Copy of Resolution Adopted by State Board of Social Welfare December 18, 1950 Relating to State Merit System and Federal Requirements

On motion of Mr. Wolff, seconded by Mr. Magavern, the following resolution was unanimously adopted:

WHEREAS the State Board of Social Welfare has considered the issues involved in meeting technicalities of Federal standards with respect to State civil service administration as it relates to State and local employees concerned with the administration of Federally-aided public assistance programs, as outlined in the attached report of the Department, and

WHEREAS the issues involved are matters of law and of civil service administration beyond the authority or province of this Board,

BE IT RESOLVED that the Board:

(1) approves and adopts the Department's report;

(2) directs the Department to submit the State Plan for Aid to the Disabled to the Federal Security Agency containing provisions which in respect of civil service administration embody only the methods and principles which currently govern the employment of State and local public welfare employees pursuant to the State Civil Service Law; and

(3) directs the Chairman to transmit a copy of this resolution and the report of the Board and Department to the Governor.
In 1939 the Federal Social Security Act was amended to include the so-called "merit clause" which provides that approved plans of public assistance must

"provide such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Administrator shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Administrator to be necessary for the proper and efficient operation of the plans."

New York State has the oldest State Civil Service Law in this country. In fact, this State established a merit system in 1863, the same year the Federal Government did. Employees in towns, villages, cities, and counties, as well as State employees, are covered by the State civil service system. It may fairly be said that no state in the Union is more completely committed in principle and practice to the merit system in government employment.

After the passage of the 1939 amendment to the Social Security Act, the then Social Security Board issued its standards of merit system administration. The application of these standards to states with no previous experience in merit system administration is not under dispute.

In 1940, New York State refused to amend its Civil Service Law in order to provide a separate set of standards and procedures with respect to a single class of public employees who happen to be employed in the administration of the Federally-aided programs of public assistance. This matter has remained unresolved for ten years.
The Department has now been informed orally that in order to have the State plan for Aid to the Disabled approved, and presumably to retain approval of the State plan for Aid to Dependent Children, the Federal Security Agency must be assured by the Department that the following will be accomplished:

1. Certain few exempt positions in local welfare departments must be placed in the competitive class.

2. Appointments to public assistance positions in local welfare departments must be made from statewide lists whether or not there are local residents on the lists.

3. Public assistance employees must be granted the right to administrative appeal over action taken in regard to demotion or dismissal in addition to or instead of the right to appeal to the courts as provided now in State law.

To conform to these requirements would require departure from principles of administration formally established and favorably regarded by civil service groups and the public, not only with respect to welfare employees, but for all public employees both state and local for many years. Changes would be required in the State law as well as in local laws, as for example, in New York City which requires three years residence for employment in the city service.

Now as in 1940 there has been no demonstration that the changes are necessary for the proper administration of the Federal programs or that there have been defects in past administration which will be remedied by these changes. The State and local governments could be completely disrupted if civil service administrators in different fields must have special patterns and provisions to suit the arbitrary views of a Federal administrator then in charge of a particular program.
The Department believes that in New York State there is more substantial commitment to the merit system in all public employment than in any other state in the Union. Furthermore, the Department believes that it was not the intent of the Congress to delegate to the Federal Security Agency the power to compel states to supersede statutory merit system provisions in order to give separate treatment to one group of public employees.

Regardless of the Department's views, the matter is beyond its control or that of the Board. We suggest to the Board that the attention of the Governor be called to the fact that Federal aid to the State of New York is in jeopardy because of the Federal Security Agency's renewed insistence upon conformity to its particular technical standards.

Robert T. Lansdale
Commissioner

December 18, 1950