

as an inappropriate increase in salary during their term of office. As a result, the restoration of those salaries was rescinded.²⁹

The net effect of all these salary cuts and restorations was shown in a report made to the board in September 1936. For fiscal years 1934 and 1935, total salaries were cut by 16.5 percent—over \$1 million. Additional cuts made by the legislature in the fiscal years 1935 and 1936 budget amounted to 6.3 percent, or \$335,000. By September 1936, however, all of the 1935-36 legislative reductions had been restored, as well as about 40 percent of the cuts made in 1933.³⁰

The impact of these various emergency measures inaugurated in 1933 extended beyond the specific duties they imposed on the board. There was a significant cumulative effect as well, for what they did, in the aggregate, was to give the board broad general power over both the state budgetary and personnel systems.

Notwithstanding the attorney general's opinion as to the validity of proposed rule 3, by virtue of its broad legislative grant the board continued to exercise a significant control function over agency spending. Proposed budgets continued to be submitted to the board, and they were not always approved.³¹ Moreover, given the extremely tight budgets actually enacted by the General Assembly, the ability of many state agencies to carry out their programs became heavily dependent upon discretionary allocations from the emergency funds appropriated to the board. And through its control of those emergency funds, the board gained the power to influence spending, and thus program, priorities.

The Board of Public Works' authority over state personnel was not, initially, as dramatic. But it, too, grew. Several of the rules first adopted by the board in November 1935, pursuant to the authority conferred by the 1933 and 1935 budget bills, dealt with personnel. Rule 1, for example, required board approval for any increase in the salary of a state employee. Rule 4 forbade agencies from creating positions in excess of the number authorized in the budget bills.³² Coupled with the ill-fated rule 3, this was no doubt intended to preclude agencies from shifting funds from nonsalary accounts in order to create new jobs.

That preclusive authority was expressly conferred on the board by the 1937 legislature. As part of the 1937 budget bill, the General Assembly provided that no part of an appropriation for salaries could be used for any other purpose and no part of an appropriation for any item of operating expense other than salaries could be used for the payment of salaries "without the previous approval of the Board of Public Works." The same act also required board approval for the creation of new personnel classifications or the abolition of existing ones, as well as for the switching of salary appropriations from one classification to another.³³

Rules 5 and 6, adopted in November 1935, set some basic conditions on reimbursement of employees for travel and automobile expenses. For the most part these rules simply required documentation and reporting. In June 1937, however, the board established a flat rate for such automobile expense reimbursement at 5 cents per mile. In August 1939 it set a vacation policy for part-time state employees.³⁴

Most of this expanded authority was part of the direct response by the state to the effects of the depression. The national government, of course, was not idle either. As the various New Deal relief measures came into being, the board found a few new duties imposed upon it from that quarter as well. Three aspects bear particular mention, although one of them was short lived.

29. 20 *Op. Att'y Gen.* 599, 604 (1935); BPW Minutes, 5 November 1935, 4:187.

30. BPW Minutes, 9 September 1936, 4:414. Additional sums were appropriated for this purpose in fiscal years 1938 and 1939. See the 1937 budget bill—Acts of 1937, ch. 515.

31. See, for example, BPW Minutes, 4, 18 June 1936, 4:349-50.

32. *Ibid.*, 5 November 1935, p. 186; Acts of 1933, ch. 597, sec. 11; 1935, ch. 92, sec. 11.

33. Acts of 1937, ch. 515, sec. 5.

34. BPW Minutes, 5 November 1935, 4:186; 23 June 1937, 2 August 1939, vol. 5 (1937-41), pp. 34, 287.