Rule is accorded by those provisions which extend the privilege of local option to the Towns and Cities of the State.

Under these provisions, upon the submission of a petition signed by 25 per cent of the voters within a specified period prior to the general election, any city or town may request that a local option election be held. The terms of such elections offer a number of choices to a community holding such an election. It may vote to continue under the general State Law governing Alcoholic Beverages, or to dissociate itself therefrom and adopt local prohibition. Or, again, it may vote to adopt any of the several modifications outlined under the local option provisions.

Thus the degree of home rule and self determination permitted communities may be summed up as follows: If a community remains under the general State Law governing Al-

<table>
<thead>
<tr>
<th>DISTRIBUTION</th>
<th>to</th>
</tr>
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<tbody>
<tr>
<td>State of New York</td>
<td>57.4%</td>
</tr>
<tr>
<td>Counties and City of N. Y.</td>
<td>39.7</td>
</tr>
<tr>
<td>N. Y. C. Police Department</td>
<td>9</td>
</tr>
<tr>
<td>Operating expenses: State Liquor Authority, Local A. B. C. Boards and Alcoholic Beverage Tax Unit</td>
<td>2</td>
</tr>
</tbody>
</table>

(100. %)

(Calendar Year 1941)
REVENUE from

<table>
<thead>
<tr>
<th>License Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesale &amp; Distiller Licenses</td>
<td>2.1%</td>
</tr>
<tr>
<td>Retail Licenses</td>
<td>29.0%</td>
</tr>
<tr>
<td>Permits</td>
<td>0.6%</td>
</tr>
<tr>
<td>Beer Tax</td>
<td>15.2%</td>
</tr>
<tr>
<td>Liquor Tax</td>
<td>50.4%</td>
</tr>
<tr>
<td>Wine Tax</td>
<td>2.7%</td>
</tr>
</tbody>
</table>

Total 100.0%

(Calendar Year 1941)

In treating of the types of licenses issued by the Authority, the licenses may be classified according both to the function they authorize and the type of beverages included in the terms of the several licenses. They may be further subdivided as to function according as to whether they authorize manufacture, or wholesale or retail distribution of particular beverages. Basically, a Manufacturer's license permits manufacture and sale to Wholesalers of a special type of beverage. Sale to Retailers is provided for under the terms of the several types of wholesale licenses authorized; and retail sale to consumer, which applies to by far the largest number of licensees, is permitted under the terms of the several retail licenses issued. A further breakdown as to function of the license is entailed in the provision for on and off-premises licenses. In general, on-premises licenses are restricted to sale for on-premises consumption, the only exception being that off-premises sale of beer is also permissible under the terms of such licenses. But there is no exception to the rule that off-premises licensees are restricted to sale for off-premises consumption only.

One of the chief aims of control is to achieve decentralization of the industry. The main reason for this decentralization is to prevent any tie-up of the various classes of licensees such as prevailed prior to prohibition. During that period, what was termed the "Tied-House," where a retail outlet was controlled by either a wholesaler or manufacturer, proved one of the greatest stumbling blocks to effective enforcement. The combination of interests rendered prosecution difficult and served to put such establishments "Above the Law." Vicious practices flourished under such a set-up which was found to prevail in a large proportion of licensed premises.

The second basis of differentiation among licenses is based on the type of Alcoholic Beverages authorized by the license. Three types of licenses are thus provided for—Beer, Wine and Liquor. The holder of a retail beer license is restricted to sale of beer and cider. The possessor of a wine license is entitled thereunder to sell not only wine, but also beer and cider. Finally, a liquor licensee is granted the inclusive privilege of selling liquor in addition to the other beverages mentioned above.

Fees for the above licenses vary both according to the type beverage authorized and to the population of the community served. This seems most equitable inasmuch as the ascending scale of beverages permitted under the several types of licenses permits of a greater distribution by the liquor licensee than, say the beer licensee. It is only fair that he pay a larger fee for the greater privilege entailed. Likewise, it appears just and reasonable that a licensee located in a thickly populated area and being likely to attract a larger volume of business should be required to pay a larger fee than a licensee in a sparsely populated area whose volume, of necessity, will be restricted.

In order to expedite action on applications for licenses and to insure closer supervision of the activities of licensees in the various sections of the State, the State has been divided into three Administrative Zones. Zone 1, which covers the southeastern portion of the State, embraces New York City and the counties immediately adjacent to the metropolis; Zone 2 embraces the east central and northern counties of the State and Zone 3, the western and southern counties. In each of these zones an administrative office, presided over by one or more Commissioners, is maintained—in New York City, Albany and Buffalo, respectively.

The wisdom of such a set-up is readily apparent when the manner of handling retail applications is
considered. It will be recalled that the local boards have powers of recommendation in connection with the issuance or refusal of such licenses. Consequently, all such applications must be filed with the appropriate local board. Upon receipt of the application an inquiry will be instituted by the local board as to the fitness of the applicant and the desirability of licensing the applicant premises. Both the applicant's character and the suitability of the premises are thoroughly investigated and an earnest effort is made to determine whether or not there is need for the type premises applied for—a very real portion of the Authority's function is to provide an unbiased estimate of public demand. The local board may or may not, as the circumstances warrant, deem it necessary to hold a hearing in connection with the application. In either event, the application is passed upon by the members of the local board and then transmitted to the appropriate zone office together with the board's recommendation.

Upon receipt of the application by the zone office the applicant and premises are both checked against the Authority's files for past license history or any "Stop" that might influence action on the application. In most cases, a hearing is then arranged before the Board of Deputies—a board composed of Deputy Commissioners of the Authority who also function as Executive Officers of the Authority and are responsible for bureau operations. The Board of Deputies reviews the application record, make further inquiries into the character of the application and the operation of the premises and, if the application has been disapproved by the local board, affords the applicant an opportunity to state any grounds of disagreement with the local board's recommendation that may exist. If the circumstances seem to warrant further investigation the Board of Deputies arranges for the same. After carefully examining all aspects of the application the Board of Deputies notes its decision and the reasons for the same. The application is then submitted to a Commissioner who reviews the findings and determines the issuance or refusal of the license.

This may appear to be a complicated procedure, but if the public welfare is to be safeguarded consideration of an application cannot be treated lightly. Nor indeed from the viewpoint of the applicant, who may have a considerable investment involved, is this careful procedure superfluous.

As the public welfare is the first concern of the Authority, it is often found necessary to refuse licenses to applicants of high character who apply for a license in good faith. When an area is amply supplied with licensed premises and the issuance of any further licenses would only react to the detriment of control the Authority has no option but to disapprove the application even though such disapproval works a hardship on the individual.

To obviate such hardships the Authority has urged that applicants make use of preliminary applications prior to filing a formal application or investing any considerable amount in the projected premises. Such an application receives the full consideration of the Authority, and the applicant is then advised as to whether or not a license would be issued. Where this procedure is followed the Authority, while continuing to protect the public interest, is also able to safeguard private enterprise from ill-considered risks.

By dint of taking every possible licensing precaution the number of potential law violators has been narrowed, insofar as is humanly possible, at the source of licensing. Furthermore, the progressive licensing policy of the Authority, which limits the issuance of new licenses to patently superior establishments, has through the consequent infusion of higher competitive methods further narrowed the scope of misconduct. Results have proved this policy most effective both in raising the standards of the average premises and in curtailing the number of violations.

To effect such supervision the Authority's field staff of investigators is constantly employed in investigating complaints and surveying conditions. In addition, investigators of the local boards perform a similar function. However, as previously mentioned, the intent of the law was that the chief burden of enforcement was to be shouldered by the duly constituted police authorities responsible for general law enforcement. 'Since, therefore, an intent to provide for a field personnel large enough to effect complete and continuous supervision of the large population of licensees by the Authority.) Consequently, a considerable portion of the violations acted upon by the Authority originate with the outside agencies—with the local and State police and with Federal Agencies.

The vast majority of violations thus reported are of a minor nature and are disposed of by means of interviews and notices of violation serving notice on the licensee of the conditions to be corrected. Experience has shown that such notice, followed up by an inspection of the licensed premises, is generally sufficient to insure compliance. Each year, however, there are several hundred cases, over the past four years an average of 410 per annum have occurred, serious enough to warrant a hearing resulting in action against the license. In approximately one-third of such cases protection of the public interest necessitated cancellation or revocation of the license; in the remaining two-thirds, temporary suspension of the license privilege was adjudged sufficient object lesson to insure the future good conduct of the licensee.

Any action against a license, no matter how serious the charge, is taken only after the licensee has had ample opportunity to hear the evidence against him and offer testimony in his own defense. Such a hearing is conducted with one or more Hearing Commissioners presiding. However, the presiding Commissioner is limited to making a recommendation on the basis of the evidence presented. Final action against the license is taken only after the facts of the case and the Commissioner's recommendation are reviewed at a subsequent meeting of the members of the Authority. Under such a procedure, which is speedier than if court action had to be instituted against the licensee, a malefactor is denied any extended opportunity to indulge in practices detrimental to the public welfare. Every precaution is taken, however, to safeguard the offending licensee from a miscarriage of justice and, furthermore, recourse to the courts is provided for those who may deem themselves aggrieved.

The administration of the Alcoholic Beverage Control Law has been endorsed by the public of this State. Contrary to pre-prohibition experience, recourse to local option and dissociation from the law has progressively dwindled until, at pres-
ent, less than one per cent of the population live in dry communities. Again, surveys have demonstrated that not only have the standards of distribution advanced considerably over the past few years, but also that the public is appreciative of the positive contributions of control.

Many of the public benefits brought about by control—regeneration of respect for law, the exclusion of gangsterdom from trafficking in alcoholic beverages and the diversion of an enormous revenue to the Federal and State Treasuries, to mention but a few—are too widely recognized to warrant treating of them here. Not so well recognized, however, are the concrete contributions that control has made to the public well-being of the State through the medium of the more moderate consumption of Alcoholic Beverages that has been achieved since Repeal.

The following comparison of fatalities and anti-social conduct, directly traceable to the consumption of Alcoholic Beverages, affords some illustration of the degree of achievement. If, in considering this tabulation it is recalled that since 1930, the population of the State has increased 7.1 per cent, and that motor vehicle registrations increased 27.6 per cent between 1934-1941, the decreases apparent will take on added significance.

<table>
<thead>
<tr>
<th>Year</th>
<th>Death Rate Per 100,000</th>
<th>Arrests for Intoxication</th>
<th>Licenses Revoked: Driving While Intoxicated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1929</td>
<td>8.8</td>
<td>52,864</td>
<td>2,816</td>
</tr>
<tr>
<td>1930</td>
<td>8.5</td>
<td>56,644</td>
<td>2,759</td>
</tr>
<tr>
<td>1931</td>
<td>8.7</td>
<td>45,644</td>
<td>2,186</td>
</tr>
<tr>
<td>1932</td>
<td>3.1</td>
<td>36,922</td>
<td>2,462</td>
</tr>
<tr>
<td>1933</td>
<td>3.2</td>
<td>37,460</td>
<td>1,999</td>
</tr>
<tr>
<td>1934</td>
<td>3.1</td>
<td>36,440</td>
<td>1,941</td>
</tr>
</tbody>
</table>

*** Not Available.

The above tabulation indicates the considerable progress made toward the goals set forth in the statement of policy introductory to the Alcoholic Beverage Control Law. Certainly the decrease apparent in the above barometers of excessive drinking is indicative of a greater degree of temperance, and such an achievement cannot be deemed unbefitting to the health and welfare of the people of this State. Nor has the saloon been permitted to return and undermine the health and morals of the communities of the State. Every effort of the Authority has been directed toward preventing its return, and public opinion and physical surveys indicate that this objective has been accomplished and that the present retail establishment is many degrees removed from the old “breeding ground of vice.”

Production of revenue is not properly a function of the Authority; yet, due to the nature of its operations, it is a revenue producing agency. This arises from the fact that the traffic in Alcoholic Beverages can be made productive of a considerable amount of revenue and, as a luxury, liquor is adjudged amenable to taxation without working undue hardships. In any event, traffic in Alcoholic Beverages over the past nine years has resulted in a total of $348,574,573.00 being paid into the State.

This very considerable revenue, more than sufficient to cover the State Budget for a year, has been gathered at the economical rate of 2c per dollar of revenue. This low cost represents the administrative and field expenses of the Authority; the expenses of the local boards and the cost of tax collection incurred by the Alcoholic Beverage Tax Unit of the Department of Taxation and Finance.

Not all of this revenue is retained by the State. The following graphs, covering the calendar year 1941, illustrate the sources of revenue and the distribution of funds. The financial advantages accruing to the public at large may be emphasized by stating that, exclusive of the seventeenth of each cent of population residing in dry areas, an approximate annual distribution of $1.68 for each man, woman and child resident is ultimately received by the cities, towns and villages of the State. This considerable direct pecuniary gain is in addition to the benefits bestowed on localities through legislative grants, State aid and other finance legislation made possible by the increase in State revenue, which is in part due to collection of license fees and tax receipts on alcoholic beverages.

**BUY WAR BONDS BY SALARY DEDUCTION PLAN**

*(See Page 119)*

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**St. Lawrence State Hospital Notes**

By C. Gilbert Beck

Another of the popular mixed doubles tournaments marked the closing of the bowling season at the Curtis Hall Alleys. Winners in the event follow:

High Team: Howard Raymo-Eldred Edgerton.
Second High Team: Charles Lockwood-Bebe Leonard.
Third High Team: Vernon Vroom-Julie Riska.
High Single, Men: Gilbert Beck.
High Single, Women: Eldred Edgerton.

Prizes for the unluckiest of the luckless were awarded to Eldon Davidson, Virginia Vines and Harley Murphy. It may be noted here that the girls’ team from here captured first place in the Ogdensburg citywide bowling league.

A largely attended Bingo party at Curtis Hall on April 22nd was the featured social event of the month. In keeping with the times, war savings stamps were awarded as prizes. Proceeds of the party will be used to send gift packages to the men and women from the hospital in the service.

Dr. Harold H. Berman, first Assistant Physician, was called for duty as a lieutenant Commander in the Naval Reserve on April 20th. He will be stationed in Washington, D.C. Other hospital workers leaving for the armed forces include: Francis Baker, George Travis and John Story, a former employee.

Dr. Clifford E. Howard, formerly Senior Assistant Physician at Binghamton State Hospital, is our newly appointed Clinical Director.

Inadvertently omitted from the discussion of the hospital role in defense activities was mention of Observation Post 69A; Civilian Observers of the First Interceptor Command, Ground Observers Section D. The post is located at the home of Ernest Richardson and is in charge of two hospital men; Mr. Richardson as Chief Observer, and Paul Briggs as Assistant Chief, respectively. There are approximately sixty-eight observers on the post; some twenty-five being hospital employees. The observers are all volunteers, and take their tour of duty regardless of weather conditions at their specified hours.
Think Back a Bit

In 1930 the situation as to classification, compensation and promotion of State workers was “chaotic.” That was the term applied by the then Governor and now President Franklin Delano Roosevelt. This was also the way such distinguished leaders of the Legislature as Eberly Hutchinson viewed conditions. Mr. Hutchinson described the fixing of salaries as the “by-guess-or-by-God” method. In 1930 thousands of State workers were on a twelve-hour day. In 1930 State workers had no sick leave plan. In 1930 less than half of State workers were in the competitive civil service class. In 1930 the merit plan was largely ignored for county, village and other sub-divisions of government. In 1930 State employees were almost totally unorganized.

Look at the Situation Today

Employees of the State of New York now have as advanced a plan of classification, compensation and promotion as is anywhere in effect. The twelve-hour day has been abolished. A fair sick leave plan is in operation. The great majority of workers are in the competitive class, and the merit system is being extended throughout the public service. Today, State employees are organized in a single State-wide association to the extent of 75% of workers.

Is the Job Done?

Laws are only as good as their enforcement. To assure that the thousands of institutional employees are properly classified, those employees must be organized and have representation before the classifying agencies. To assure that salary standardization is fair and complete, employees must be represented before the Standardization Board. To get the maximum from sick leave rules, removal protection, service rating regulations, budget rulings, civil service recommendations, and dozens of other future activities, employees must support and depend upon their employee organization.
of Association’s History!

A Worker’s Organization Is Only as Strong as Its Membership!

YOU — the individual worker — are the warp and web of YOUR State-wide Association of State Civil Service Employees. YOU have built this organization by your membership. To be effective the Association must have YOUR membership NOW AND IN THE FUTURE.

Check Upon YOUR Own Membership Card Today!

Are you in good standing for 1942? If not, surely you have delayed long enough. This is the fifth month of the year. And how about your fellow worker? His membership is important, too. Every year since 1930 your Association has increased in membership. In 1930 the membership was less than a thousand. Last year it was over 35,000. This year it should be 40,000. This total can be reached if you and your fellow worker do your part.

Your officers and committees have done their part in securing increased salary appropriations of over $2,500,000.00 for State workers for the fiscal year 1942-43; in having the Feld-Hamilton Law extended to mental hygiene, prison and other institutional employees; in instituting and progressing many worthwhile bills in the Legislature and in securing the defeat of many proposals which would weaken the merit system; in representing you faithfully before the Governor, the Legislature, the Budget Division, the Civil Service Commission and heads of State departments generally. Legislation successfully sponsored by the Association for the safeguarding of State workers in military service and in defense activities affords the most complete protection accorded public workers in any jurisdiction anywhere.

How Could These Things Be Cared For Without Organization?

Without the Association, State workers would be completely helpless, and have no means of proposing, presenting or obtaining attention to any employee problem.

YOUR membership is plainly essential to present protection and to future progress and improvement.

Make Yourself Responsible for One New Member . . . and Please Do It Today!
Local Government in N. Y.

COUNTY ORGANIZATION

"We can have no effective democracy on a national scale if the sources of democratic action on the local front are corrupt or even just inefficient."

—Clarence Dykstra.

Evolution of Local Government.

The structure of local government has lagged anywhere from a few years to a generation and a century behind the changes in living wrought by science and invention. Even today many forms of local government are almost identical with the colonial pattern of government. Local government in colonial New York felt the influence of both New England and the South. The New York colonists found it convenient to combine the town unit characteristic of New England with the county unit characteristic of the South.

The territorial bounds of the town and county system were adapted to the horse-and-buggy era. The town was a functional unit representing the area within which a majority of the citizens found a common meeting center for their weekly trading. A trip to the county center represented for the most part no more than a day's journey with a horse and buggy.

Local government was largely limited to protective functions. The discharge of these functions was vested in a large number of elective officials. During the early period people wanted to be left alone, for according to their political experience government tended to oppress rather than to free the citizenry. Consequently government was curtailed to protective essentials only. The chief requirement for office holding was that a man should be honest and of good will. These qualities were best secured, it was felt, by choosing a member of the community who through election should be directly responsible for his official actions to his neighbors.

The modern era is definitely committed to a positive or "service" type of government. People no longer are satisfied with a government confined to mere protective activities. Furthermore, they no longer wish to be protected from the government but rather by the government. Nor will the modern citizen tolerate for long waste and inefficiency. He demands the same high quality of service from the government that he has been in the habit of receiving from business and industry.

These changed demands have put a heavy strain upon the traditional pattern of government. During the gradual transition characteristic of the 19th century the necessary readjustments were satisfactorily hung upon the existing framework of government. Most of the added demands for local services were absorbed by the creation of cities and villages. The special needs of cities and villages were met by particular provisions of their charters.

Appearing on this page is the first of a series of three articles dealing with local government under the authorship of W. Seward Salisbury, Head of the Social Studies Department, Oswego State Normal School. Dr. Salisbury from his wide studies in the field of local and State government is making a unique contribution in the present series. His clear analysis of the current trends and issues, his graphic outlines and his devotion to high standards of citizenship are certain to impress our readers.

A. K. GETMAN.

Until the advent of the automobile and the hard road, towns and counties found they could meet the demands of the changing times with but minor adaptations to the form and structure of local government. With the automobile and hard road people found that many of the problems arising out of the increased complexity of rural and semi-rural life bore no relation to the traditional boundaries of the town. The people were not interested in the wholesale reorganization of local government, but they did want immediate relief for specific problems. The advent of the special improvement district has, until recently, compensated in a large measure for the deficiencies of the county and the town.

The problem of local government adjustment is complicated by the great disparity in population and the wide range of problems confronting the various towns and counties of the State. All the area outside of New York City has been subject to one general type of county government, yet the population in these counties ranges from less than 4,000 to more than 700,000. The towns of the State range in population from less than 100 to more than 180,000. In some rural towns located in areas where the land is being rapidly abandoned there are scarcely enough people to hold the town offices. At the other extreme there are towns located in heavily populated and prosperous suburban areas which are divided and subdivided into numerous special improvement districts to provide for particular public services.

The demands of the people for increased services—roads, welfare, health, have swelled the county and town budgets to impressive figures. In many cases county administration of the services of government has been ineffective and weak. The legislative body of the county, the board of supervisors, is also the executive body. For the administration of the increasingly complex and technical functions of county government this multiple executive, varying in New York from 5 to 54 members, has frequently failed to meet the demands of efficiency or to fix properly the lines of responsibility. The board of supervisors has been further handicapped because numerous county officials are provided for in the State Constitution and by the State statute, and frequently may act independent of the board.

The haphazard process of adding on to the old structure of local government found New York in the early 1930's cut up into more than 13,000 separate and often conflicting jurisdictions. There were 62 counties, 932 towns, 61 cities, 553 villages, about 9,000 school districts and over 2,500 special improvement
It was apparent that fundamental reorganization could no longer be delayed. Furthermore, it was generally accepted that reorganization for New York State should recognize both the principles of efficiency and effective home rule. These two objectives are not easily reconciled. Efficiency is generally secured through larger units of administration, while a major objective of the traditional small unit was, of course, the guarantee of home rule.

**COUNTIES**

Organization. The Constitution especially authorizes the Legislature to provide for the organization of cities and incorporated villages. The Constitution maintained a complete silence concerning the organization of counties and towns until the adoption of the County Home Rule Amendment in 1935. However, the organization of counties has been provided for through statute under the authority of the "legislative power" vested in the Senate and the Assembly. The fourteen counties in existence when the State came into being have since been increased by successive legislative enactments to sixty-two.

Structure of County Government. The Constitution is more specific concerning the structure of counties. Each county outside of New York City is required to have a board of supervisors or other elective body. The board of supervisors is vested with both the legislative and executive powers of the county. The policy by which the important functions of the county are administered is determined by the board. It fixes the budget, audits bills, and considers special expenditures. The board is organized into committees, such as the highway, finance, welfare, administration, and health committees.

The board of supervisors is composed of one supervisor from each town and a number of supervisors from the cities according to the terms of the city charter. The supervisor is both a town and a county official. In most cases the supervisor is paid by the county on a salary basis with an allowance for traveling expenses. All towns of the State will, beginning January, 1943, when the budget system for second-class towns goes into effect, be required to compensate the supervisor for town service by a salary alone without fees.

Prior to 1935 there could be no change in the composition of the board of supervisors except by constitutional amendment. Westchester in 1922 and Nassau in 1930 were freed from this restriction by amendment. Prior to 1935 counties were further restricted by a constitutional provision requiring the election of county sheriffs, clerks of counties, district attorneys, and registers of counties having registers. In addition county judges, and surrogates are provided for and regulated by the Constitution. Furthermore the Constitution imposed a serious restriction upon any attempt to change or transfer functions vested in a county officer recognized by the Constitution.

County Home Rule Amendment 1935. Prior to the County Home Rule Amendment it had been impossible for counties to have an adequate budget system because of interference with the constitutional powers of constitutional officers. It has been impossible to transfer a function from a small unit, incapable of properly performing that function, to a larger unit. Such restrictions may be removed if a county chooses to take advantage of one of the several home rule statutes.

The Amendment gives New York City control of the five county governments within the city and requires the Legislature to provide alternate forms of government for the other counties. Rural and urban areas cannot be made to participate in any changed form of government against their will. The Amendment requires that no alternate form of government shall become effective until it receives at a county-wide referendum a majority of the total
The Legislature is prohibited, just as it is with regard to cities under the City Home Rule Amendment, from passing any law relating to the property, affairs or government of any reorganized county which shall be special or local either in its terms or in its effect. But the Legislature may pass general laws relating to the property, affairs and government which apply alike to all counties. However, the Legislature may, on message from the Governor that an emergency exists and the concurrent action of two-thirds of the members of the Senate and of the Assembly, pass special and local laws.

The Amendment provides leeway for complete reorganization of the legislative body and the administrative agencies of the government of the county. The Legislature is empowered to provide for the transfer of any of the functions and duties of the county and the cities, towns, villages, districts and other units of government contained in it to each other or the State, and for the abolition of offices, departments, agencies or units of government when all of their functions are transferred. As a result of the authority granted by the County Home Rule Amendment, the Legislature has provided a number of optional forms of government to meet the needs of the counties and towns.

A county manager form provides for the continuance of the present board of supervisors and the appointment by it of a county manager to be responsible for the administration of the county business. This executive is to appoint all other county officers and employees, with the exception of the county judge, judge of the children's court and the district attorney, who are to remain elective officials. An independent auditor is to be selected by the board of supervisors to provide an outside check upon the administration.

A county president form provides for the continuance of the present board of supervisors and the establishment of a county president, who is to be elected by the voters of the county, to serve as chairman of the board of supervisors and to have complete responsibility for the administration of the county business. He may veto county laws or resolutions passed by the board of supervisors, but the board may by a two-thirds vote override the veto. He may also veto changes in the county budget made by the board.

The council president form and the council president form are similar to the above forms except that a county council is substituted for the present board of supervisors. The council has a small membership, five in the counties under 25,000 population, seven in counties from 25,000 to 100,000 and an optional number for counties of more than 100,000. Under the council plan the office of town supervisor is not abolished but the supervisors remain solely as town officials while the legislative business of the county is carried on by the newly created county councils. The office of city supervisor is abolished and the functions are transferred to the members of the county council from the city. The members of the county council may be chosen from the county at large, with residence in certain districts specified, or from districts.

Under the selective form of government counties may improve their governmental organization as quickly or as gradually as they desire. The selective form provides that a county may adopt any of the features embodied in the four preceding forms of government as well as any of the features which are optional for inclusion in these four forms. However, a budget system, and independent audit in the absence of a department of audit and control, and the abolition of the fee system of compensation is mandatory for all counties choosing the selective form.

Other options offer many desirable features. The sheriff and county clerk may remain elective offices or be changed to appointive offices. Counties may, if they wish, have an elective county comptroller, a county police department, a county fire commission, a county park and recreation commission and a county planning commission.

The broadest powers of contract between various units of government are possible. A village or town may contract with any county or with some other unit to perform a particular service for it. A village, town or county may contract with the State police to supply police protection within the territory concerned. Units may combine with each other in the joint performance of functions. Two or more towns, or two or more counties, may jointly employ a purchasing agent or jointly construct and maintain the roads. A county may also provide for a county board of assessment review.

Certain of the options make possible for the adoption by a county of such modern devices of expressing the common will as proportional representation for county boards of supervisors, preferential voting for all county officers, and a non-partisan ballot.

The County Law requires, in addition to the offices named in the Constitution, the election of a county treasurer and of one or more coroners. The Public Welfare Law requires the appointment or election of a county commissioner of public welfare in each county. The Agriculture and Markets Law requires the appointment by the board of supervisors of a sealer of weights and measures for each county.

The County Law makes permissive the election of a county comptroller, of a county surrogate in the more populous counties, and the appointment by the board of supervisors of a county auditor, a purchasing agent, and a county attorney. In addition a number of health, welfare, education, planning, and other experts and consulting specialists may be appointed at the discretion of the county.

The State Employee
The powers and responsibilities of the towns are not changed or modified by the changed county government. The new government for Nassau County became effective January 1, 1938. A county executive is elected for a three-year term. He presides at the meetings of the board of supervisors and exercises the veto power. The elective constitutional officers continue. The treasurer, director of welfare, commissioner of public works, county attorney, medical examiner, purchasing agent, and commissioner of police are appointed by the executive subject to the approval of the board of supervisors. The county operates under a budget system. A number of functions formerly performed by the towns have been taken over by the county. Assessment, health and welfare work is now performed by the county and the town justices of peace courts have been abolished in favor of a county district court system. A county civil service commission administers civil service rules for county personnel.

The new government for Westchester County became effective January 1, 1939. The county executive is elected by the people for a four-year term. Constitutional officers are unchanged. The county executive appoints the commissioners of finance, welfare and health, the county attorney, budget director, and medical examiner, subject to the approval of the board of supervisors. The executive appoints a chief personnel officer. The board of supervisors may submit to the voters of the county propositions for a county assessment, a debt commission, and a small legislative board. A plan to reduce the board of supervisors from 47 to 11 was rejected by the voters in November, 1941.

In each of the three instances just mentioned the county has a large population and a large amount of taxable property and is not typical of rural counties. However, a number of changes in county government are being put into effect in rural areas. A number of desirable changes can be made in any county without the formality of the adoption of a charter or a new form of government.

A large part of the changes gradually taking place in rural counties are concerned with financial administration. Increased services performed by local units have called for improved fiscal practices. When the expenditures of counties and towns were low, the fiscal administration could be fairly well taken care of by an annual audit of the bills by the town board and by the county board. The great increase in highway and welfare expenditures has made it necessary to pay these bills throughout the year rather than at the annual sessions of the county and town boards. In a number of counties this situation has been met by the appointment of a county auditor or the election of a county comptroller in whom is centralized a large amount of the responsibility for auditing of bills.

Several rural counties have a purchasing agent. The purchase of materials and supplies has reached the point where significant savings can be made through such an office. A number of rural counties have adopted some form of modern budgetary control.

In some counties, through the leadership of the county or the district attorney, or through the justices themselves, a great deal is being done to improve and standardize the work of the justices of the peace.

Forms of government are now available permitting the greatest possible efficiency in the discharge of local services. It is both the duty and opportunity of all enlightened citizens of the State to study their local situation and determine in what manner these efficiencies may be achieved; by adopting a fundamental reorganization or by seeking reform through the improvement of the existing organization.

### Good-Will Association

The Good Will Association of the State Insurance Department recently completed its first year of operation. This Association's principal objective is to provide an appropriate manifestation of fellow-employee sentiment upon marriage, transfer, resignation, retirement, illness or death of a member and birth or death in the immediate family of a member. Also, as its name indicates, the Association has as its general purpose the promotion of good fellowship and friendship among its members. Membership is restricted to permanent employees of the Albany Office of the State Insurance Department, and dues are payable monthly based upon a percentage of the member's annual salary. Grants are made in accordance with a fixed schedule, and, in cases of marriage, transfer, resignation or retirement, are graduated according to the length of the service of the member.

Officers of the Association are pictured above. Left to right: Douglas W. Graham, Treasurer; Ethel C. LaGrange, Vice-President; Victor S. Cohen, President; and Catherine D. Renfurt, Secretary.
YOU Cannot Afford to

LOW-COST LIFE INSURANCE

The unpaid officers and committees of the Association expended much time and energy in using the tremendous purchasing power of the Association's 35,000 members as a group to arrange low-cost, broad coverage life insurance protection for its members. The Group Life Insurance Plan, sponsored by the Association, and underwritten by the Traveler's Insurance Company, of Hartford, Connecticut, was started June 1, 1939, and thousands of employees have enjoyed its protection since that date. Hundreds of beneficiaries of deceased members of the plan have realized its value in the loss of loved ones.

LOW COST . . .

For example, at age 39 or younger, $1,000 of life insurance protection may be secured at a cost of only 30¢ per pay day. At older ages employees receive coverage at slightly increased rates.

No increase in rates has as yet been put in effect for insurance issued under the Group Life Plan, although practically all insurance companies have increased their premium rates during the present war period.

No War Rider has as yet been placed on policies issued under the Group Life Plan, exempting coverage for deaths due to war causes.

EASY PAYMENT . . .

Payment for the insurance is made by the easy method of payroll deductions. The policy holder merely authorizes the State Comptroller to deduct the small semi-monthly premium payments from his salary, and such deductions continue automatically, and to discontinue the insurance, if he desires later on, he notifies the Comptroller to stop deductions and the insurance automatically cancels.

CONVERSION PRIVILEGE WITHOUT MEDICAL EXAMINATION . . .

If an employee terminates employment with the State, or attains age 70, thereby prohibiting continuation of his group insurance, he may convert his insurance, without medical examination, to an individual policy of life insurance at his attained age rate in any of the forms customarily issued by the Travelers Insurance Company, except term insurance, provided written application for the conversion is made to the Insurance Company within 31 days after termination of employment or attainment of age 70.

Upon retirement a member of the group plan may continue his group insurance until he attains age 70 by making premium payments to the Association.

WHO IS ELIGIBLE TO APPLY?

Any employee of the State of New York, who is a member of The Association of State Civil Service Employees, or eligible for membership, may apply for insurance under this plan from the first day he works for the State. This special plan of insurance is available only to State workers and was established especially for them.

Application for the insurance must be made while the employee is actively employed. The insurance will become effective on the 1st or 16th of the month following the date payroll deduction to cover the cost of the insurance is made. New applications, as received, will be placed in order for payroll deduction with the greatest expediency.

Certificates of Insurance are issued by the insurance company to the Association for delivery to each member insured under the plan.

NO MEDICAL EXAM

For New Employees . . .

New employees may secure the group life insurance without medical examination providing application for it is made within the first 90 days employment by the State. If application is not made within that period, the Insurance Company's regular medical examination is necessary, and is given without expense to the applicant.

Many new employees are daily entering State service. Present policyholders in the Group Life Plan could render worthwhile service to these new employees by bringing the Group Plan to their attention.

BROAD COVERAGE . . .

SAME RATES REGARDLESS OF OCCUPATION

The Group Plan of Life Insurance pays for death of its members due to any cause. Claims have been paid to beneficiaries of members who have died by natural means, by accidental means, by suicide and even by murder. The exceptions found in some contracts of insurance do not exist in the group plan. Deaths due to any reason are covered.

The same rates apply for all employees insured under the Group Life Plan, regardless of whether the employee does clerical work, or has a more hazardous job, such as prison guard, State trooper or hospital attendant.

On individual insurance secured through the regular channels, rates are charged proportionately with the risk involved; a prison guard, State trooper or hospital ward employee would be charged more per thousand of insurance than a clerk, stenographer or doctor.

State workers having dangerous positions should consider this item carefully.
Miss This Opportunity...

AVAILABLE ONLY TO STATE WORKERS

CLAIMS PAID...

Over $550,000.00 has been paid in claims to beneficiaries of 339 deceased members of the Group Life Plan since it started June 1, 1939. There is no red tape or delay in settlement of claims, as payment is made usually within 24 hours of the time the Association is notified of the death. Death has shown no partiality—deaths have occurred in all age brackets—the young as well as the old.

The following is a list of claims paid in each State Department since June 1, 1939:

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<thead>
<tr>
<th>Department</th>
<th>No. of Claims</th>
<th>Amount</th>
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<tr>
<td>Agriculture &amp; Markets</td>
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</tr>
<tr>
<td>Taxation &amp; Finance</td>
<td>11</td>
<td>23,000</td>
</tr>
</tbody>
</table>

WHAT THEY SAY:

Many unsolicited but commendable letters have been received relative to the Group Life Insurance Plan. The following are but a few:

The Superintendent of one institution wrote:

"The first thing I wish to say is that I was almost astounded at the rapidity in which this payment was made, for with most insurance companies you have to wait a long time and present almost every form of document, so it is quite evident that the employees' Association is doing everything possible to aid the distressed employees."

The wife of a deceased employee advises:

"It is gratifying to receive such splendid service at a time like this and I feel that the Association cannot be too highly recommended."

An Association Representative states:

"I delivered the check to Mrs. — yesterday afternoon. She was noticeably surprised at the promptness of the payment of this claim, as the funeral of her step-son had not yet taken place. This is the second case when I have delivered a group insurance check to a beneficiary prior to the funeral of the deceased member."

Another beneficiary wrote:

"I wish to thank you for the prompt handling of this matter, and will be glad to tell my fellow employees in the Association of the prompt handling of this insurance claim."

Another Association Representative advises:

"I delivered the insurance check to Mrs. — this noon. She had evidently filed a claim for another insurance settlement recently and commended the Association on the lack of long blanks and other requirements before the insurance payment under the group plan could be paid.

No State Employee should overlook this opportunity to protect his or her family and loved ones. Apply TODAY for the low-cost broad coverage life insurance issued under the Group Plan, made available by the Association. You pay for it the easy way—by small deductions from your salary.

If you do not have the group life insurance, fill out, detach and send the coupon below and investigate into the matter.

If you do, bring the group life insurance to the attention of your fellow State worker.

Use This Coupon TODAY!

Association Headquarters, Room 156, State Capitol, Albany. Please send the undersigned application and detailed information relative to the Group Life Insurance Plan available only to State employees.

(Name)  
(Department or Institution)  
(Work address)
Civil Service Notes

BY THEODORE BECKER
State Department of Civil Service

CONFERENCE

The State Department of Civil Service will play host to the Eastern Regional Conference on Public Personnel Administration, conducted under the auspices of the Civil Service Assembly of the United States and Canada, which will be held at the DeWitt Clinton Hotel in Albany on Friday and Saturday, June 5 and 6. Heads of State departments and agencies and their personnel staffs have been invited to participate with the Assembly's members in the Conference proceedings.

According to the program announced by Eugenia G. McLaughlin, Chief Examiner of the State Civil Service Department and Secretary-Treasurer of the Conference, concurrent panel discussions have been arranged so that topics of particular interest to State personnel people will be available throughout the Conference. On the morning of Friday, June 5, the discussion on "Relation of the Central Personnel Agencies to Operating Units," should be of interest to State employees. Participating will be representatives of other jurisdictions. Dr. Frank L. Tolman, Association representative of the New York State Department of Education and Secretary of the Temporary Salary Standardization Board, has been invited to participate as a member of the panel. The subject to be discussed on the concurrent panel is, "Application of the Merit System to Local Units." The topic chosen for the Friday afternoon meeting, that should interest State Personnel people is, "Coordination of Budget and Personnel Agencies." A representative of the Budget Division in the State Executive Department will probably sit on the panel at this discussion. The concurrent panel will be on the subject of "Decentralization in the War Effort."

The morning and afternoon sessions on Saturday, June 6, have been planned to provide for an exchange of ideas on how various national, State and local agencies are meeting the special personnel problems arising out of the present national emergency. The topic chosen for these meetings, "Emergency Recruitment and Training," will be discussed by members from Canada and from Washington, D. C., who are expected to outline what has been done and what still remains to be done by civil service agencies and civil servants to answer the challenge of the war's demands. Mrs. McLaughlin has also announced that Governor Herbert H. Lehman has been invited to speak at the Conference luncheon on Saturday.

Other members of the State Civil Service Department assisting Mrs. McLaughlin with the local arrangements are: Mary G. Kane, Registrar for the Conference; Catherine E. Shanahan, in charge of Social Arrangements; and William E. Tinney, in charge of Printing. Other officers of the Conference are: Harry W. Marsh, President of the New York City Civil Service Commission, Chairman of the Conference; and Albert H. Aronson, of the State Technical Advisory Service of the Social Security Board, Vice-Chairman.

PAY DIFFERENTIAL

According to a decision rendered in the Supreme Court in New York City recently, a New York City fireman who became a member of the United States Marine Corps Reserve after December 7, 1941, with knowledge that he would be immediately transferred to active duty, could not recover the pay differential provided for by Section 245 of the Military Law. Reviewing the history of such pay differential legislation, the Court stated that "it is clear that the Legislature was concerned with ordered duty arising out of peace-time membership in the National Guard or naval militia, or as subsequently provided, in duty arising out of peace time membership in federal reserve forces," and concluded that "this State has declared its policy to be that a public employee who is called in the draft or who voluntarily enters the active military service of the nation is not entitled to the differential in salary." Holding that the fireman had "enlisted for active service during a time of war," the Court dismissed his application for pay differential.

The Brees Bill (Assembly Int. 1022, Print 1353), approved by the Governor on April 1, 1942, and providing that public employees who became members of federal reserve corps after April 1, 1942, would not become entitled to pay differentials, was also considered by the Court. The Court held that such law had the effect merely of further restricting the class entitled to the benefits of Section 245 of the Military Law and did not necessarily mean that public employees who had voluntarily enlisted in such reserve corps between December 7, 1941, and April 1, 1942, for immediate active service, were entitled to pay differentials.

It should be noted that the decision was rendered by a lower court, and, therefore, may still be appealed.

REPORT

Robert M. Benjamin, Moreland Commissioner, studying the quasi-judicial activities of State agencies, has just reported his findings to the Governor. Some of the comments and recommendations contained in his report, which represents the result of three years of study and research, may be of interest to State employees. The Commissioner noted the generally satisfactory and often high quality of the existing State personnel, so far as it was observable, reviewed the qualities desired in persons performing quasi-judicial functions in State departments, considered whether the type of civil service examination required for such employees in the competitive class was practical for securing appointees having those qualities, recognized the need for oral examinations adequately to evaluate these qualities in competitors, and came to the following conclusion with respect to the jurisdictional classification (competitive, non-competitive, or exempt) for such positions:

"Except in special instances like those of the State Labor Relations Board and instances where a competitive examination for a particular position would not attract reasonably well-qualified candidates in sufficient numbers, it is my judgment that classification of hearing officers' positions in the competitive class..."
will generally be practicable, provided, where the number of candidates is large, that it is legally permissible to reduce to practicable limits the number to be examined orally, by fixing a definite maximum number of candidates to be passed on the parts of the examination preceding the oral part and at the same time setting a minimum passing mark on those earlier parts."

The Commission also recommended the establishment in the Executive Department of a Division of Administrative Procedure to perform the following functions:

1. To continue permanently an objective and detailed examination and study of quasi-judicial and quasi-legislative procedures and of problems of judicial review.

2. To act as a source of technical information and expert assistance to the departments, boards and commissions of the State government with respect to their procedures.

3. To assist, on request of an agency, in the preparation or revision of its procedural rules.

4. To receive from the public complaints and suggestions with respect to procedures that are considered objectionable or subject to improvement.

5. To assist in an advisory capacity in reconciling differences that arise out of conflicting or overlapping jurisdiction or procedures of different agencies.

6. To administer the legislation that must be enacted (pursuant to Article IV, Section 8 of the Constitution) to provide for the publication of rules and regulations.

7. To report to the Governor, annually or at more frequent intervals, on the results of its study and examination and on its other activity; such reports to include recommendations for any legislation that is thought to be desirable."

**ODDS AND ENDS**

The Court of Appeals has just ruled that in computing seniority for purposes of lay-off among county employees, State service immediately prior to county service cannot be "tacked on" to such county service. **(See Page 119)**

"If you like music, dancing, entertainment... COME!" Come soon... for a pleasant interlude... in the afternoon... in the evening. It's a grand place to entertain, meet friends, relax.

**The DE WITT CLINTON**

Air Conditioned COCKTAIL LOUNGE

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**THE BULLETIN BOARD**

Promotion Eligible Lists. The following are State promotion lists promulgated recently:

- Assistant Account Clerk (New York Office), Labor Department. No. 3150.
- Assistant Director (Division of Criminal Identification and Statistics), Department of Correction. No. 3203.
- Assistant Director (General Education), Department of Correction. No. 3251.
- Assistant Office Appliance Operator, Department of Civil Service. No. 5041.
- Assistant Stenographer, Department of Law. No. 3188.
- Associate Income Tax Examiner, Taxation and Finance. No. 3086.

Associate Underwriter (Underwriting Department), State Insurance Fund. No. 3089.
- Bookkeeper-Paymaster, Mental Hygiene. No. 3055.
- Cashier, New York State Bridge Authority. No. 3215.
- Director of Public Assistance (Home Relief, Veteran Relief, Blind), Social Welfare Department. No. 3204.
- First Assistant Physician and Director of Clinical Psychiatry, Department of Mental Hygiene and Department of Correction. No. 3108.
- Senior Account Clerk (Division of Alcoholic Beverage Control), Executive Department. No. 3244.
- Senior Clerk, Audit and Control (including the Retirement System). No. 3153.
- Senior Compensation Claims Clerk (New York Office), State Insurance Fund. No. 3012.
- Senior Law Clerk (Albany and New York Offices, Appeals Board), D. P. U. I. No. 3800.
- Supervising Tax Examiner, Taxation and Finance. No. 3063.

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**BUY WAR BONDS**... (See Page 119)

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**THERE’S ALWAYS FUN!**

If you like music, dancing, entertainment... COME! Every Afternoon, 4 to 8

Evenings from 9:30

**The DE WITT CLINTON**

Air Conditioned COCKTAIL LOUNGE

May 135
Local Activities

A War Bond Purchase

D. A. Risley, right, of Babylon, Secretary-Treasurer of the New York State Association of Highway Engineers, is shown completing the purchase of $1,000 in U. S. War Bonds in the name of that Association. The N. Y. State Babylon Highway Engineers Federal Credit Union acted as agent for the sale, and the officers of the credit union located at the State Office Building, Babylon, is shown. Left to right are: M. Esposito, Cashier; W. S. Browne, President; and N. C. Parsons, Treasurer. The photograph was taken by L. T. Foody.

Rochester Chapter Spring Party

The first Spring Party of the Rochester Chapter was held at the Elk’s Club, Rochester, on Saturday evening, April 18th. About 150 members and their friends attended. The program for the party included a delicious buffet-supper, music, dancing, singing and refreshments. Charles Sullivan received great applause for his rendition of several Irish songs. Raymond Monroe, of the Tax Department Staff featured at the piano.

The Committee on Arrangements for the affair included: Neil J. Goodman, Tax Department, Chairman; Sherry Bessisamo, State Insurance Fund; and Al Yogg, State A. B. C. Board.

A War Bond was awarded to James L. Stockdale, and War Stamps to Leonard Sivana, and Vincent Seeley.

The chapter is now planning a picnic to be held sometime during the latter part of June.

Binghamton Meeting

Guest speaker at the April meeting of the Binghamton Chapter was C. A. Carlisle, Jr., of TerBush & Powell, Inc., who has charge of the State-wide application of the group plan of accident and sickness insurance sponsored by the Association. Laurence J. Hollister, the new Secretary of the chapter reported a gain of 23 new members during the past month, and that a great many employees of Binghamton State Hospital and State departments in Binghamton have newly joined the chapter recently. Plans are being made to keep employees in the Binghamton area better informed as to the activities of the chapter in their behalf.

Mrs. Joseph Shore, who rendered valuable service to the chapter in the capacity of Secretary, since its establishment, has been transferred to Federal Service and Laurence J. Hollister has been elected to succeed her.

Manhattan Chapter Activities

BY J. WALLACE
Secretary, Manhattan State Hospital Chapter

The following is a resume of the activities of the Manhattan State Hospital Chapter since its establishment in November, 1941.

November 18, 1941—The first meeting was held for the purpose of forming a chapter of The Association of State Civil Service Employees. All departments and divisions of the institution were represented at the meeting and a unanimous vote was given to organize a chapter. Dr. John Travis, Superintendent of the Institution, spoke and pledged his cooperation to any organization of employees at this institution. The officers of the chapter selected were: Sam Silver, President; John Feeney, Vice-President; John Vargas, Treasurer; Elizabeth Utal, Corresponding Secretary; and John Wallace, Recording Secretary.

On December 3rd, Dr. Travis, at the request of the chapter, approved a Club Room for Employees, and the use of the institution gymnasium. At a meeting of the chapter on the same date, a Constitution and By-Laws for the chapter were approved by the employees. Delegates were nominated to represent the chapter at meetings of the State-wide Association, and the following committees were appointed: Executive, Legislative, Entertainment, Membership, Publicity and Grievance.

On December 4th a special committee from the chapter attended a meeting at Creedmoor State Hospital of representatives from the various institutions located on Long Island and the Metropolitan Area. On December 12th the student nurses of Manhattan State Hospital sponsored a dance for the benefit of the American Red Cross. Four hundred fifty-seven tickets were sold; expenses totaled $43.36 and the net profit realized totaled $185.50.

At a chapter meeting on February 17th employees expressed their desires to obtain bridge passes, and it was acknowledged that Assemblyman H. O. Catenaccio has given a good deal of attention to this matter. The sale of war bonds through pay-
roll deductions as made possible by the State Comptroller was discussed and employees were encouraged to participate wholeheartedly in this plan.

At a meeting March 24th, the chapter advised that word had been received from the Association Headquarters in Albany that the sick leave rules for mental hygiene institution employees, as provided by legislation sponsored by the Association in the last session of the Legislature, were established and would be printed in the March issue of The State Employee. It was also announced that Governor Lehman had signed the Barrett Bill, sponsored by the Association, which extended the Feld-Hamilton Law to Mental Hygiene institution employees effective July 1, 1943.

At the meeting on April 14th, a membership committee consisting of the following was appointed and this committee has been hard at work striving to secure 100% membership support of the chapter and the Statewide Association: O. T., Mr. Sandman; Storehouses and Docks, G. Broderick; Laundry, Mr. Howard; Shops, G. White; Night Male Attendants and Nurses, S. Silver; Administrative Offices, Miss Campbell; Stenographers, E. Uttaf; Female Attendants, N. Lyons; Male Attendants: K. Carr, G. Essex, R. O'Connor, J. Wallace, A. White, C. Lynch; Kitchens, W. Oskinsky; Nurses, J. Vargas.

**H. R. S. H. News**

The Twelfth Annual Card Party of the Hudson River State Hospital Employees' Association will be held Monday evening, May 20th, in the Amusement Hall on the grounds of the hospital. A meeting of the committee on arrangements was held March 30th to discuss plans for the affair.

The committee on arrangements includes: G. Carlton Nuhn, Chairman; Mary E. Belton, Thomas E. Reynolds, Mary V. Manna, Margaret Scott, Mr. and Mrs. Howard R. Chase, Mrs. Elizabeth V. Ryan, Mrs. Anna Kelly Smith, Louis I. Garrison, Ruth Protheroe, Karl P. H. Wilson, Gabrien Bonsson, James P. Bumpster, Edith M. Hurley, Annie Kenny, Olive VerValin, George Hein, Harry Yerry, George W. Magee, William Weldon, David Brown, Donald S. Holden, John Lynch, Otto V. Faust, David Whitman, John J. Whalen, August Eitzen, Catherine Scally, Sally Galbraith and Edith Huntley.

The awards to be presented at the event include War Bonds of $1,000, $500, $100, $50 and $25 denominations, and 10 awards of $10 each in defense stamps. Bridge, Pinochle, Euchre and Bingo games will be played starting at 8:00 P.M. Special arrangements for the parking of automobiles of guests will be made. Ice Cream and Cake is to be served free to the guests.

Officers of the Hudson River State Hospital Employees' Association are: John L. Livingstone, President; Louis I. Garrison, Vice-President; and August Eitzen, Secretary-Treasurer.

Edward Ose was recently elected president of the H. R. S. H. Men's Bowling League for the 1942-43 season. Other officers named are Edward Dahusky, Vice-President; John Steinmetz, Secretary; and Frank Sheridan, Treasurer.

Mrs. Mary V. Manna was guest of honor at a dinner party on April 22nd, given by employees of the Steward's office and the credit union at H. R. S. H. Mrs. Manna, who has been employed as paymistress at the hospital for approximately 20 years, will soon make her home in Philadelphia, where she will be employed by the federal government.

John Livingstone was toastmaster at the dinner party and introduced the guest speakers, Steward Andrew J. Delaney and Otto Faust, representing the credit union. The guest of honor was presented with a fitted suitcase, an umbrella and a pocketbook filled with handkerchiefs, on behalf of these attending.

**Kings Park Meeting**

A regular meeting of the Kings Park State Hospital Chapter was held on March 26th, at York Hall. A lively discussion was had of the Barrett Bill, recently enacted into law by signature of the Governor, providing the Feld-Hamilton Civil Service Law for mental hygiene institutional workers effective July 1, 1943; and the Hampton Bill providing pay increases for these workers July 1, 1942, which has passed the Legislature and awaits action by the Governor.

The chapter decided on the selection of a Grievance Committee, to which Kenneth Borey, Michael Long and Emanuel Goldbert were elected. The following were nominated for election as officers of the chapter: for President, Michael Long; Vice-President, Emanuel Goldbert; Secretary, Addison Johnson; Assistant Secretary, Mrs. Eleanor Borey; Treasurer, Kenneth Borey; and Sergeant-at-Arms, Alvin Horton.

Retiring chapter president, Kenneth Borey, gave a brief report on the work and development of the chapter and the financial condition of its treasury. The chapter assessed local dues for the first time of $25 from which $99.75 was collected, from which expenses of $29.75 were paid, leaving a balance of $70.

By unanimous vote, Mr. Borey was assured of the appreciation of the membership for his untiring work.

Because of complaints received from employees of the 2:30 to 11:00 P.M. working shift, a chapter meeting was held on April 14th at the Employees' Club at 1:00 P.M. The attendance and spirited discussion proved the new meeting time to be advisable.

**Employee's Recital**

Miss Leonore Evans, Senior Account Clerk at the State Psychiatric Institute, New York City, and formerly of the Albany Office of the Mental Hygiene Department, gave a recital of classical music for the patients of the Institution on Wednesday afternoon, March 25th. Miss Evans, a contralto, included many numbers requested by patients and invited the employees to join in one of the encores. This was the third concert that Miss Evans had given for the patients.
Matteawan Activities


Another large group of employees of Matteawan State Hospital have finished the Red Cross First Aid Standard and Advanced Courses. The last meeting of the Red Cross class held on March 11th was addressed by the Mayor of Beacon, Thomas Cunningham. Fire Chief Kenneth Hall of Matteawan State Hospital also gave a lecture and demonstration on the control of incendiary bombs and Fireman Martin Hawks of Beacon gave a lecture and demonstration on the use of the inhalator.

Besides the new group of First Aid graduates, Matteawan State Hospital employees have a volunteer first aid detachment consisting of four squads fully equipped and prepared for any emergency. Percy Larabee, President of the Matteawan State Hospital Employees’ Chapter, and occupational therapy teacher at the institution, is the head of the first aid training at the hospital. Instructors assisting Mr. Larabee are John Hurtz and John Veling.


Employees who completed the standard course on February 25th included: J. Baille, Charles Gallagher, Patrick Heaney, John A. Martin, Mark Mignault, Charlotte McBride, Mae Norman and Frank Kniffen.

Canal Workers Dine

The fifth annual banquet of the Barge Canal Employees Champlain Chapter was held at Hotel Schuyler, Schuylerville, on April 11th. Over fifty members were in attendance and the dinner was a success.

R. C. Bailey, of Lock 8, Fort Edward, was toastmaster. “Roll” Fisher of Ft. Ann, gave a number of humorous recitations and led the singing. Art Shephard of Ft. Edward, was featured at the piano. The entertainment featured a bass duet by “Roll” Fisher and Electrical Supervisor, J. Walter Moor of Ft. Edward. After the entertainment card games followed.

Craig Colony Activities

The organization meeting of the Executive Council of Craig Colony Chapter was held at Letchworth House on Tuesday evening, April 21st. A large number turned out—all departments being represented.

Glen Green was elected Treasurer to succeed Howard Kingston, who was inducted into military service on March 26th.

With the approval of the Council, President Duffy appointed members to the following committees: Auditing, Grievance, Membership, Nominating, Publicity and Social.

It was decided to hold regular meetings of the Executive Council on the third Tuesday of each month with the exception of July and August.

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Attorney General’s Opinions

In a recent letter to Brigadier General Ames T. Brown, Adjutant General of the State of New York, Attorney General John J. Bennett gave the following opinion relative to the Brees Bill:

“Dear Sir:

“This is in reply to your recent telephone request, through Colonel Thiessen, for an opinion concerning the effect of the Brees amendment of Section 245 of the Military Law (Chapter 255, Laws of 1942), upon the rights of public employees who are or who become members of the New York Guard.

“On December 17, 1940, an opinion was rendered to the Governor’s Counsel, in which the conclusion was reached that the provisions of Article 2-A of the Military Law, particularly Sections 40 and 43 thereof, conforming the duties, rights privileges and immunities of members of the New York Guard to those of the National Guard, entitled public employees who were members of the New York Guard to differential pay under Section 245 of the Military Law, when they perform ordered active duty.

“The Brees amendment did not make any change in the classification of public employees, to which Section 245 is applicable, but only limited the time when they must have obtained the military status which entitles them to differential pay in the event of ordered duty. It follows, therefore, that the conformity provisions of Article 2-A of the Military Law require that the same result must follow with regard to the rights of the members of the New York Guard from the Brees amendment as in the case of National Guardsmen.

“Accordingly, those public employees who became members of the New York Guard on or before April 1, 1942, the effective date of the amendment, will be entitled to differential salary payments when ordered to active duty as a result of New York Guard membership. The amendment has no relation to the time of the actual call for duty and it will not matter, therefore, that such order may be received subsequent to April 1, 1942. However, membership in the New York Guard which is not achieved until after April 1, 1942, will not entitle any public employee to the benefits of Section 245.”

The Attorney General in a letter dated May 1st sent to the State Department of Civil Service gave the following opinion relative to the application of veterans’ preference: “Gentlemen:

“This will acknowledge receipt of yours of April 23, 1942, in which you ask for my opinion on the effective date to be used in applying the disabled veterans’ preference provided in Article V, Section 6 of the Constitution of this State. That provision refers to those therein defined who are ‘disabled in the actual performance of duty in any war, to an extent recognized by the United States Veterans’ Bureau ***’. Section 21 of the Civil Service Law gives effect to this constitutional mandate.

“You make reference to a war of ‘an imperfect or limited character.’ I assume you have in mind the distinction drawn by my predecessors between a ‘perfect’ war begun by a declaration of Congress as in the Spanish American War and an ‘imperfect’ albeit actual state of war or insurrection as in the case of the Philippine Insurrection of 1899-1902 (Opinion of Atty. Gen. 1930, p. 426). The present conflict does not in my opinion present any such difficulty. This war began on December 7, 1941, by the simultaneous attack upon and declaration of war against the United States by Japan. No war can be deemed unilateral. The fact that Congress declared a state of war to exist on December 8, 1941, did not alter the actual state of war existing from the first attack on the United States on December 7, 1941.

“Prior to December 7, 1941, there was no state of war which can be said to have existed in the United States, either ‘perfect’ or ‘imperfect.’ There was a state of ‘National Emergency,’ but that cannot, unless Congress or the State Legislature shall otherwise determine, be called a state of ‘war.’

“You are therefore advised that the date to be used for the purpose of applying the disabled veterans’ preference under Article V, Section 6 of the Constitution is December 7, 1941.”

Long Island Chapter Elects

At the recent annual election and meeting of the Long Island Inter-County Parks Chapter, the following were elected as officers of the Chapter for the coming year: President, Harry Lemiwy; Vice-President, Harold Dinota; Secretary, Clinton E. Travis; Treasurer, Frank Keyser; Financial Secretary, Michael Tokach and Sergeant at Arms, Fred Pederson.

Wassaic Meets

At the regular monthly meeting of Wassaic State School Chapter, members voted to amend the by-laws of the Chapter to give employees unable to attend regular meetings because of being on duty an opportunity to vote at the regular elections of the Chapter.

Brentwood Meeting

At the monthly meeting of the Pilgrim State Hospital Chapter on April 24th, a drawing was made for a $25 war bond. Edna Staufenberg drew the lucky number, 276. The meeting was well attended and a lively discussion was had.

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Accurate Title Classification Vital

The tremendous task of classifying all positions in the State institutions is now under way.

It is the right and the duty of each employee whose position is being classified, to provide on the questionnaire (Form CL 20) distributed by the Classification Board of the Civil Service Department, a true and accurate description of his duties, responsibilities and the work he performs. This is the basis upon which the Classification Board will establish a correct title for each position. Only by correct title classification can the Salary Standardization Board establish adequate and fair salary schedules commensurate with the work performed by each employee.

The attention of employees whose positions are being classified is called to the following statements contained in "Instructions for Preparing Form CL 20" as issued by the Classification Board:

“Special Instructions to Supervisors: After the employees under your supervision have completed descriptions of their positions, you are to review these descriptions carefully. If you believe that the descriptions given is inadequate, inaccurate, incomplete, or exaggerated, do not change the employee's description of his work, but supplement it with your own comment on a separate sheet of paper attached to the original Form CL 20.”

“Question 10.” This is the most important part of the questionnaire. Make your answer so clear and complete that anyone reading your description will obtain a clear idea of the work done. Think over the work you do in the course of a day, a week, and a month. Describe first the duties that take up most of your time. Then in a separate paragraph describe the second most important kind of work, and so on until you come to enter the special duties that you deal with only occasionally, as once a week, a month or a year.

If any employee of a State institution does not feel that the Form CL 20 which he signed contained a complete description of his work, duties and responsibilities, he may file supplemental written material with the examiners of the Classification Division when they make the field survey in his institution, or mail it to the Classification Board, State Civil Service Department, State Office Building, Albany, New York.

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(See Page 119)

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Chapter 850—Halpern Bill, Senate Int. 1738, Print 2218

This bill provides that a person who has the necessary residence qualifications for a Civil Service appointment shall not become ineligible if he changes his residence to accept employment in national defense work.

Proposed Constitutional Amendment

The Page bill, Senate Int. 1698, Print 2134, proposes to amend the Constitution to provide that when Civil Service positions are abolished or when reductions or suspensions are necessary, preference in retention shall be given to veterans and volunteer firemen. If this bill is re-passed at either of the next two sessions of the Legislature, it must be submitted to the People at a general election, and if approved by the People it will become a part of the Constitution. All Civil Service employees must be on the alert next year to defeat this proposed amendment. Under its provisions, the seniority rule would be nullified. If it becomes necessary to abolish positions, a veteran, with one year of service, would be retained, even though his retention would require the dismissal of an employee with fifteen or twenty years of service. The bill is not limited to veterans, but gives like credit to volunteer firemen. This bill rested peacefully in committee until the last days of the session when it was passed without attracting any public comment or notice, presumably because it will have no effect unless it is repassed at one of the next two succeeding sessions of the Legislature.

Bills Vetoed

Among the bills vetoed by Governor Lehman were the following:

Kreinheder Bill, Assembly Int. 865, Print 948, which provided that volunteer firemen should receive special credit on promotion examinations. The Association opposed this bill, and others of a similar nature, on the ground that it represents a "throw-back" to the old notion that the public service is a resting place for those who are unable to obtain jobs in private employment.

The Association has been consistently opposed to all preferences in appointment and promotion. The principle of merit and fitness cannot survive if it is to be whittled away with preferences of one kind or another. The fact that a person may have served as a volunteer fireman does not in any way establish his ability to perform the duties of a position in the public service.

Mahoney Bill, Senate Int. 303, Print 2030, which provided that every Civil Service employee should be entitled to a hearing if removal or disciplinary charges are filed against him.

Fite Bill, Assembly Int. 1440, Print 1692, which provided that when removal or disciplinary charges are brought against an employee the appointing officer may, in his discretion refer such charges to the Civil Service Commission for determination.

Kreinheder Bill, Assembly Int. 1727, Print 2070, which provided that departmental promotion lists should have priority in certification over general preferred lists.

Mahoney Bill, Senate Int. 1748, Print 2202, which authorized the payment of an accidental disability retirement allowance to employees who are injured after they attain sixty years of age.

Lupton Bill, Assembly Int. 1917, Print 2690, which allowed prior service credit to veterans who were not residents of this State at the time of their entrance into the military service.

Young Bill, Senate Int. 1386, Print 1675, and the Schwartzwald Bill, Senate Int. 1798, Print 2603, which extended the life of certain eligible lists.

Crews Bill, Assembly Int. 17, Print 961, which extended the life of preferred lists from four to six years.

Bills Which Failed to Pass the Legislature

Among the bills which failed to pass the Legislature are the—

Ehrlich Bill, Assembly Int. 1347, Print 1689, which would extend the provisions of the Unemployment Insurance Law to cover employees of the State.

Fite Bill, Assembly Int. 1446, Print 1698, which provides for the transfer of the administration of the Hospital Retirement System to the State Employees Retirement System, together with the privilege of transferring membership from the Hospital System to the State System.

Sherman Bill, Assembly Int. 2110, Print 2684, which would extend the provisions of the Feld-Hamilton Law to employees of authorities and public benefit corporations of the State.

Seelye Bill, Senate Int. 1174, Print 1428, which would authorize compulsory insurance for all loans in the State Employees' Retirement System.

Halpern Bill, Senate Int. 1721, Print 2529, which would authorize the establishment of city-wide and State-wide promotion lists.

It is impossible, within the limits of this report, to refer to all of the 300 or more Civil Service bills introduced during the session nor is it possible to explain fully the provisions of all the new laws. Reference to all chapter, introduction and print numbers has been made so that employees who are interested in certain bills may readily procure copies of them.
Vacation Payment for Soldiers

The Association, for several weeks, has had conferences with representatives of the Attorney General, the Budget Director and the Comptroller, to obtain a ruling permitting payment for accrued vacations to employees who enter military service. Under an opinion of the Attorney General rendered December 17, 1940, it was held that an armory employee was not entitled to his accrued vacation upon his induction into military service. Under the authority of this ruling, State officials have declined to allow employees to take their accrued vacation time prior to induction in the military service and have taken all employees off the payroll as soon as they leave State service. This ruling has seemed to the Association to impose a great hardship in view of the fact that the vacation season is now approaching and employees who enter military service during the coming month would be unable to receive any vacation allowance whatever.

The Association pointed out that the ruling of the Attorney General on December 17, 1940, involved an employee who was entitled to differential pay pursuant to Section 245 of the Military Law and that it was not a true precedent for employees who volunteer or who are inducted into service under the Selective Service Act, since such employees do not receive differential pay.

Attorney General John J. Bennett, Jr., has upheld the contention of the Association and, in an opinion handed down on May 19, 1942, he ruled that accrued vacations may be allowed employees prior to their induction into military service, but that no payment for vacations could be made after the date of actual induction into military service. Consequently, vacations may be allowed under the following circumstances:

1. An employee who receives differential pay pursuant to Section 245 of the Military Law is entitled to his accrued vacation, but such accrued time may be allowed upon his return from military service.

2. Employees who do not receive differential pay may be allowed their accrued vacations prior to their actual induction into military service, but such allowance cannot be continued after the date of actual induction into military service. The Attorney General’s opinion reads in part as follows:

"Section 246 becomes operative and controlling, however, only upon actual entry into military service by an employee. It contains nothing which limits the authority of executive heads of public departments or agencies to grant vacations under the Public Officers’ Law for periods prior to but not extending beyond that time.

Subdivision 5 of the statute, providing that no public employee shall be subject to loss of or prejudice to any rights or privileges, deals expressly with the situation subsequent to his restoration to his position upon termination of military duty. As was held under the comparable provision of Section 245, any vacation allowance, which had accrued but was not taken prior to military leave, will be available upon his return. No vacation allowance may be currently accumulated during military absence, but no right to vacation accumulating after his return may be cut down because of the time on leave for military purposes.

In my opinion, no vacation with pay may be granted during the period when an employee is absent in military service, but his vacation rights are fully protected both before and after such service in accordance with the foregoing conclusions.”

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