

**BOX**

**2**

**FOLDER**

**26**

**City Employees-Living  
Expenses Debt**

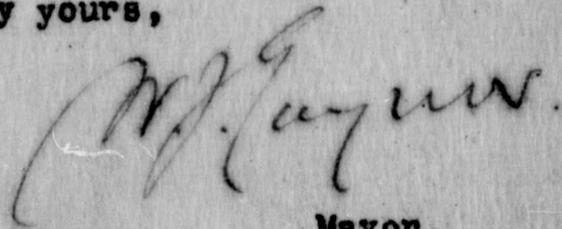
**1910-1912**

May 21, 1910.m

Sir:

On March 3rd I wrote to you that patrolman Joyce, No. 6473, 158th precinct, owed Pfeifer & McGinnis \$9.67 for meat and refused to pay it. I find that not only is it not paid but that he is laughing about it. I trust you will see immediately that it is no laughing matter and report to me. Let him be dismissed from the force if he does not pay it.

Very truly yours,



Mayor.

W. F. Baker, Esq.,

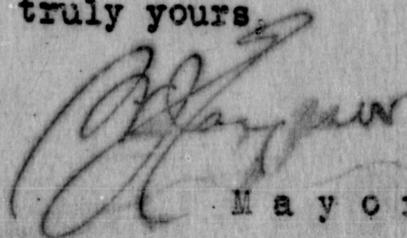
Police Commissioner.

Sept. 15, 1911. 3

Sir:

There is a rule in the Police Department covering the case of members of the force who refuse to pay their ordinary living debts, for food and clothing. It seems to me there should be a like rule in the Fire Department. I do not think we should have anything to do with business debts, but those in the City employ should pay tailors and butchers and grocers. It is conduct unbecoming an officer and a gentleman not to do so.

Very truly yours,

  
Mayor.

Joseph Johnson, Esq.,  
Fire Commissioner,  
New York City.

November 16th, 1912.M

To All Heads of Departments:

I am constantly receiving letters from persons asking me to help them collect debts due them from city employes for actual living expenses, such as food and clothing. My experience thus far in life is that a man who will not pay his bills for food, and clothes, and living expenses, when he is able to do so, is heartless and dishonest. In the police and fire departments we deem such conduct unbecoming an officer and gentleman and make them pay. Do you see any objection to making that the rule in all departments? If necessary we will consult the Corporation Counsel in respect of the legality of a rule that all employes of the city must pay such debts or get out.

Very truly yours,

W. J. Sawyer.

Mayor.

CITY  
EMPLOYEES

IN  
DEBT

0



COMMISSIONERS.

JAMES CREELMAN, PRESIDENT.  
RICHARD WELLING.  
ALEXANDER KEOGH.

FRANK A. SPENCER, SECRETARY.  
JOHN F. SKELLY, ASST. SECRETARY.

## MUNICIPAL CIVIL SERVICE COMMISSION

OF THE CITY OF NEW YORK.

HR

299 BROADWAY, 11TH FLOOR.

NEW YORK, November 18th, 1912. 1912

Hon. William J. Gaynor,

M a y o r .

S i r :-

I have the honor to acknowledge your communication of November 16th, 1912, asking me whether I see any objection to a rule to be applied in all departments that city employes who fail to pay debts incurred for actual living expenses, such as food and clothing, should be dismissed from the service.

I heartily agree with you that any employe who fails to pay such debts within a reasonable time is likely to bring scandal on the name of the city but I suggest that it would be a difficult, if not an impossible, task for the heads of departments to sit in judgment upon the validity of such claims against city employes. It may happen that an employe has contracted a debt for living expenses at a time when his financial resources justified the expense so incurred, and that through sickness, death or some other cause of unusual expenditure in his family he may have become unable to meet his debts promptly and may be struggling hard to defer payment until such a time as he arranges his affairs.

For that reason, I beg to offer this thought for your consideration in behalf of myself and my associates in

the Municipal Civil Service Commission,

Faithfully yours,

A handwritten signature in cursive script, appearing to read "James C. ...". The signature is written in dark ink and is positioned above the typed name "President."

President.



OFFICE OF  
THE COMMISSIONER

November 18, 1912.

Hon. William J. Gaynor,  
Mayor, City of New York,  
City Hall, New York City.

S i r :

I have the honor to acknowledge receipt of your circular letter of November 16th, addressed to all heads of City Departments.

I am of the opinion that where a City employee has incurred indebtedness which he is unable to pay, the proper method of collecting the debt is for the claimant to obtain a judgment against him and garnishee his salary.

In cases where there is any suggestion of criminal intent to defraud, or where the man has incurred indebtedness that he could not reasonably expect to settle, he should be brought before the Department Court and tried, and, if the facts warrant, dismissed from the service.

Hon. Wm. J. Gaynor

No. 2

Nov. 18, 1912.

The Department cannot as efficiently determine the merit of a claim against a City employee as a Civil Court, as its right to compel the attendance of witnesses is questionable.

The practice of taking cognizance of claims not involving criminality on the part of the City employee was abandoned some years since, as not being in the best interests of justice or of the administration of the Department.

Very respectfully,

  
Police Commissioner.



# Tenement House Department of the City of New York.

JOHN J. MURPHY  
COMMISSIONER

WM. H. ABBOTT, JR.  
1ST DEPUTY COMMISSIONER

FRANK MANN  
2ND DEPUTY COMMISSIONER

WILLIAM B. CALVERT  
SUPERINTENDENT

MANHATTAN  
44 EAST 23RD STREET

BROOKLYN  
503 FULTON STREET

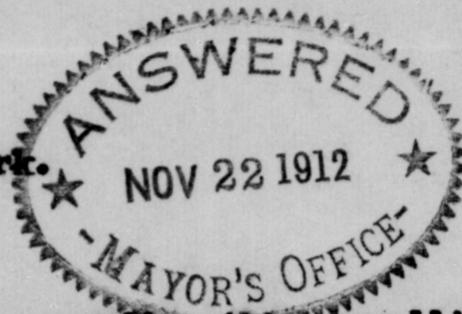
BRONX  
391 EAST 149TH STREET

BOROUGH OF Manhattan , Nov. 21st, 1912. 191

Hon. William J. Gaynor,

Mayor of the City of New York.

S i r :-



In reply to your inquiry regarding the compelling of City employes to pay their just debts for living expenses, I have had only two cases brought to my attention since coming into the Tenement House Department, in which complaint was made of failure of employes to pay their just obligations. I can not therefore speak with much experience.

While I concur in your belief that a man who does not pay his just debts is likely to be an untrustworthy official, I fear that the evils, which might arise from the use of the Commissioners' power of removal as a means of collecting debts, would be worse than any of which we now complain.

Some of the objections which occur to me are -

- (1) How is the Commissioner to determine whether debts are just or not? To impose upon Commissioners the burden of determining the facts in each case would be a serious addition to their present duties. A conscientious man would not like to delegate this matter to a subordinate.
- (2) Knowing that an employe under such a rule would have to pay,

there would be danger that unscrupulous persons would try to get employes into bad bargains.

(3) The threat of complaint of debt would force people to have recourse to loan sharks, even more than now, to tide over a crisis.

(4) The law already gives creditors redress by permitting ten per cent of employes' salaries to be garnisheed. This amount would pay off any reasonable debt in a short time. If an employe's salary is already garnisheed, of course no one should give him credit.

To sum up it seems to me that the extension of credit by one citizen to another is a voluntary act based upon the observation and judgment of the creditor. The creditor is under no compulsion to part with his goods or money. If he is an ordinarily prudent business man he adds to his necessary profit on his goods a percentage to cover ordinary business risks among which are bad accounts. I have always felt that the old doctrine of "caveat emptor" should be supplemented by another - "Let the lender beware".

On the whole, therefore, while I am prepared to bow to your greater wisdom, I am opposed to the plan proposed. More good in the long run would be done by giving publicity to the statement that public employes are neither more nor less responsible than others and that all who extend credit to them do so at their own risk.

Yours respectfully,

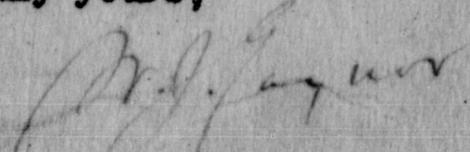
*Joseph. Murphy*  
Commissioner.

November 22, 1912. b

S i r :

Your letter with regard to city employees who refuse to pay their current living expenses is at hand. I had no notion of disciplining any employee of the city in the case of a dispute between him and his creditor. But a mere pretense of a dispute would not suffice. I have reference only to his current living expenses, about which there is no dispute. The remedy of suing and garnisheeing the salary is really no remedy. As a rule the cost of such a proceeding would be larger than the amount of the debt. Of course we would have to confine the matter to cases of undisputed refusal to pay living expenses, being able to do so.

Very truly yours,

  
M a y o r .

John J. Murphy, Esq.,  
Commissioner Tenement  
House Department,  
44, E. 23rd St., N.Y. City.