



# HEARTLAND



A Newsletter for Region 8  
Public Employees' Federation  
"The HEART of PEF"  
BOX 12414, ALBANY, NY 12212-2414

VOL.9, NO.1

February, 2001

## PEF FIGHTS TO REINSTATE BUS INSPECTOR

*(PEF Press Release)* Doing his job too well has apparently cost a Schenectady man his job, but his union, the New York State Public Employees Federation, is fighting back.

Robert Bailey, a state Department of Transportation (DOT) supervisor in charge of bus safety for the greater Capital District area, was involuntarily reassigned from his job last month, after some customers, who had several busses fail inspections, complained to DOT about his tough standards.

Now PEF has filed charges against the department saying Bailey's forced reassignment to a non-enforcement position amounts to an illegal discipline under the union's contract. The union's grievance alleges DOT violated Article 33 of the PEF contract with the state by subjecting Bailey to de facto discipline without the due process protections afforded by the contract. "Bob Bailey has distinguished himself as an employee who follows the letter of the law when it comes to the safety of bus passengers," said PEF President Roger Benson. "His efforts have made the busses we and our children ride on safer, and for that he ought to be commended. But instead it appears that the state Department of Transportation is punishing him by stripping him of his duties to appease some bus company operators whose busses did not make the grade.

PEF will vigorously fight to enforce the protections of our contract and to ensure that Mr. Bailey is returned to his post as a supervising bus inspector as quickly as possible." The grievance notes that among the customers who have complained about Bailey's strict standards are the Adirondack Trailways Bus Company, the Bethlehem Central School District and the City of Amsterdam.

Bailey was honored by the union in December with it's highest award, the "Quality Services from Quality People" award, for his nearly 20 years of outstanding

## PEF FILES SUIT

On December 15, 2000, PEF filed an Article 75 grievance with the NYS Supreme Court asking that the court compel GOER to agree to an arbitrator to hear the grievances PEF has filed over the Standby/On-call retroactive pay matter as well as 9 other cases.

The Union filed a class action grievance challenging the fact that the State implemented the increase in the Standby On-call Pay rate from 15% to 20% retroactive to April 1, 2000 (payable March 30, 2000 for the administrative payroll and April 6, 2000 for the institution payroll) instead of the negotiated date of April 1, 1999.

Arbitration is a process established in the PEF/NYS contract that provides for a neutral, jointly selected judge called an arbitrator to review disputes where either party to the contract claims the other is violating the terms of the contract. The arbitrators' decision is final and binding on both parties.

### Article 12.17 Issues

GOER has put out its implementation memorandum on the Article 12.17 change in the contract. Intentionally or unintentionally the memorandum is causing some mischief. This is a reminder. NYS and the Union agreed that Grade 23 and above employees would no longer report P & A on their attendance sheets but instead they would report what their Grade 22 and below colleagues have traditionally reported. There was no change made regarding the way Grade 22s and below record their time. The language covering this issue is almost 30 years old and remains unchanged.

public service in bus inspections. This is the second time PEF has fought to gain Bailey's reassignment after some bus carriers complained about his strict safety standards. In 1997 PEF filed a successful contract grievance- again over illegal discipline-winning his reinstatement.

# COORDINATOR'S CORNER

## THE PERILS OF INVOLUNTARY REASSIGNMENT

BY JEFF SATZ

Civil Service Law allows management to reassign employees. Reassignments are in the same title and can be to any location management selects. Employees can also request to be reassigned.

Reassignments can be a function of reorganizations, relocations or consolidations of operations under the broad aegis of agency/program needs.

A reassignment is defined as a change without further examination of a permanent employee from one position to another position in the same title under the jurisdiction of the same appointing authority.

The Department of Civil Service recommends that agencies offer reassignments to employees based upon their seniority. If this recommendation is followed, employees with more seniority will generally be able to remain at their current locations. Agencies, however, may reassign without regard to seniority. This discretion includes allowing employees to volunteer for positions at a new location and leaves agencies scope to develop more innovative approaches.

Employees who refuse to accept a reassignment and are consequently separated from service cannot be considered as 'laid off' under the provisions of Sections 80 or 80-a. of the Civil Service Law. Thus, no opportunity exists for employees refusing reassignment to displace less senior permanent employees serving in lower grades. Neither are they entitled, by law, to preferred list rights.

Notwithstanding the foregoing, the Department of Civil Service, recognizing the possible hardships that could ensue from mandatory reassignment, has adopted a policy granting employees who turn down reassignments preferred list/reemployment roster status. This policy does not, however, allow displacement and there is no eligibility for positions in the county to which an employee initially refused reassignment. Employees who accept a reassignment whether voluntary or involuntary and regardless of location, are not provided eligibility on preferred lists or reemployment rosters. Used properly and sparingly and administered humanely, one could argue that management should have the discretion to reassign employees. Like many mechanisms wherein management is allowed discretion, there is potential for abuse. Reassignments can be used punitively or to 'clean house.'

The Department of Labor, to its credit, handled the consolidation of Unemployment Insurance Claims to Telephone Claims Centers (TCC's) in New York City, Glendale (near Binghamton) and Troy fairly. Instead of opting for major geographical dislocation for its employees, DOL sought volunteers and then moved vacant items (some of which were freed due to vacancies caused by an early retirement incentive) to the TCC'S. After seeking volunteers or shifting existing Unemployment Claims staff in the local area of the TCC'S, new staff was hired to fill remaining positions in the TCC'S.

The experience of reassignment has not been as benign in some other agencies. Horror stories abound of people being faced with the choice of moving to distant locations or giving up their jobs. Some of the employees put in this situation perceive that the reassignments are punitive or retaliatory.

PEF's Statewide Civil Service Committee has recommended that PEF seek legislation that would mandate use of seniority when management determines to reassign employees. This would make it more difficult for management to reassign on a selective and vindictive basis. It could not be readily used as a substitute for the due process inherent in the discipline article of the PEF contract. Management would not lose the ability to reassign, but would have to do so in inverse order of seniority.

Legislation was introduced in the last session. It will need to be reintroduced and PEF needs to focus its lobbying efforts on this to have a chance at achieving the changes recommended by PEF's Statewide Civil Service Committee.

### HEARTLAND

A newsletter by and for the members of Region Eight of the Public Employees' Federation, AFL-CIO

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## EDITORIAL

The November elections are over and PEF claims a big victory because a majority of the candidates we endorsed won. Is it a victory for PEF ?

In the New York Senate race, the candidates spent a combined \$80 million. If PEF had spent it's entire political action budget on this race only, a total of about \$1 million, it would amount to 1.25% of the total spent. That's not what happened. PEF endorsed 267 candidates. In other words, PEF's contribution is relatively small.

What does PEF get for spending it's members money this way ?? Is PEF building power as the administration hopes or is it just spitting in the wind ???

PEF threw it's support behind Hillary Clinton for Senate, a candidate who proposed National Direct Student Loans, a program which would eliminate 850 jobs at Higher Education. She proposed a National Health Care plan which would have eliminated 2,000 at the Department of Health. She supports NAFTA & the World Trade Organization, both of these are opposed by organized labor. Why did we support her, what will she do for PEF ???

The answer, given our huge contribution to her campaign, is probably nothing.

In fact, of all our endorsements, how many of the candidates will support binding arbitration or real Tier equity ??? Probably none. PEF gave \$10,000 to Assemblyman Eric Vitaliano who blocked our COLA and pension bills in his committee. He felt no need to change his position until the AFL-CIO wanted a pension bill for their members. PEF had little influence with him.

Do PEF endorsements represent the will of the members or of a few vocal activists ? A former administration made a survey of members after an election to see if there was indeed support for the endorsed candidates. The result was 70% voted for the opponent !!!

Can PEF deliver the votes ??? There are 53,000 PEF members in New York State. If all of them voted as PEF endorses, that would be 53,000 out of 6,750,000 votes statewide or 0.75% !!! In local races, PEF members live in so many different districts they are not a significant voting block in all but a very few. PEF can not deliver the votes and the politicians know this. In fact, during the contract negotiations, a negotiator for the state said "PEF can't hurt us politically".

The point is, our endorsements and campaign contributions do little to advance our legislative agenda. No matter which party we support, we alienate the other. A high ranking member of the State Senate told us "these things are remembered".

In 1998, PEF chose to endorse the opponent of Congressman John Sweeny, a close personal friend of Governor Pataki. The result was a strained relationship between PEF and the Governor which adversely impacted contract negotiations. PEF endorsements can do harm to the members interests while they have done little good.

PEF is the political lobby for the state worker. Lobbyists contribute to both parties equally so as not to offend. They never make endorsements. Take for example NYPIRG, a more political organization is hard to find. They make no endorsements and are therefore able to claim that they're non-partisan. They're also very effective, witness the debate on dredging the Hudson. It is the model PEF should follow.

CSEA, prior to the 1979 breakaway of PEF, had a no endorsements rule. PEF would be well advised to follow that rule today. Lobby on specific issues and make no endorsements, therefore no enemies.

That's my opinion, what's yours ??? Write us or send us e-mail at pefreg08@yahoo.com. Also be sure to visit the new PEF region 8 website at pefregion8.tripod.com.

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## JANUARY 2001 PAC REPORT

The PEF Region 8 PAC met on January 10, 2001 at PEF HQ in it's first meeting of the year.

The committee established a schedule of meetings for the remainder of the year, specifying that meetings will be held the second Wednesday of each month.

Other actions include the formation of a Legislative Action committee which is charged with actively pro-

moting PEF's and region 8's legislative agenda.

The PAC Political Action Liason (PAL) assignments were made. The PAC PAL is the link between the assigned legislator and the Region 8 PAC and will facilitate communications between the two.

Local endorsement guidelines were also discussed.

# ARE 'YELLOW TIME CARDS' A PUNISHMENT?

By Howard G. Baumgartner

Beginning this week, members of the PS&T bargaining unit who are not eligible for overtime pay are required to fill out a 'yellow' time card, rather than the 'white' time card which they have completed since a time before remembering.

The principal difference between the 'yellow' card and the 'white' card is that the 'yellow' card requires reporting actual times 'in' and 'out,' while the 'white' card requires only a summary of actual hours worked.

This change is a result of the recent contract settlement between the Governor's office and the Public Employee's Federation. It does not affect Management Confidential employees, or employee of public benefit corporations like Health Research Incorporated. This means that most employees who are not entitled to overtime pay have not been affected by the change.

Reliable sources have suggested that the Governor requested this change principally because he wished to punish members of the PS&T bargaining unit: a punishment earned when PEF failed to endorse him during his recent campaign for re-election. The same sources suggest that it was PEF's failure to endorse which resulted in other unequal treatment of PS&T bargaining unit members. For instance, the pension COLA is capped at \$18,000, a figure much too low to impact the pension benefits of most PS&T unit members.

It is impossible to discern the Governor's motives in negotiating unequal treatment for PS&T unit members. However, it is equally difficult to understand why the Governor insisted on the time card changes, if his reasons were other than punitive.

The Governor's stated reason was that he needed more information about actual hours worked. However, the 'white' time card already reported the employees' starting and quitting times, and the numbers of hours worked during those hours. All the new time card provides is information about when lunch breaks were taken (and even this assumes that all PS&T employees will be precisely accurate in completing their cards, and all supervisors will take the time to verify all employee adherence to stated lunch periods). Finally, PS&T members make up less than 50% of the subject workforce, and other members of the workforce continue to use the 'white' timecard.

If the Governor was being punitive, it is easy to

understand why. PEF has been uniformly hostile to the Republican administration, in spite of the fact that the (former) Democrat administration was uniformly hostile to PEF. I don't understand why this should be. I don't understand why PEF must react in a knee-jerk fashion to the axiom that all trade unions must support the Democrat party under all circumstances, no matter how much it hurts union members. But that's the way it is.

As someone who supported Governor Pataki in both of his election campaigns, it is hard for me to say that the Governor is being vindictive.

As someone who supported PEF President Roger Benson in both of his campaigns, it is hard for me to say that his policy towards Governor Pataki is just plain stupid.

What I can do is urge both of these parties to be reasonable, and try to work together. Governor, all PEF members are not worthy of your scorn, simply because they belong to a union. Roger, all political candidates are not worthy of your scorn, simply because they are Republicans.

## PEF NEWS:

### Pat Baker Elected Vice President

Region 11 Coordinator, Pat Baker was elected Vice President to complete the term of the late Jean De Bow.

Baker submitted 7,477 signatures on her nominating petition when the petitioning period ended November 6, 2000. There were 3 other candidates, Ruth Gaines, Barry Rachnowitz and Dee Dobson, none of whom submitted more than 1600 signatures. The minimum needed was 5287. Since Baker was the only candidate meeting that requirement, she automatically became Vice President.

Baker will complete the term of Jean de Bow, who was killed in a traffic accident in Brooklyn earlier in 2000. The term office will expire July 31, 2003.

### LEGAL VICTORY RE: TIER HEARINGS

The NYS Appellate Division, Third Dept., has upheld a PEF claim that it is out of title work for Senior Correction Counselors to function as Hearing Officers to conduct internal, facility disciplinary hearings for inmates (ie. Tier Hearings). While we do not know whether GOER and DOCS will attempt to appeal, PEF Counsel advises that it is unlikely the Court of Appeals would grant the necessary permission to appeal. Congrats to PEF Legal and David Stallone!

## LETTERS

### PEF WORKER IS SNOW HERO

As per your request ,the following transpired regarding my volunteering my two snowmobiles and time during the snow storm starting November 20, 2000.

I arrived home Monday night to snow blow the street to park my vehicles and then proceeded on my mine and my neighbors driveway. At various points during snow removal, I took rides down the street on my snowmobiles until 2:00 AM 11/21/00.

There were cars bumper to bumper on all the main roads surrounding my neighborhood. There were cars abandoned in the middle of my street blocking all access along with vehicles abandoned on the side of the roadway.

Since the second sled was acting up, I did some last minute repairs and then went to bed. My Police Scanner was squawking all night. I awoke that morning and called the Cheektowaga Police Dept. I told them I have two snowmobiles where would they like us to go.

They sent us to Cleve-Hill Fire Dept. We weaved in-between cars and stressed out people stranded on the streets since the day before. We were sent to pickup food from the grocery store with a fireman for the stranded people at the Fire Hall and I also went for additional food later that day. We then went to different Pharmacies to pick up prescriptions and deliver them to various people at their houses.

We picked up Emergency Medical Technicians from their stranded Ambulance to go to a heart attack call. Delivered an elderly man to his house which was in need of Heart Medicine. A sick elderly woman was carried by myself and a Fireman from Infant of Prague Church to a snowmobile and we walked along side of the sled holding her onto the snowmobile until we arrived at her daughters car to drive her home at the end of the day. The fireman and I also checked on a elderly woman regarding her furnace, hot water tank and toilet.

At the beginning, I borrowed a Fireman's coat so people would know I was there to help and not just riding around for fun as there was a huge amount of tension in the air.

I actually enjoyed myself as it was something I always wanted to do if the time had arisen rather than sit in my house and watch the TV.

Owen Byrne,  
Division 179  
Region 1, Buffalo

## CONGRESS PASSES AMERICANS WITH NO ABILITIES ACT

WASHINGTON, DC—On Tuesday, Congress approved the Americans With No Abilities Act, sweeping new legislation that provides benefits and protection for more than 135 million talentless Americans. The act, signed into law by President Clinton shortly after its passage, is being hailed as a major victory for the millions upon millions of U.S. citizens who lack any real skills or uses.

“Roughly 50 percent of Americans—through no fault of their own—do not possess the talent necessary to carve out a meaningful role for themselves in society,” said Clinton, a longtime ANA supporter. “Their lives are futile hamster-wheel existences of unrewarding, dead-end busywork: xeroxing documents written by others, fulfilling mail-in rebates for Black & Decker toaster ovens, and processing bureaucratic forms that nobody will ever see. Sadly, for these millions of nonabled Americans, the American dream of working hard and moving up through the ranks is simply not a reality.”

Under the Americans With No Abilities Act, more than 25 million important-sounding “middle man” positions will be created in the white-collar sector for nonabled persons, providing them with an illusory sense of purpose and ability. Mandatory, non-performance-based raises and promotions will also be offered to create a sense of upward mobility for even the most unremarkable, utterly replaceable employees.

The legislation also provides corporations with incentives to hire nonabled workers, including tax breaks for those who hire one non-germane worker for every two talented hirees. Finally, the Americans With No Abilities Act also contains tough new measures to prevent discrimination against the nonabled by banning prospective employers from asking such job-interview questions as, “What can you bring to this organization?” and “Do you have any special skills that would make you an asset to this company?”

“As a nonabled person, I frequently find myself unable to keep up with co-workers who have something going for them,” said Mary Lou Gertz, who lost her position as an unessential filing clerk at a Minneapolis tile wholesaler last month because of her lack of notable skills. “This new law should really help people like me.”

# INNOVATIVE MISSION FOR THE STATE WORKFORCE

By Jeff Satz

As chair of PEF's Statewide Civil Service Committee, I have given much thought as to how to rationally consolidate thousands of Civil Service titles. In many instances, the duties inherent in given jobs are not as exotic as the parochially based semantics of title and duty statements would lead us to believe. A well conceived title consolidation would facilitate lateral mobility, redeployment and timely testing. For better or worse promotional eligibility fields would be broadened.

Recent actions by the Pataki administration will result in movement of large numbers of State workers from such places as Wolf Road to congested and hostile downtown Albany. There has been serious public discussion about selling the State Office Building Campus and moving over nine thousand more State workers to downtown Albany and/or such garden spots as Schenectady and Troy. I will not go into a detailed rehash of my arguments as to why this fascination by the Pataki administration, Albany Mayor Jerry Jennings, local media and some other politicians to move State workers to already overcrowded areas contravenes sound urban planning. Suffice it to say that these plans are a short-sighted and inept approach to helping anemic urban centers, like downtown Albany, Schenectady and Troy.

I recognize that I may well be unable to save the State from its own folly. Far be it from me to get an ulcer worrying about what I cannot control. My frustration with State wrongheadedness in the area of urban revitalization triggered a pragmatic look at a new opportunity in the areas of title consolidation and planning for the State workforce.

It is clear as a bell that after five years in office the Pataki administration is still floundering as to what to do with the programs of State government and the State workforce that it inherited. Many managers in the Pataki administration believe in the rhetoric of a smaller and leaner government. They forget that they are now part and parcel of the bureaucracy that they profess to disdain. There is an inherent contradiction between downsizing government and exercising suzerainty over enough lower level bureaucratic worker bees to justify their domain (not to mention salaries, perks and egos) as lords of the State bureaucracy.

The Pataki administration has given the unfortunate impression of not valuing the State workforce for its education, skills and how these apply to the jobs they

perform for State taxpayers. The recent penchant for deploying State workers to infuse vitality into urban cadavers marks a sea change wherein the Pataki administration has finally found a leitmotif for its workforce. Our value is to commute to where no others will go by their own choice and to mix well in the ambiance of urban decay. By walking in the urban wastelands we give the perception of life. By spending a bit more money there, we give a needed fillip to struggling entrepreneurs and shopkeepers.

The very announcement of our movement elicits salivation by construction contractors and owners of downtown office space who possess the requisite political connections. Why then should we not go a step further and simplify the State civil service title structure to reflect the mission envisioned for the State workforce as agents charged with infusing fresh blood and money to desolate urban landscapes. Such title series as Personnel Specialists, Administrative Analysts, Tax Examiners, Engineers, Staff Development Specialists and assorted types of inspectors and investigators are now obsolete. We can finally be lumped together into a new series of "Developer of Decrepit Downtown Areas."

There can be several levels of this series from trainee to entry level, to journeyman level, to supervisory and finally managerial levels. Performance can be measured by how much time gets spent commuting to and from downtown areas and how much of one's paycheck gets spent downtown. Overtime can be awarded based on spending extra time and money to give decrepit downtown areas the appearance of vitality.

State workers should be pleased with the State administration's new *raison d'être* for its downsized workforce. As long as we all take the bus and spend our money, the public, media and politicians might even tolerate limited numbers of us. I wouldn't bet the store on our parsimonious employer giving us the type payraises that would enable workers to transfer big time money to our foundering downtowns.

I believe that the combination of the discomfiture caused by longer, unpleasant commuting to congested and often hostile areas and continuing decline in State Workers' living standards will encourage our workforce (average age 47 in PS&T Unit and 45 in CSEA administrative unit per 1998 study) to accelerate its attrition by retirement. The State might then contract out some jobs, not fill others, or fill our new title of "Developers of Decrepit Downtown Areas" at the trainee or entry level. Monies saved can be used for greater salaries and perks for the Governor, the Legislature and politically appointed managers. They've earned it for downsizing and for dreaming up innovative uses for what remains of the State workforce.

# STATE ODYSSEY 2001

By Jane Hallum

"Welcome to the Department of Exasperation's new employee orientation", blurted the pinstriped suited young women. "I'm Miss Information, and I'll be telling you a little about our department and its function, and then I'll go over the rights and responsibilities of employees."

"The Department of Exasperation is a multi-agency that is responsible for transportation, health and human services, justice and agriculture. I see we have some engineers, programmers, inspectors, nurses, and parole officers in our group today."

"Last year, we gave up on training our managers in supervisory techniques, and relied on the only true measure of performance, time on the job. We've implemented a system whereby you will record time in, then time out for both arrival and departure, and lunch breaks. Of course, as professionals we expect that you will do what is necessary to complete your assignment, however DO NOT record your actual hours worked. Should you ever be treated as any other worker and be able to sue us under the Fair Labor Standards Acts, we would not want to pay for your actual time."

"Now that we have mentioned the FLSA, let me tell you not to bother us with OSHA (you are not covered), or age discrimination. I'll mention one more thing. Since you have accepted employment with the State, we have restricted your ability to change jobs and work for those high-priced consulting firms that we employ. And if you are thinking about getting a part-time job or other employment, you are required to notify us and most likely we will give you a hard time and may deny your freedom to supplement your income because it may be a conflict of interest. Any questions?"

"Miss Information, " said a young engineer, "why weren't we told this on the interview?"

"Well, we do need bodies to justify some of our higher priced positions, and frankly, we've had trouble recruiting lately."

"Miss Information, why don't we have the same rights as private sector employees?"

"The term is public servant. Get it? Besides, government shouldn't have to obey the same rules it legislates for the private sector."

Several people began to leave.

"Wait, wait. We are going to fingerprint you next. That'll be \$50.00, cash or check. Next we need to create your photo id for your swipe key."

More and more people left. Finally there was only one person left in the room.

He approached Miss Information and said, "Another good job. Maybe now the Legislature will be convinced that we need to dismantle government services, and hire expensive consulting firms for the work that's left".

## STONE CEILING

While most state employees are enjoying their retro pay and raises, some supervisors' salaries are staying status quo.

The reason is a cap ordered by the Division of Budget under Director Carole Stone. It bars management confidential employees, such as deputy, associate and assistant commissioners, from receiving more than 94 to 98 percent of their agency head's salary.

The Organization of Management Confidential Employees says the effect has been to cut some employees out of the three percent annual raises most state workers got for 1999 and 2000 under new contracts this year.

The policy could kill management confidential raises for some time: commissioners usually, though not always, have to wait for their boss, the governor, to get a raise from the Legislature. Currently, agency heads earn between \$90,800 to \$136,000.

Caps on upper-level positions were raised in the wake of reports of SUNY Chancellor Robert King's \$90,000 housing allowance, which brought his known salary to \$340,000. Four top assistants to the chancellor had their caps raised from \$225,000 to \$275,000, while three vice chancellors' caps went from \$125,000 to \$170,000.

## EXEC BOARD - CONT'D

the list of committees eligible to receive political contributions from PEF was approved.

There was a question asked about why our health insurance premiums are higher than other units (eg: CSEA). It has to do with the fact that they do not currently pay for prescription coverage. They will be at our level by 2003.

Bill Seamon was asked for an update on the FLSA overtime case(s). He had nothing specific to report. 2 cases are going through the system now.

The meeting was adjourned at 3:20 p.m.

# PEF ANNUAL REPORT FROM THE SECRETARY-TREASURER

April 1, 1999 Through March 31, 2000 Fiscal Year

*Editors note: This document appears on PEF's webpage and was first published in March 2000. It is reprinted here in order to familiarize members who may not have seen it before in preparation for debate of PEF's budget for the new fiscal year beginning April 2001. Note that a dues increase was mentioned in this document but that it wasn't formally announced until July 20, 2000.*

The April 1, 1999 through March 31, 2000 fiscal year was a difficult year for our union. The fight for a fair contract involved not only using our current fiscal resources, but dipping into our reserve fund and requesting financial assistance from our parent unions. The Service Employees International Union (SEIU) and the American Federation of Teachers (AFT) each responded with a \$250,000 grant for an advertising blitz. In addition, SEIU provided to us, at no cost, Joseph Buckley, a professional negotiator.

During the contract period, joint contract monies were not received and other grants were either not renewed or severely reduced. In addition to using our resources for a contract fight, we now had to make up the monies from the current budget to support the activities to which our members had become accustomed. These services were Health and Safety training courses, technical assistance in Health and Safety issues, and advocacy for our members in health benefit issues. Reliance on the grants to perform these functions has proven to be detrimental to the organization during the periods in which we must dedicate all our resources to fighting for a contract.

So for the next term, this administration finds itself at a crossroad. Do we continue to function in the same way, providing benefits that should be provided by the State of New York? Do we continue to support a burdensome internal structure, or do we look at new ways to accomplish our goals?

In previous years, Convention Resolutions have dealt with changing our structure. Should the delegate apportionment be changed to one representative per seventy-five members? Should the Convention be held every other year? These resolutions were defeated. The income has been virtually flat-lined. The membership has been flat-lined. Inflationary pressures affect all of our operating expenses. Rents increase, utilities increase. Sometimes, these increases are above the inflationary rate.

We have worked extremely hard to reduce our expenses and we have come to the end of the line. Now, hard choices must be made by this delegate body. A projection of our expenses and dues for the next five years indicates that we will continue to have shortfalls each fiscal year culminating in a \$2.7 million deficit by fiscal year 2005-2006. This shortfall occurs just if the status quo is maintained. No new initiatives. No money set aside for contract fights. The delegate body must decide whether a dues increase is warranted to maintain the services and structures we currently have. Or should we cut services, restructure, and reform the way our union conducts its business?

Should we amass money for a contract fight, dedicate money to member mobilization, training, political action? How should we do this? Should we do this through an increase in dues?

As your Secretary/Treasurer, I have an obligation to present you with options. Ours is a democratic union, one in which you have a strong voice. I believe in that voice. I believe you should have all the information you need to make these difficult choices. A small dues increase would not affect most of us. I think of others among us, though, who would hurt, even with a small increase. Can they suffer the pain now for a better future tomorrow? One that we can not make any promises will occur, one that is not guaranteed, but through our collective experiences as officers know, is possible to achieve?

There will be much debate on these issues. I wish you wisdom and patience. I have confidence that you will seriously and judiciously weigh your options and come to a conclusion that is in the best interests of the membership.

## **N.Y.S. PUBLIC EMPLOYEES FEDERATION**

### **BALANCE SHEET**

#### **FOR THE FISCAL YEAR ENDING MARCH 31, 2000**

#### **ASSETS**

##### **Current Assets**

PEF Cash	1,269,961
Legislative Fund Cash	241,888
Accounts Receivable	640,261
Prepaid Expenses	424,618
Total Current Assets	2,576,728

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# ANNUAL REPORT - CONT'D

## *Fixed Assets*

Land & Buildings 2,014,312  
Furn/Fix/Computers/Autos 1,830,484  
Leasehold Improvements 434,473  
Less Accumulated Deprec/Amoritz (2,030,006)  
Total Fixed Assets 2,249,263  
Other Assets 177,466  
Investment Securities 3,825,354  
Total Assets 8,828,811

## **LIABILITIES & CAPITAL**

### *Current Liabilities*

Accounts Payable (3,651,393)  
Health Insurance Reserve (315,953)  
Total Current Liabilities (3,967,346)

### *Long Term Liabilities*

Contingencies/Litigation (8,963,668)  
Capital Lease Obligation (135,345)  
Total Long Term Liabilities (9,099,013)  
Total Liabilities (13,066,359)

### *Net Assets*

Unrestricted Net Assets 4,363,627  
Net Income/Deficit (41,011)  
Total Unrestricted Net Assets 4,322,616  
Temporarily Restricted Net Assets (85,068)  
Total Liabilities & Capital (8,828,811)

## **INCOME**

Membership Dues Income (18,650,583)  
Agency Fee Income (1,151,077)

Dues And Fees Refunds 13,810  
Total Dues And Fees (19,787,850)  
Interest Income (339,459)  
Unrealized (Gains)/Losses 184,528  
Rental Income (47,220)  
Grant Income (213,906)  
Advertising Income (175,721)  
Other Miscellaneous Income (701,637)  
Pac-Net Income (160,701)  
Total Income (21,241,965)

## **Direct Services**

Union Leave Expense 875,920  
Staff Salary Expense 6,211,000  
Payroll Tax Expense 473,036  
Employee Benefits Expense 1,627,380  
Total Salaries, Taxes, Ben. 9,187,335  
Auto Allowances And Expenses 173,481  
Staff Travel And Transp. Expenses 256,017  
Total Staff Travel 429,498

## **Program Related Expenses**

Member Travel Expenses 1,490,490  
State Eol Expense 209,358  
Total Program Related 1,699,848  
Total Direct Service 11,316,680

## **OPERATING EXPENSES**

Reproduction Expense 177,445  
Printing Expense 392,697  
Postage Expense 395,896

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## ANNUAL REPORT - CONT'D

Office Supplies Expense	90,415
Telephone/Communication	333,013
Rent Expense	538,854
Utility Expense	108,389
Janitorial & Security Expense	63,318
Maintenance & Repairs	48,786
Equipment Rental	5,748
Minor Equipment Purchases	67,322
Computer Fees	65,277
Advertising Expense	676,219
Photographic Supplies	15,892
Periodicals & Membership Fees	35,603
Books & Reference Materials	55,626
Insurance Expense	103,626
Temporary Hires	46,465
Steno/Transcript & Court Fees	19,031
Miscellaneous & Sundry	87,364
Total Operating Expenses	3,326,988
<b>General Administrative &amp; Organizational Expenses</b>	
Scholarship Fund Expense	40,000
Arbitration Expense	133,103
Legislative Fund Expense	200,000
Chairitable Contributions	31,993
Affiliation Fees	203,535
Divisional Fund	765,045
Per Capita Fees	5,301,853
Outside Legal Fees	17,107
Professional Fees & Consulting	247,030

Extraordinary Items (810,186)
Depreciation/Amortization 427, 805
Total Gen. Adm. & Org. Exp. 6,557,286
Total Expenses 21,200,954
Net Income (41,011)

## EXECUTIVE BOARD MEETING

By R. H. Harms Jr.,  
Executive Board Representative, Div. 258

Listed below is a brief summary of the Executive Board meeting held December 12, 2000 at the Desmond Hotel, in Albany.

Roger introduced our new Vice President, Pat Baker, former Region 11 Coordinator. He also introduced and swore in three new Executive Board Members. The printed agenda for this meeting was approved with several changes.

Minutes from the August '00 meeting were accepted with no changes.

### Presidents Report:

- Roger reviewed the priorities of his administration.
- He has noticed a change in the relationship between himself and the Governor. He has been treated more cordial recently, and feels there is an effort by the Governor's office to thaw out the relationship.

- He stated that there would be no layoffs in the upcoming budget, but cited that we must remain vigilant. He gave several agencies where we have met with some success:

- DOCS - There will be quite a dramatic reduction in inmates.

- State Insurance Fund - There will be no probationary period for individuals who have just recently undergone changes in their titles.

- SUNY - Relating to three hospitals, among other things, Management has acknowledged that any changes would need union support.

- The issue of impasse will be a high priority for State AFL/CIO.

- Our message to GOER needs to be that we are prepared to fight and wait for fair contracts in the future.

- Membership Benefits will be announcing in the near future that they will be picking up the cost for our members taking open competitive exams. We will still be negotiating with GOER to use contract funds for this purpose.

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## EXEC BOARD - CONT'D

- Although we have achieved great success with retirement reform, we still have issues to pursue.

- For Tiers 2 - 4, there is currently a penalty if you retire at 55 with less than 30 years. He will be pushing for this to be reduced to 25 years.

- Tiers 3 & 4 will no longer have to contribute, after 10 years. He would like to see a benefit (such as extra retirement service credit) for those who have already contributed more than 10 years.

- He mentioned that there has been, and currently is now, investigations of our leadership by the office of the Inspector General. The issues of leave usage and improper use of State resources are the main focus.

- VP Joe Fox gave a brief presentation on "Full Staffing." This is a core issue to many of our members.

- Roger Scales gave a brief presentation on Article 12.17 (Maintenance of Time Records). Some agencies are implementing changes for SG's 22 and below, when the only negotiated change was for SG's 23 and above.

The President's Report was followed by about an hour long question and answer period.

Cliff Merchant gave a presentation on the proposed USWA Local 9265 (our staff union) contract.

A motion to approve the contract was approved.

Jane outlined some proposed changes in the benefits for our M/C staff. A motion to approve these changes was approved.

The CWA is currently attempting to organize the workers at Amazon.com. Our members are being encouraged to not use this website until things are worked out. This message is being communicated to other unions.

### Secretary / Treasurer's Report:

- A list of budget amendments was presented. A motion to approve these amendments was approved.

- Our lease for the NYC office is due to expire next October 1. We have hired a broker to look into several options.

- Jane presented the Board with a change in our policy on Executive Board meetings. She proposed that each of our regularly scheduled quarterly meetings be two days in length, and preferably in the Capital District. An amendment was made that the meetings, when possible, would be on a Thursday and Friday. The amended motion was approved.

- The dates and locations of the meetings for 2001 were announced. March 8, 9 at the Quality Inn; June 21, 22 at the Gideon; August 16, 17 at the Desmond; December 6, 7 at the Quality Inn.

Immediately after lunch, the PEF Quality Service Award was presented to Bob Bailey from the Department of Transportation, Region 1 (PEF Region 8).

- Bob Carrothers gave a presentation on the problems we are having with GOER, with regard to reimbursement of EOL. Currently there are 69 cases where PEF approved EOL has been denied by GOER.

- Jane offered a motion to the effect that when PEF approved EOL is denied by GOER, that the member would have the option of receiving a monetary reimbursement (based on the individuals salary), by PEF, or waiting on the possibility of having their leave approved by GOER. This motion was defeated.

- A motion was approved to have the Secretary/Treasurer, in conjunction with Legal, review this problem, and bring back a more detailed proposal at the next meeting.

A proposal for Delegate constituencies for the 2001 convention was presented and approved.

A proposal to implement a pilot program for the next round of special elections was discussed.

The idea is to eliminate the use of Social Security numbers from petitions. They would be replaced by a PIN consisting of the first name initial, the first four letters of the last name, and the last four numbers of the SS#. The motion, to implement this, was approved.

A motion to add the "Working Family Party" to

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## **HEARTLAND WANTS NEWS!**

In the hope of publishing a little MORE NEWS, and a little LESS DEBATE, we solicit the following material:

For a **BULLETIN BOARD**, we request Division leaders to send us notice of upcoming Division activities and events and such other information as they would like to share with our members.

For **DIVISION NEWS**, we request copies of Division Council minutes. These will be reviewed for items which might be of interest to members of other Divisions within the Region.

For **COMMITTEE REPORTS**, we request copies of Region 8 Committee minutes. Division Committees may also submit reports, if they feel them to be of general interest.

## Ross Jones in Memoriam

*by Jeff Satz*

One of the sadder aspects of being an officer in an aging union is the accelerating loss of union brothers and sisters. Most of these losses are due to retirements. We wish those folks well and try to maintain the friendships. Others pass on and we are left memories along with another lesson in the transience of our lives.

I'm especially saddened by the recent and untimely passing of Ross Jones. Ross was a long-time union activist. His New York State service was in the Department of Social Services and its successor entities. Ross was a mainstay of PEF Division 234 and served in such capacities as Executive Board member, Labor/Management Chair and Shop Steward.

At first brush, Ross could be brusque and, indeed, abrasive. Those who were privileged to know him, learned that beneath his crusty veneer was a decent and sensitive human being. In short, Ross was a great advocate for his membership, forever insisting that management do the right thing.

As a union leader, I often listen to bombastic rhetoric invoking the holy mantle of "Trade Unionism." If the union movement is to be truly renascent, it needs to cultivate more people like Ross. His short but meaningful time with us was the embodiment of what good trade unionism should be. This was reflected in the respect that management as well as Ross's PEF confreres accorded to him. I attended a moving service in Ross's memory, filled to standing room capacity by his family and his many friends.

In the interest of brevity, I won't delve into Ross in such capacities as husband and father, decorated Vietnam War Veteran or his excellence in photography and interest in antiques.

Suffice to say that Ross Jones was one of a kind and will be sorely missed.

Our heartfelt sympathies go to his family.

## **PEF SCHOLARSHIPS AVAILABLE**

Every year, PEF awards 10 Joseph Scacalossi scholarships, each worth \$4,000 over four years. Applications are available on line at

<http://www.thecommunicator.org/comdec2000/images/coupon.gif>

To apply, complete and submit by March 16, 2001 to: PEF Scholarship Program, P.O. Box 12414, Albany, NY 12212-2414.

Upon approval of the preliminary application, the PEF Scholarship Committee will mail applicants a final application. The final application must be completed and returned to the committee by April 27, 2001, with a copy of the student's high-school transcript and either SAT or ACT results.

AFT SCHOLARSHIPS NOW AVAILABLE Appli-

cations are now being accepted for the AFT's Robert G. Porter Scholars program. The program offers four \$8,000 scholarships for high school seniors graduating in 2001 whose parents are AFT members and who intend to pursue a career in labor, education, health care or government service. Also offered are 20 one-time grants of \$1,000 for AFT members to pursue further study.

Members may download the application from the AFT Web site at <http://www.aft.org/scholarships>. Members who do not have access to a computer or the Internet should send a postcard or letter (no phone calls, please) to Porter Scholars, 555 New Jersey Ave. N.W., Washington, DC 20001.

The deadline for completed applications is March 31, 2001.