

The Public SECTOR

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Employees Association

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DEMONSTRATING IN NEW ROCHELLE — CSEA Region III President James Lennon, left, marches along with CSEA-represented employees of the New Rochelle Public Library during informational picketing to protest a lack of adequate employee parking close to the facility. The union feels that employees, mostly women, are placed in a dangerous situation by being forced to walk two blocks to a parking garage each night. For more on the situation, see articles and photographs on page 3.

Union's Benefit Fund waiting period reduced

ALBANY — Trustees of the CSEA Employee Benefit Fund have voted to drastically reduce the waiting period that new employees must endure before being protected by the Fund's benefits and to separate fund benefits to allow municipalities to participate.

William L. McGowan, Chairman of the Fund, said under the changes approved by the Trustees at their

September meeting, the waiting period for new employees has been reduced from ninety days to twenty-eight days and municipalities with CSEA represented employees may provide benefits through the Fund including prescription drug and/or dental insurance.

Thomas P. Collins, Director of the Fund, said that when the CSEA Employee Benefit Fund was established, it used a 90 day delay pattern, but subsequently the Fund has been able to reduce this lengthy waiting period to the more reasonable four week level.

Concerning the separating of the benefits to political subdivisions, Collins said that prior to the action of the Trustees, a municipality wishing to provide benefits to its CSEA-represented employees via the CSEA Benefit Fund had only one option, to participate in both the Fund's prescription drug and dental insurance programs. As a result of the Trustees action, they may now participate in either or both, thus making the benefits available to local government membership more flexible.

"Through reduction of the standard waiting period and added flexibility in benefits available through local government participation, we have made the CSEA Employee Benefit Fund a better benefit of CSEA membership," Chairman McGowan said.

CSEA and State work to expedite testing for asbestos lung damage

ALBANY — CSEA and the State Health Department are working together this week in an effort to expedite a medical survey of some state power plant personnel who have apparently received lung damage as the result of exposure to asbestos.

CSEA President William L. McGowan met recently with Dr. David Axelrod, State Health Commissioner, and Meyer S. Frucher, Director of the Governor's Office of Employees Relations, to review the results of a study by the Employee Health Service which indicated 14 out of 18 long-term power plant employees tested showed signs of some degree of lung damage resulting from exposure to asbestos.

The study, conducted by nationally recognized expert Dr. Irving J. Selikoff of Mount Sinai Medical Center, requires more ex-

tensive review to determine the source of the exposure and the potential effects on the health of the employees involved. Dr. Axelrod said none of the employees tested so far showed any external symptoms of the condition.

"Our primary concern here is obviously for the well-being of the employees already identified as having been exposed," President McGowan said, "but we're also concerned that more employees in other work locations have also been working in an area with exposed asbestos and could also have health problems as a result. We want to make sure that everything that can be done to assess the scope of this problem is carried out as quickly as possible."

McGowan said the Health Commissioner and Governor's Office of Employee Relations have been forthright in working with CSEA in

this matter. They have pledged to keep the union fully informed on the results of further medical studies and to seek CSEA participation in pursuit of a solution.

Already, the state has announced plans to conduct further health screening of approximately 200 powerplant employees in the Capital District to look for general exposure problems and to determine how widespread the health problems may be. CSEA will ask the state to broaden its screening significantly to include other types of employees working in asbestos exposed areas.

There are approximately 2,000 state employees working in state operated power plants, mostly in institutions, prisons or campuses. The number of employees working in other exposed areas is not yet known. CSEA is asking the state to attempt to identify such employees.

Asbestos had been widely used in construction in the 1960s and early 1970s for its fire retardant properties. Concern about its impact on health caused its ban in 1972.

In sufficient quantities it can inflame the lungs resulting, in some cases, in a weakening of the capacity of the lungs and in extreme cases in a disease known as asbestosis, permanent damage to the linings of the lungs.

"We have a problem here that requires immediate and serious attention," President McGowan commented, "but there is no need for panic. We will work with the state closely to ensure that our members know that their interests are being protected."

Election results are official

The results of CSEA's recent elections for statewide officers, regional officers, and members of the State Executive Committee (Board of Directors) as printed in the two previous editions of The Public Sector have been certified as official by the CSEA Election Procedures Committee.

Only two races remain to be determined, both involving seats on the Board of Directors. Because the original elections resulted in ties for both the Audit and Control seat and the Region 4 Mental Hygiene seat on the Board of Directors, those races are involved in runoff elections as announced in last week's issue. The deadline for returning ballots in those two runoff elections is 9 a.m. September 28.

Certified official were the election of CSEA President William L. McGowan, Executive Vice President Thomas H. McDonough, Secretary Irene Carr and Treasurer Jack Gallagher, along with regional presidents Irving Flaumenbaum (Region I), Jimmy Gripper (Region II), James J. Lennon (Region III), Joseph E. McDermott (Region IV), James Moore (Region V), and Robert L. Lattimer (Region VI).



Thomas C. Collins

COL quest continues

By Thomas Gilmartin
CSEA Retiree Coordinator

As the upward inflationary curve continues to climb relentlessly, so must the pursuit of cost-of-living increases for retirees continue without abatement. CSEA's goal for 1980 is to gain something for additional retirees of the 1970's. This renewed effort will be based on what we will call "the Levitt-Pisani Concept."

What is the "Levitt-Pisani Concept"? In 1977 Arthur Levitt, then State Comptroller, proposed a supplementation plan that would have brought into the retirement supplementation program those retirees who retired since 1969 and have been receiving no supplementation relief. Since then, be it noted, the first three months of 1970 have been included by legislation passed in 1979. The Levitt proposal would have provided 1% to 1976 retirees, 2% to 1975, 3% to 1974, etc., reaching 7% for 1970 retirees, then jumping to what was then 14% for 1969 retirees. As for the years involved, it should be remembered this proposal was made two years ago.

A bill implementing this idea was introduced by Senator Joseph Pisani of New Rochelle bearing the Senate number of S. 1234-A which, however, died in committee for lack of support. Now the CSEA Statewide Retirees Committee is taking an interest in the Pisani bill and, after necessary updating, plans to base its 1980 bill for a cost-of-living increase thereon. The bill in question can be traced to the 1977 proposal by Mr. Levitt, hence the term "The Levitt-Pisani Concept." As presently viewed, the bill would provide a cost-of-living increase for retirees who retired through March 31, 1979. While those who retired in most recent years would get only a small percentage, it would be a start and they could count on something a little higher each year.

Details are being worked out now, and CSEA retirees will be more fully informed in their next issue of "CSEA Retiree Newsletter" to be mailed in the latter part of October. In the meantime, this proposed legislation is

subject to the approval of CSEA's Statewide Legislative Committee which is expected without a hitch.

In 1980 mistakes of the past are to be avoided, such as introducing a bill which carries a price tag too large ever to get off the ground, such as the "big bill" of 1979 which costed-out at hundreds of millions of dollars and never had a chance. Another mistake not to be repeated was introducing two CSEA cost-of-living bills, thus dividing the support of the retiree members.

It is believed that it is possible to get a bill through this year that will extend a cost-of-living supplement to retirees of the seventies without costing too much.

The retirees' legislative program also carries two other goals, neither of which is new. One will be a repeat of the survivor's benefit of \$2000 for pre-October 1966 retirees which was vetoed on July 10th by Governor Carey. It was vetoed on the grounds that it was too expensive, so our statisticians will be re-examining the method by which the fiscal note was computed.

In this connection, a select subcommittee of CSEA retirees met with the Governor's Office of Employee Relations on August 14th, meeting personally with Mr. Meyer Frucher, Mr. James Northrop, and Mr. Harold Rubin who have agreed to work with the retirees to come up with legislation the governor can go along with.

A third goal for 1980 would provide that the surviving spouse of a retiree could continue the deceased retiree's health insurance coverage by paying only 25% of the full cost, a benefit not presently enjoyed. However, this benefit was gained in the 1979 contract negotiations but applicable only to future retirees. The goal is to have present retirees covered by the same benefit.

Thus it is that struggling to cope with the ever increasing inflation affecting our shrinking pensions must be accepted as a way of life and, regardless of discouraging setbacks, the effort must go on, and, rest assured, it will.



A PAIR OF FIRST FOR LOCAL 860 — Westchester County CSEA Local 860 President Pat Mascioli, center, congratulates two members of his Local who were elected to Region III offices in the recent union election. Raymond O'Connor, left, is the newly elected First Vice President of Region III, and Eleanor McDonald, right, was elected Region III Treasurer. They are the first people from Westchester County to be elected to region-wide office. O'Connor is also President of the Westchester County Unit of Local 860, while Ms. McDonald is President of the Town of Greenburgh Unit and Treasurer of Local 860 also.



Treasurer seminar set for workshop

SYRACUSE — The CSEA Region V Conference at the Marriott Inn, September 28-29-30 in East Syracuse will include a special Treasurer's Seminar for new officers, to be conducted by CSEA Statewide Treasurer Jack Gallagher.

The Saturday morning session is open to all CSEA state and county Local and Unit treasurers, including those newly elected.

Gallagher, who was recently re-elected to his 6th term as Statewide Treasurer, will discuss proper procedures for new treasurers and offer suggestions for improving existing systems.

In addition to the Treasurers Seminar, the 3-day conference will also include political action, stewards training and other workshops.

Calendar of EVENTS

September

- 27 — Board of Directors meeting, 9 a.m., Thruway House, Albany.
- 27 — Region III Legislative and Political Action Committee meeting, 6:30 p.m., Holiday Inn, Newburgh.
- 28-30 — Central Region V Fall Workshop, Syracuse.

October

- 12-13 — Region 6 Conference, Holiday Inn, Batavia.
- 17-19 — Public Employee Conference meeting, Concord Hotel, Kiamisha Lake.
- 18 — Local 002 general membership meeting, First Ward Legion, Clinton and Grace Streets, Binghamton, 7:30 p.m.
- 21 — Board of Directors meeting, Concord Hotel, Kiamisha Lake.
- 21-26 — Annual Meeting, Concord Hotel, Kiamisha Lake.

New Rochelle library workers

protest new parking policy



NEW ROCHELLE — Employees of the New Rochelle Public Library, represented by the Civil Service Employees Assn., are incensed over a lack of adequate parking close to the library building. Charging that employees are placed in danger by being forced to walk two blocks to a parking garage, some 30 CSEA members demonstrated their displeasure on the rainy night of September 14 by conducting a protest march around the new public library.

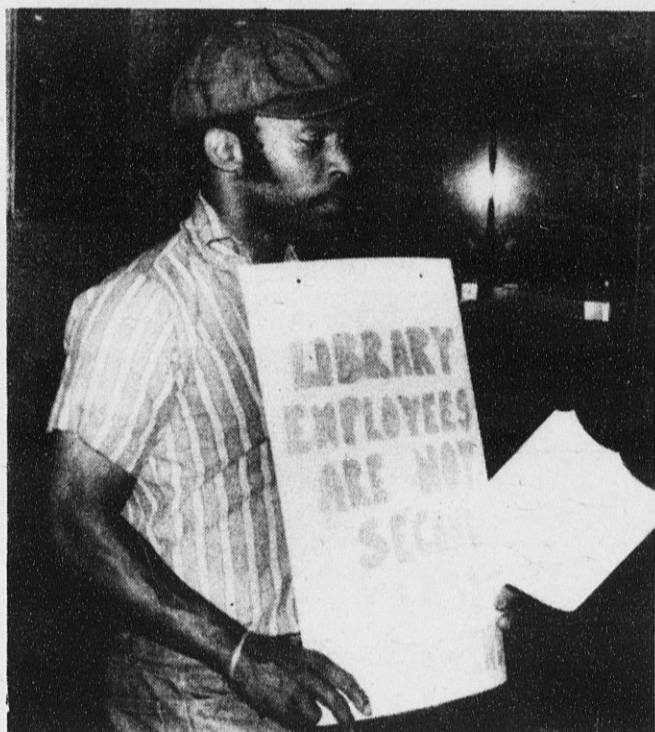
CSEA Region III President James Lennon, who marched with the protesting employees, said the employees are upset because the library provides parking for patrons but requires the employees to park two blocks away at the Church Street garage. Lennon said the garage area

has been the scene of several instances of women being mugged, and that it definitely is unsafe for the library employees, most of whom are women, to walk to the garage after the library closes at 9 p.m.

Phyllis Kennedy, President of the library section of the New Rochelle CSEA Unit, said the approximately 40 employees of the new library are requesting 20 parking spaces be reserved for employee parking.

The September 14 demonstration was timed to coordinate with the evening that New Rochelle city officials were celebrating the opening of the new library with a program of food, beverages and music for guests. The new facility opened to the general public on September 17.

The adjacent photos depict the demonstration in progress.



Communications snafu almost costs employees leave time

LAKE PLACID — A basic lack of communication between the main office of the Department of Environmental Conservation in Albany and a branch office located at Whiteface Ski Center just outside of Lake Placid nearly cost five workers at the ski center one day in leave time after they were summoned from their regular duties to help fight a nearby forest fire, the Civil Service Employees Association has revealed. And while that problem has since been ironed out, the union says the same lack of communication between management still exists and should be worked out so as to prevent similar instances of the right hand not knowing what the left hand is doing.

The matter, says Capital Region

CSEA Field Representative Charles Scott, was straightened out through a letter which he sent to the main office of EnCon, but the union remains concerned over the lack of communications and the effect it may have in the future.

According to Scott, in late August the personnel office at the ski center received and honored a request from an EnCon forest ranger for five workers to assist fire fighters who were having trouble controlling a blaze in nearby woods. The five were sent to the fire scene the next day, a normal work day.

When the Albany office received notice that these men were not at their regular duties on that day, it immediately sent notice to the ski center personnel office directing

these men to charge the time off to personal leave, apparently ignoring the fact that they were called out to work for the department in another capacity.

Scott immediately sent a letter to Thomas Rider, a personnel manager at the Albany office, demanding justification for EnCon's action. In response, Rider's office revoked its directive.

"This lack of communications has been going on for too long," Scott said of the incident. "The Whiteface office, it seems, has one set of policies and the Albany office has another. And our employees are caught in the middle."

Scott said that he has often requested the two get together, with the CSEA, and agree on one set of rules, but EnCon has failed to comply so far.

Demand negotiations

NEW CITY — Rockland County CSEA Local and Unit officials and CSEA staffers met with the Havestraw-Stony Point Central School District last week to demand a start to negotiations and to protest a threatening letter sent to CSEA members in the North Rockland Schools.

John Mauro, CSEA Rockland County Local 844 President; Charles Jones, CSEA North Rockland Schools Unit President; and Tom Lupsello, CSEA Regional Director, met with North Rockland School District Superintendent Konrad K. Koch to protest a letter he sent to CSEA members warning them of Taylor Law fines and penalties if they called in sick during an expected teacher's strike called for September 5.

In a letter to the editor of the News-Journal a local newspaper, Charles Jones wrote, "it was obvious to us that the district was trying to exploit the potential teachers confrontation to further delay negotiation with the CSEA and to incite us."

CSEA officials complained that they have been working without a contract since June 1979 and that no negotiating session has yet been held with the school district. After the meeting the CSEA filed an Improper Practice charge with PERB, charging that the school district has violated their contract and the law.

LETTERS to the Editor

Editor's note: Holding down the cost of government is an admirable goal that can be practiced by virtually everyone to varying degrees. In the following letter, a court clerk with the Suffolk County Supreme Court details how he came up with an idea that saves thousands of dollars annually.

I am a Court Clerk I with the Suffolk County Supreme Court and I have evolved a system which saves our operation an estimated \$5000.00 or more each year.

It is my duty to process and file decisions and other documents as they are sent to me from the various Judges' Chambers, in the mail, etc. Through the years, I was besieged by requests from attorneys for copies of these decisions. I began asking them to provide me with stamped, self-addressed envelopes so that we could automatically provide them with a copy of decisions which are of interest to them.

At this point, my desk is surrounded by huge stacks of cubby-holes in the form of an old Post Office Sorting Bin, which I personally acquired and have since been reimbursed, "all stuffed" with stamped, self-addressed envelopes in alphabetical order.

I return more than 20,000 envelopes each year to the various attorneys who practice here or elsewhere. When an attorneys' supply of envelopes gets low, I send him a mimeographed request for a refill. Should this request be ignored, I keep "bugging" them until they send them to me.

Not only do we save the cost of fifteen cents postage for mailing each decision, but we also save the cost of the envelopes and the cost of the clerical help needed to address them. Our daily workload varies from fifty decisions to several hundred so that the saving in secretarial help alone is considerable. As of the start of this month we had approximately 9,000 stamped self-addressed envelopes "stacked" in my office.

This system could certainly be employed in every similar court operation throughout the state. Why should the taxpayers subsidize what is, after all, a courtesy to the legal profession — particularly in this day of taxpayer protest?

These orders and decisions have been getting larger and larger and one day not too far off will double the output of today, which will make this system even more beneficial to the taxpayers. James Allan Cameron, Court Clerk I



AFL-CIO supporting transportation bond issue

The New York State AFL-CIO reminds that one of the most important issues to face New Yorkers and the labor movement in recent years — the \$500 million Transpor-

tation Bond Issue — will be on the statewide ballot on November 6.

If approved by the voters, the Bond Issue will improve and expand rail and commuter service and local

streets throughout New York State. In addition, total spending from the Bond Issue — nearly \$1 billion — will generate more than 33,000 new jobs, permit greater industrial expansion and reduce the state's dependence on foreign oil.

The New York State AFL-CIO and several major unions throughout the State have already endorsed the Bond Issue.

Grover elected

ELMIRA — Recently installed officers of Chemung County CSEA Local 808 were: President Willis Grover, First Vice President William Euwsuk, Second Vice President Mary Sears, Third 3rd Vice President Arlene Evenden, Recording Secretary Ann Page, Corresponding Secretary James Menechalla, Treasurer Sally Peck, and Board Representative-County Mary Nelan.

Elect Kalbfleisch

SYRACUSE — The name of Marie Kalbfleisch, elected delegate, was inadvertently not submitted and thus did not appear with the names of recently elected officers of Onondaga County CSEA Local 834 in the Public Sector issue of September 12, 1979.

KEEP CSEA INFORMED ON MAILING ADDRESS

In the event that you change your mailing address, please fill out the below form and send it to:

CSEA, Inc., P.O. Box 125, Capitol Station, Albany, New York 12224.

This form is also available from local presidents for CSEA members, but is reproduced here for convenience.

Change of Address for 'The Public Sector'

Please allow 3-4 weeks for change to take effect.

My present label reads exactly as shown here (or affix mailing label)

Name _____	Local Number _____
Street _____	
City _____	State _____ Zip _____

MY NEW ADDRESS IS:

Street _____	
City _____	State _____ Zip _____
Agency where employed _____	
My social security no. _____	Agency No. _____

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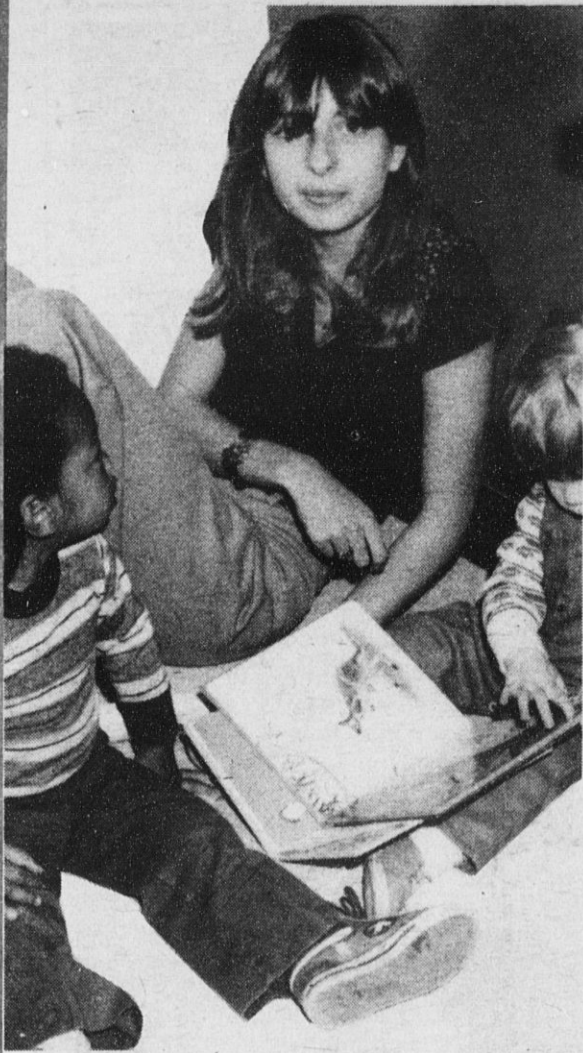


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STUDENT TEACHER
Heidi Powley reads a story to two toddlers. In addition to the toddler classes, Children's Place has a pre-school class and infant care.



CHILDREN'S PLACE AT THE PLAZA Director Lynn Knauss works with a pre-school student on a pasting project.

Children's Place at Plaza for infants, toddlers, pre-school

ALBANY — Children's Place at the Plaza, the new daycare facility for the children of New York State employees has been operating since Sept. 10.

The Children's Place, located in the second core of the Swan Street Building at the Empire State Plaza complex, is operating at approximately half its capacity of 88 children.

The facility provides infant care for babies

eight weeks to 18 months old, toddler classes for 18 month to four year olds; and pre-school for four and five year olds.

The facility was created, in part, due to the efforts of CSEA.

Also, children whose parents do not work for the state are eligible to attend.

For additional information, call (518) 473-8714.



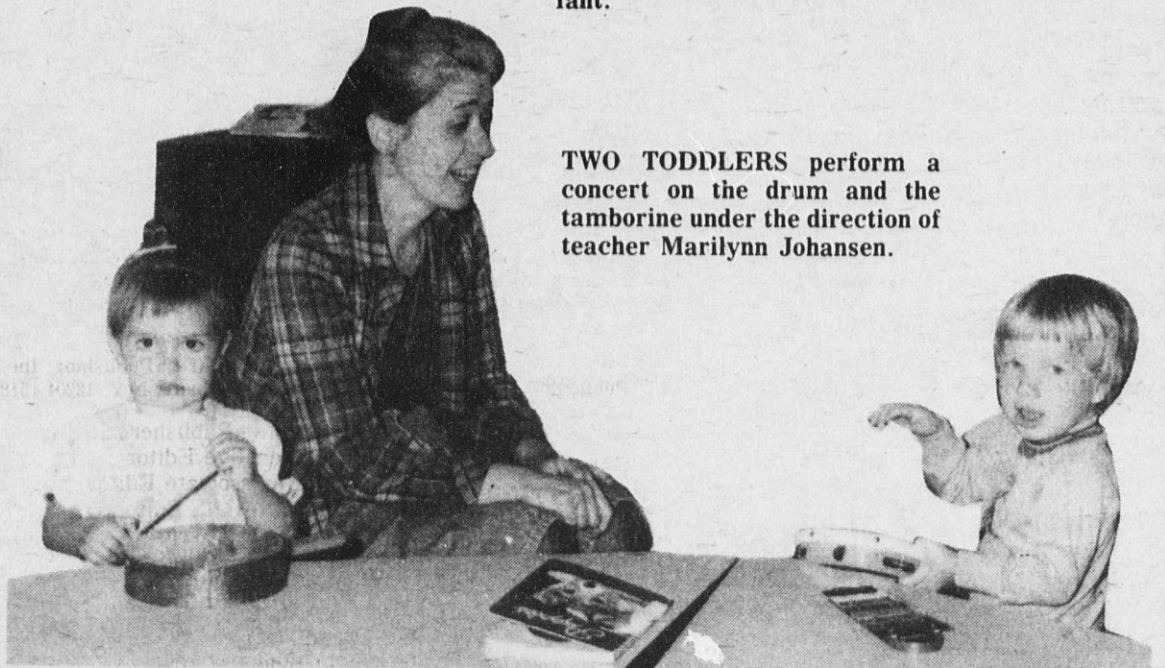
INFANT CARE is provided by Ruth Morris, an aide at the Children's Place.



TWO INFANTS get up from their naps and are ready for some fun. A crib is assigned to each infant.



THREE PRE-SCHOOLERS look like their having a grand time at the water box, one of the many activities they participate in at the Children's Place.



TWO TODDLERS perform a concert on the drum and the tamborine under the direction of teacher Marilynn Johansen.

Swim pool safety job of CSEA member



PUBLIC HEALTH SANITARIAN Robert Shaller takes a sample of water from Northside Veterans Memorial Pool in Binghamton for testing to check whether the pool is safe. Shaller is a member of the Broome County Unit of CSEA Local 804.



POOL MANAGER Joe Peranski, left, shows Sanitarian Robert Shaller the air pack kept at Northside Veterans Memorial Pool in Binghamton. The air pack is used in case of a chlorine leak.



Invaluable, but unfortunately, also invisible. That's the case for a great many public employment jobs. And that could be one reason why many taxpayers develop negative attitudes toward public workers . . . a lot of the work, a lot of the services they get for their tax dollar are invisible. And that contributes towards the mistaken sense that they are not getting what they feel they are paying for. There are hundreds, perhaps thousands of jobs in the invaluable but invisible category. Robert Shaller's job is one of them.



SECURITY OF THE SWIMMING POOL AREA is part of the inspection given by Sanitarian Robert Shaller in Broome County.

BINGHAMTON — Millions of people every year use public swimming pool facilities, especially in the summer months.

Most of those people probably never give a second thought as to whether those facilities are safe in spite of the great potential for unsafe and unhealthy conditions at those facilities.

One reason most pool facilities are safe is because of the work of public health sanitarians, such as Robert Shaller of the Broome County Health Department. Shaller is a member of the Broome County Unit of CSEA Local 804.

The inspection of a swimming pool facility includes 33 separate items, Shaller said. See accompanying chart.

Pool facilities in parks, motels, country clubs, apartments, civic organizations, schools and spas are inspected by sanitarians, Shaller said.

He explained some of the other types of inspections conducted by Sanitarians in Broome County, including:

Restaurants and food services, x-ray machines, sewage disposal systems, camps, hotels, mobile home parks, water supplies, and animal and insect control.

New York State Department of Health Swimming pool and bathing beach inspection

General

- Valid permit to operate
- Operation records and testing
- Structural defects absent
- 25 sq. ft. per bather
- Electrical hazards absent
- Rental suits and towels properly laundered
- Refuse storage and disposal
- Drinking water
- Food Service

Bath house

- Clean and adequate for each sex
- Shower and toilet facilities adequate for each sex
- Soap, warm water and hand drying facilities provided
- Floors, non-slip, clean, well drained and smooth
- Lighting and ventilation
- Sewage disposal

Safety

- Qualified lifeguard(s) on duty
- Float line and depth markings provided
- Ring buoys, lifeline, pole and first aid kit provided
- Pool fenced
- Chemicals properly used and stored

Pool

- Proper disposal of filter backwash wastewater
- Absence of cross or interconnection
- Adequate supply of bathing water
- Proper operation of recirculation system
- Air gap provided on pool inlet and outlet
- Guages and flowmeter operation
- Pool inlets providing adequate mixing
- Bottom, sides, gutter and deck clean, non-slip type
- Pool clarity
- Treatment chlorine/bromine mg/l pH
- Disinfection treatment
- Gas chlorinator properly housed, ventilated, mask available
- Chemical treatment equipment

Free care at well baby clinics

WHITNEY POINT — While most medical costs rise sharply every year, the prices at the Broome County well baby clinics remain the same — free!!!

Broome County operates 15 such clinics once each week with approximately 45 nurses represented by CSEA, according to Caroline Ciak, RN. Ms. Ciak works in the Whitney Point well baby

clinic. The nurses are part of the county unit of Local 804.

Other well baby clinics are in Binghamton (7), Vestal, Johnson City, Chenango Forks, Conklin, Windsor, Endwell and Harpursville.

The clinic is for children ages 2 months until entering school who are not sick.

Children receive physical examinations from a nurse practitioner or pediatrician and immunizations; and parents receive

health information. A child's first school physical is given at the clinic.

If problems are discovered, the clinic makes referrals, Ms. Ciak said.

The nurses conduct the interviewing, immunizations and the measuring of each child's growth. Subjects discussed range from proper nutrition to bed wetting, Ms. Ciak said.

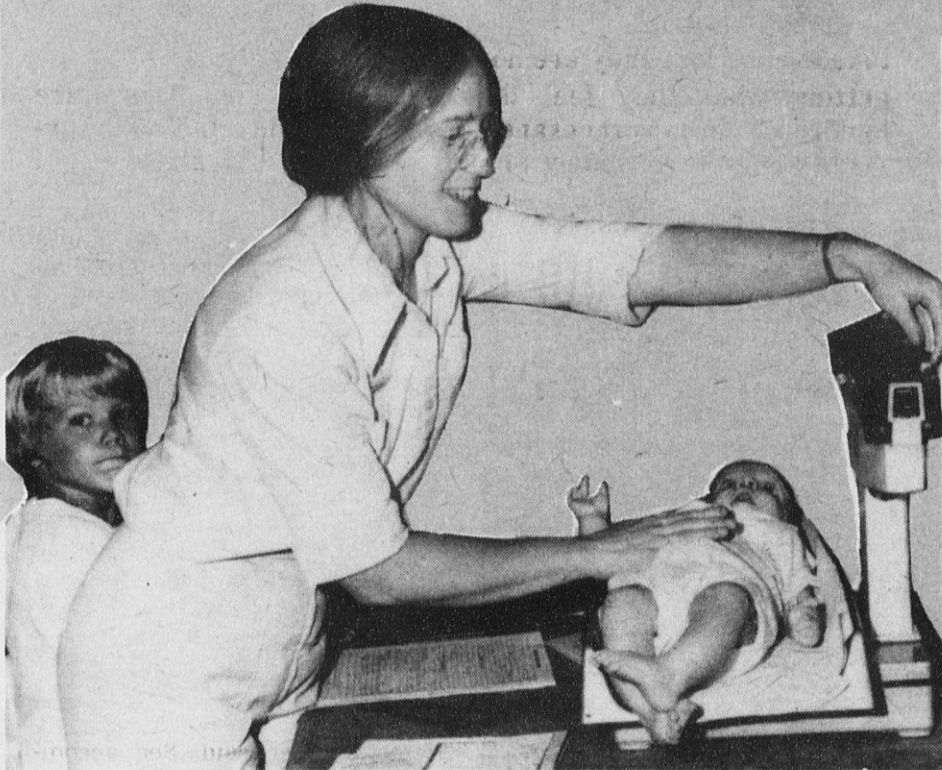
Visits to the clinics are made by appointment, she said.

Printed information on childhood

illnesses are distributed at the clinic.

In addition to working at the clinics, the nurses make follow-up visits to the homes to children with medical problems as well as visit older patients requiring dressing changes, injections and other physician-ordered treatments, Ms. Ciak said.

She also said the nurses instruct home health aides in the care of bed-ridden patients in the home and provide health guidance to expectant parents.



Above, CSEA MEMBER Caroline Ciak, RN, weighs 4-month-old Jeremy Maus of Chenango Bridge at the Broome County Well baby clinic at Whitney Point. Jeremy's brother, Steve, keeps an eye on things.

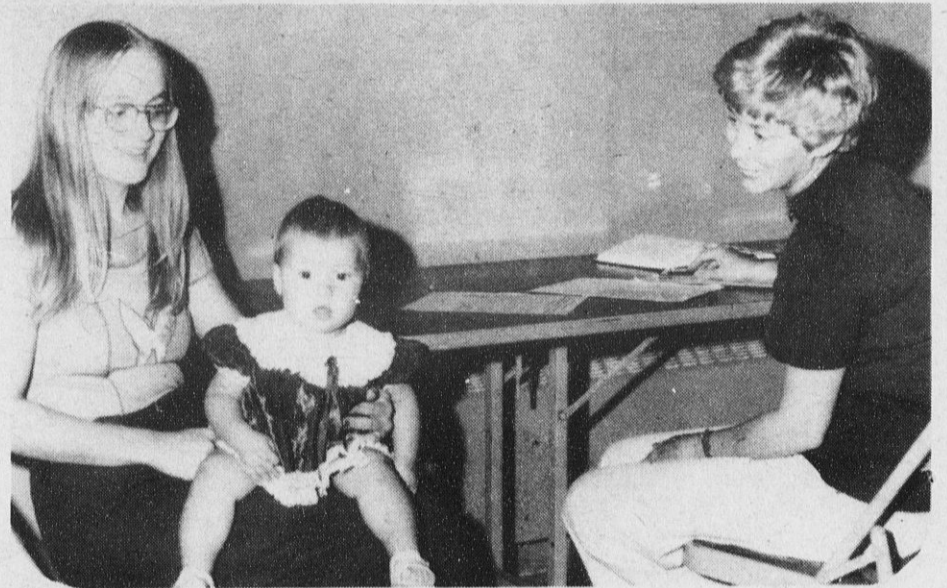


Left, ORAL POLIO VACCINE is administered to Jamie Lynae Gorney, 6 months, of Whitney Point by Marguerite Sullivan, R.N.

Right, SANDRA MINEHAN, RN, right, interviews Dorothy Walker and 9-month-old Sarah of Smithville Flats at the well baby clinic at Whitney Point.



Above, NURSE PRACTITIONER Beatrice Tampkins examines 5-year-old Katrina Cox of Lisle who is sitting on her mother, Patricia.



Longer probation periods start November

Civil Service rule changes which generally lengthen probationary terms for State employees take effect next month. The changes are contained in amendments to Section 4.5 of the Rules for the Classified Service.

Under the new rule, the general probationary term for open-competitive appointments and original permanent appointments in the non-competitive, exempt and labor classes will be a minimum of 26 weeks and a maximum of 52 weeks. At present, the period is generally eight to 26 weeks.

For promotions and transfers, the term will be a minimum of eight

weeks and a maximum of 26 weeks for positions in Grade 13 and below, and 12 to 52 weeks for positions at Grade 14 and above. At present, these terms are generally a flat 12 weeks.

The new rule will apply to appointments, promotions and transfers made on or after Oct. 2. Transactions made through Oct. 1 will be covered by the old rule.

For certain specified positions, the minimum and maximum probationary periods are unchanged. For example, the term remains 12 to 78 weeks for various educator, mortgage officer and scientist positions, and six months to three

years for teacher and vocational instructor positions.

The new rule also provides that probationary terms will automatically continue to the *maximum* limit, unless the appointing authority gives earlier written notice to the employee that probation has been successfully completed. Such notice can be given only after the minimum period. Under the present rule, an employee is deemed to have completed the probationary term successfully at the end of the *minimum* period, unless written notice is given that the probationary period will be continued.

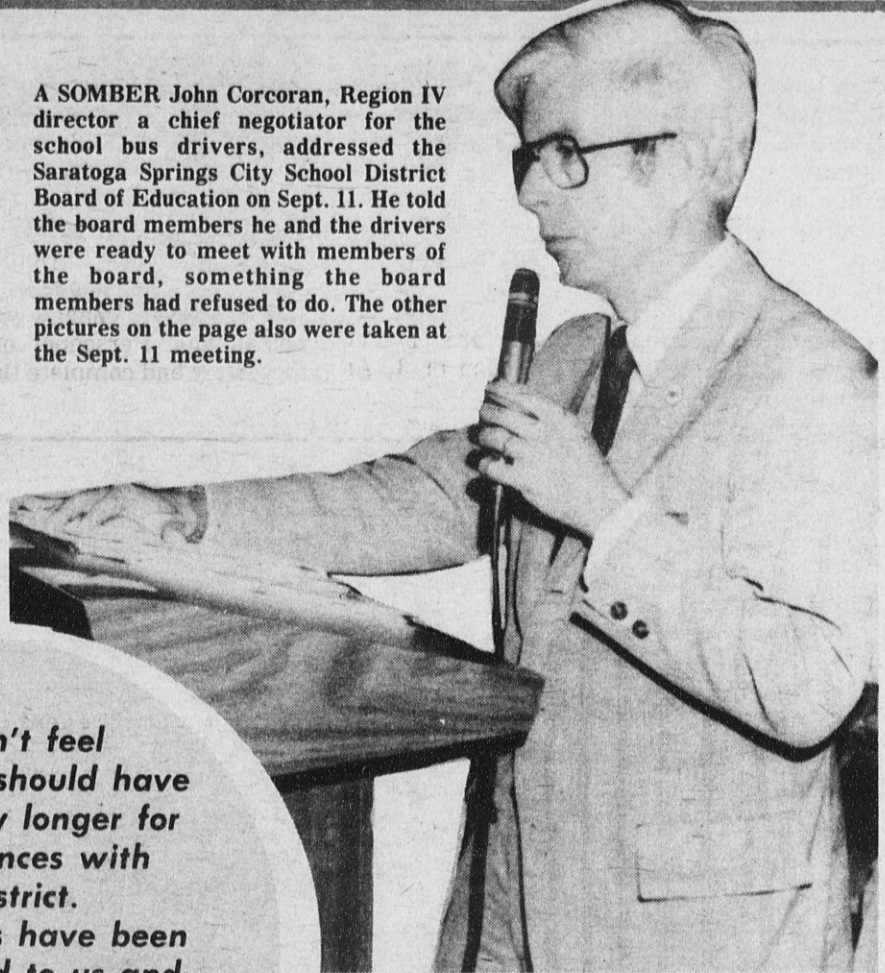
The changes are expected to enable agencies to evaluate the work of

employees more thoroughly and give employees an increased opportunity to demonstrate satisfactory performance in their jobs.

The changes were recommended by the Department of Civil Service on the basis of suggestions submitted to the Merit System Review. Before acting on the rule changes, the State Civil Service Commission conducted a public hearing to receive views and comments. Revisions were later made, reducing the proposed minimum periods for promotions and transfers. At the time of the hearing, the proposed minimum was 12 weeks for Grade 13 and below, and 26 weeks for Grade 14 and higher.



CSEA FIELD REPRESENTATIVE Don McCarthy, left, and bus drivers president Henry Ebert chat together before the start of the board meeting.



A SOMBER John Corcoran, Region IV director a chief negotiator for the school bus drivers, addressed the Saratoga Springs City School District Board of Education on Sept. 11. He told the board members he and the drivers were ready to meet with members of the board, something the board members had refused to do. The other pictures on the page also were taken at the Sept. 11 meeting.



UNIT TREASURER Patricia Penrod tells the school board the drivers would not work for 1976 wages and the drivers wanted paid health insurance as negotiated with the private contractor.

'We don't feel the children should have to suffer any longer for our differences with the district. The residents have been awfully good to us and we're not going to let their children go without an education. . . .'

Henry Ebert,
CSEA Unit President.

LESTER COLE, president of the other CSEA-represented non-teaching unit of the Saratoga Springs City School District, reads a prepared statement to the school board. Cole also has filed an Improper Practice against the board for attempting to unilaterally reopen his unit's contract with the board to include the bus drivers.



THE HIGH PROFESSIONAL STANDARDS and the educational backgrounds of the drivers were explained by bus driver Sue Leavitt at the board meeting.



BUS DRIVER Diane Maluszewski expresses the feelings of many of the bus drivers. "I will not get into a bus without dignity," she told the board. Dignity to her and the other drivers means keeping benefits negotiated with the private contractor, including health insurance. Sitting in front of Ms. Maluszewski is CSEA Communications Specialist Daniel X. Campbell, official spokesman for the drivers.



Saratoga busses roll, but . . .

SARATOGA SPRINGS — The school busses finally rolled on Sept. 17 in the Saratoga Springs City School district after a 13-day strike. However, the contract dispute between the school board and the CSEA-represented bus drivers and mechanics continues.

The drivers have filed an Improper Practice with the Public Employment Relations Board, charging the school board had not bargained in good faith.

The school board had reneged on a health insurance offer made by its negotiator. CSEA negotiator John Corcoran said: "It is unfortunate the school board members are not taking part in the negotiations." He said no school board members have participated in negotiations as of Sept. 20.

The board members have refrained from taking part in negotiations in spite of public pressure, expressed at the Sept. 10 board meeting, to do so.

Bus driver President Henry Ebert said the busses are running because: "We don't feel the children should have to suffer any longer for our differences with the district. The residents have been awfully good to us, and we're not going to let their children go without an education. . . ."

The school board, subsequently changed its mind on the reneging of the health insurance offer. However, CSEA already had formulated a new bargaining position based on the school board's rejection of what had been an acceptable offer.

Corcoran said he expects negotiations to resume.

Once each year State employees and local government employees whose employers are participating in the State Health Insurance Program, are permitted to change their insurance coverage option. The Annual Transfer Period for 1979 will be the month of October.

During the month of October, enrollees in the State Health Insurance Plan may choose to transfer to one of the three available options. The three basic options available are: 1) The Statewide Option 2) The GHI Option or 3) An

HMO Option. Transfers will be permitted from the Statewide Option to the GHI Option and from GHI to Statewide. Enrollees who wish to change to or from a Health Maintenance Organization may also do so during October.

Applications for option transfer may be made at any time prior to October 31, 1979. The effective date of the change will be January 1, 1980. If you desire to change your insurance option, notify your Personnel or Payroll Office immediately and complete the appropriate transfer

request form.

In an effort to fully inform its membership of the benefits available through the basic health insurance options, the following summary was prepared. You should review the summary carefully and decide which plan is best suited to meet the needs of you and your family. If you elect to transfer from your existing coverage, your new coverage will be effective January 1, 1980.

BENEFITS

HOSPITALIZATION:

1. Confinements for surgical or medical care (including room, board, general nursing care and use of special facilities) Semi-Private room only.
2. Confinements for psychiatric care or pulmonary tuberculosis (including room, board, general nursing care and use of special facilities — Semi-Private room only.
3. Out-Patient surgery, diagnostic services and emergency accident care received within 72 hours of the accident.
4. Pre-admission testing preliminary to admission as a bed-patient for surgery.
5. Out-Patient radiation therapy.
6. Out-Patient physical therapy.
7. Extended care facilities charges.

PHYSICIAN SERVICES

8. Doctors charges for surgery or hospital care.
9. Doctors charges for home and office medical care for illness or injury.
10. Doctors charges for preventive care including annual physical exam, well baby care and immunizations.

MATERNITY

11. Hospital charges (normal or medically complicated delivery).
12. Physician charges.
13. Care of newborn—Pediatrician visit.

MISCELLANEOUS

14. Prescription Drugs**
15. Private duty nursing.
16. Ambulance services in connection with hospitalization.
17. Ambulance service to hospital for out-patient services.
18. Rental or purchase of wheelchairs, crutches and other equipment.

SPECIAL FEATURES

19. Alcoholism treatment.
20. Out-Patient mental and nervous.
21. Out-of-Pocket maximum.
22. Second Surgical Opinion.

STATEWIDE

1. Blue Cross covers the first 365 days. Additional coverage provided through the Metropolitan Medical/Surgical coverage.
2. Blue Cross covers the first 120 days. Additional coverage provided through the Metropolitan Medical/Surgical coverage.
3. Paid in full by Blue Cross.
4. Paid in full by Blue Cross.
5. Paid in full by Blue Cross.
6. Paid in full by Blue Cross.
7. Paid in full by Blue Cross for first 20 days. For next 80 days, paid in full by Blue Cross, except for daily deductible.
8. Covered by Metropolitan Medical/Surgical coverage which reimburses 80% of doctors charges after a \$75 deductible per person per year. Maximum family deductible of \$225 per year. Maximum benefits payable per year of \$25,000; maximum benefits payable lifetime of \$250,000.
9. Covered by Metropolitan Medical/Surgical coverage.
10. Annual routine physical for active employees 50 years of age or older paid up to \$50 by Metropolitan Medical/Surgical (not subject to deductible).
11. Paid in full by Blue Cross up to 365 days.
12. Covered by Metropolitan Medical/Surgical coverage.
13. Covered by Metropolitan Medical/Surgical coverage up to \$50 per newborn.
14. Paid by Blue Cross prescription drug card plan. This plan pays cost of prescription drugs except for \$1 co-payment per prescription.
15. Covered by Metropolitan Medical/Surgical coverage after first 48 hours of nursing service.
16. Blue Cross covers up to \$50 per trip to and/or from a hospital when medically necessary. Additional charges covered by Metropolitan Medical/Surgical.
17. Covered by Metropolitan Medical/Surgical coverage.
18. Covered by Metropolitan Medical/Surgical coverage.
19. Blue Cross pays for detoxification in a public or general hospital. Additional coverage by Metropolitan Medical/Surgical coverage. Pays for up to six weeks of in-patient treatment annually and up to 20 out-patient treatments annually in an approved hospital or rehabilitation facility.
20. Covered by Metropolitan Medical/Surgical coverage with a \$40 per visit maximum and \$1,500 annual maximum.
21. Under the Metropolitan Medical/Surgical coverage, when a covered employee and/or covered dependents of the employee has incurred \$2,000 of covered medical-surgical expenses after the appropriate deductible in any calendar year future covered expenses in the same calendar year will be reimbursed on a 100 percent basis.
22. If arranged in advance through the Program, the second opinion will cost you nothing.

GHI

1. Blue Cross covers 365 days.
2. Blue Cross covers 120 days.
3. Paid in full by Blue Cross.
4. Paid in full by Blue Cross.
5. Paid in full by Blue Cross.
6. Paid in full by Blue Cross.
7. Paid in full by Blue Cross for first 20 days. For next 80 days, paid in full by Blue Cross, except for daily deductible.
8. Paid by GHI according to a Schedule of Allowances. GHI participating doctors accept allowances as payment in full. No payment beyond GHI Schedule of Allowances.
9. Paid by GHI according to Schedule of Allowances. Current allowance is 15. No payment beyond GHI Schedule of Allowances.
10. Paid by GHI according to Schedule of Allowances. No payment beyond GHI Schedule of Allowances.
11. Paid in full by Blue Cross up to 365 days.
12. Paid by GHI \$200 allowance. No payment beyond allowance.
13. Paid by GHI.
14. GHI extended benefits coverage. GHI will pay 80% of cost after a \$50 family deductible is met.
15. Paid by GHI extended benefits coverage.
16. Blue Cross covers up to \$50 per trip to and/or from a hospital when medically necessary. Additional charges covered by GHI.
17. Paid by GHI extended benefits coverage.
18. Paid by GHI extended benefits coverage.
19. Blue Cross pays for detoxification in a public or general hospital.
20. Paid by GHI extended benefits coverage.
21. No provision.
22. If arranged in advance through the Program, the second opinion will cost you nothing.

** REGARDING BENEFIT No. 14 — Prescription Drugs: For State employees in the Administrative, Operational or Institutional bargaining units, prescription drugs are provided through the CSEA Employee Benefit Fund, regardless of which health insurance option you choose.

The summary chart compares only two of the health insurance options available to State and Local government employees enrolled in the State Health Plan. If you are in an area serviced by a Health Maintenance Organization, you may choose to enroll in that organization.

OPEN CONTINUOUS STATE JOB CALENDAR

Title	Salary	Exam No.
Senior Medical Records Technician	\$10,624	20-102
Pharmacist (salary varies with location)	\$14,388-\$15,562	20-129
Assistant Sanitary Engineer	\$16,040	20-122
Senior Sanitary Engineer	\$18,301	20-123
Clinical Physician I	\$27,942	20-118
Clinical Physician II	\$31,055	20-119
Assistant Clinical Physician	\$25,161	20-117
Attorney	\$14,850	20-113
Assistant Attorney	\$12,397	20-113
Attorney Trainee	\$11,723	20-113
Junior Engineer	\$12,890	20-109
(Bachelor's Degree)		
Junior Engineer	\$13,876	20-109
(Master's Degree)		
Dental Hygienist	\$8,950	20-107
Licensed Practical Nurse	\$8,051	20-106
Nutrition Services Consultant	\$13,404	20-139
Stationary Engineer	\$10,042	20-100
Senior Stationary Engineer	\$11,250	20-101
Occupational Therapy Assistant I	\$9,029	20-174
Occupational Therapy Assistant I	\$9,029	20-174
(Spanish Speaking)		
Vocational Rehabilitation Counselor	\$14,142	20-140
Vocational Rehabilitation Counselor Trainee	\$11,983	20-140
Medical Record Technician	\$9,481	20-143
Histology Technician	\$8,051	20-170
Professional Positions in Auditing and Accounting	\$11,250	20-200
Computer Programmer	\$11,250	20-220
Computer Programmer (Scientific)	\$11,250	20-222
Senior Computer Programmer	\$14,075	20-221
Senior Computer Programmer (Scientific)	\$14,075	20-223
Mobility Instructor	\$11,904	20-224
Instructor of the Blind	\$11,250	20-225
Health Services Nurse	\$11,250-\$12,025	20-226
(salary varies with location)		
Senior Heating and Ventilating Engineer	\$18,301	20-227
Senior Sanitary Engineer (Design)	\$18,301	20-228
Senior Building Electrical Engineer	\$18,301	20-229
Senior Building Structural Engineer	\$18,301	20-230
Senior Mechanical Construction Engineer	\$18,301	20-231
Senior Plumbing Engineer	\$18,301	20-232
Assistant Stationary Engineer	\$7,616	20-303
Electroencephalograph Technician	\$7,616	20-308
Radiologic Technologist	\$8,454-\$10,369	20-334
(salary varies with location)		
Medical Record Administrator	\$11,904	20-348
Food Service Worker I	\$6,456	20-352
Mental Hygiene Therapy Aide Trainee	\$7,204	20-394
Mental Hygiene Therapy Aide Trainee	\$7,204	20-394
(Spanish Speaking)		
Associate Actuary (Casualty)	\$18,369	20-416
Principal Actuary (Casualty)	\$22,364	20-417
Supervising Actuary (Casualty)	\$26,516	20-418
Assistant Actuary	\$10,714	20-556
Nurse I	\$10,624	20-584
Nurse II	\$11,904	20-585
Nurse II (Psychiatric)	\$11,904	20-586
Nurse II (Rehabilitation)	\$11,904	20-587
Medical Specialist II	\$33,705	20-840
Medical Specialist I	\$27,942	20-841
Psychiatrist I	\$27,942	20-842
Psychiatrist II	\$33,705	20-843
Social Services Management Trainee	\$10,824	20-875
Social Services Management Specialist	\$11,450	20-875
Social Services Management Trainee	\$10,824	20-876
(Spanish Speaking)		
Social Services Management Specialist	\$11,450	20-876
(Spanish Speaking)		
Industrial Supervising	\$10,624-\$12,583	20-877
(salary varies depending on specialty)		
Physical Therapist	\$11,337	20-880
Physical Therapist (Spanish Speaking)	\$11,337	20-880
Senior Physical Therapist	\$12,670	20-881
Senior Physical Therapist (Spanish Speaking)	\$12,670	20-881
Speech Pathologist	\$12,670	20-883
Audiologist	\$12,670	20-882
Assistant Speech Pathologist	\$11,337	20-884
Assistant Audiologist	\$11,337	20-885
Dietician Trainee	\$10,624	20-888
Dietician	\$11,250	20-887
Supervising Dietician	\$13,304	20-886
Stenographer (NYC only)	\$6,650	20-890
Typist (NYC only)	\$6,071	20-891
Senior Occupational Therapist	\$12,670	20-894
Senior Occupational Therapist	\$12,670	20-894
(Spanish Speaking)		
Occupational Therapist	\$11,337	20-895
Occupational Therapist (Spanish Speaking)	\$11,337	20-895

You may contact the following offices of the New York State Department of Civil Service for announcements, applications, and other details concerning examinations for the positions listed above.
State Office Building Campus, First Floor, Building I, Albany, New York 12239 (518) 457-6216.
2 World Trade Center, 55th Floor, New York City 10047 (212) 488-4248.
Suite 750, Genesee Building, West Genesee Street, Buffalo, New York 14202 (716) 842-4260.

COMPETITIVE PROMOTIONAL EXAMS

(State Employees Only)

FILING ENDS OCTOBER 9, 1979

	Salary	Exam No.
Computer Programmer/Analyst Trainee	\$ 9,481	36-780
Computer Programmer Trainee	\$10,624	36-781
Dentist III	\$34,220	39-395
Dentist IV	\$38,035	39-396
Drafting Technician	\$ 9,330	36-829
Senior Medical Records Clerk	\$ 9,330	36-827
Assistant Director of State Payroll Audit	\$26,390	36-855
Employees' Retirement Benefits Exmr. II	\$11,695	36-830
Employees' Retirement Benefits Exmr. III	\$13,885	36-831
Senior Bank Examiners	\$21,345-\$23,755	36-851
Principal Bank Examiners	\$26,390-\$29,270	36-852
Supervising Bank Examiners	\$32,475-\$34,095	39-394
Drafting Aide	\$ 7,900	00-029
Drafting Aide	\$ 7,900	00-028
Assoc. Mechanical Construction Engineer	\$26,390	39-368
Golf Course Maintenance Supervisor B	\$11,695	36-029
Golf Course Maintenance Supervisor C	\$ 9,865	36-029
Golf Course Maintenance Supervisor A	\$13,885	36-030
Senior Cytotechnologist	\$13,125	39-382
Employment Security Claims Trainee	\$10,624	00-021
Employment Security Claims Trainee		
(Spanish Speaking)	\$10,624	00-022
Employment Security Placement Trainee	\$10,624	00-023
Employment Security Placement Trainee		
(Spanish Speaking)	\$10,624	00-024
Senior Rural Employment Representative	\$16,420	36-588
Rural Employment Supervisor	\$21,345	36-589
Senior Compensation Claims Examiner	\$16,420	36-839
Associate Compensation Claims Examiner	\$19,210	36-840
Principal Compensation Claims Examiner	\$22,500	36-841
Insurance Fund Distribution Claims Manager	\$21,345	36-853
Workers' Compensation Review Analyst	\$13,125	36-842
Workers' Compensation Examiner	\$13,125	36-846
Senior Workers' Compensation Review Analyst	\$16,420	36-843
Senior Workers' Compensation Examiner	\$16,420	36-847
Assoc. Workers' Compensation Review Analyst	\$19,210	36-844
Assoc. Workers' Compensation Examiner	\$19,210	36-848
Principal Workers' Compensation Review Analyst	\$22,500	36-845
Principal Workers' Compensation Examiner	\$22,500	36-849
Social Services Medical Assistance Specialist	\$16,420	36-837
Sr. Social Services Medical Assist. Specialist	\$21,345	36-838
Teachers' Retirement Benefits Examiner II	\$11,695	36-832
Teachers' Retirement Benefits Examiner III	\$13,885	36-833

You can also contact your local Manpower Services Office for examination information.

Ready To Retire?

Protect your future with Retiree membership in CSEA.

- Take an active role in CSEA Retirees' legislative campaigns for pension cost-of-living increases
- Share in activities of the CSEA retiree chapter nearest you
- Continue present CSEA's life insurance policies at the low group rate
- Become eligible for CSEA's "Senior Security 55" life insurance policy for members only
- Acquire low hospital cash-to-you protection for CSEA retirees and spouses
- Send coupon below for additional information on benefits of retiree membership in CSEA

Send the coupon for membership information.

Retiree Division

Civil Service Employees Assn.

33 Elk St., Albany, N.Y. 12207

Please send me a membership form for membership in Retired Civil Service Employees of CSEA.

Name _____

Street _____ Apt. _____

City, State _____ Zip _____

Date of Retirement _____

CSEA-represented court employees receive more \$ than other court workers

ALBANY — Thousands of court employees throughout the state have received retroactive checks totaling more than \$5 million, as a result of CSEA negotiations with the Office of Court Administration.

The checks, which were paid recently, were about 22% higher for CSEA-represented employees than for non-CSEA-represented employees because the CSEA group was paid based on the 1978 salary schedule while the others were paid based on the 1974 schedule, according to CSEA Collective Bargaining Specialist Pat Monachino.

"A good example is Orange County court employees, who are represented by CSEA. Those people are making about 22% more than their counterparts with the same job titles in Rockland County, who are represented by another union. The difference is that CSEA negotiated a contract based on the 1978 salary schedule, which is 15% higher than the 1974 schedule that the Rockland employees got stuck with. Plus, the two increments our people are entitled to are worth another 7%, at least," Mr. Monachino explained.

Statewide, about 3,400 court employees shared in some \$8.5

million of retro pay as a result of negotiations and a long-awaited reclassification plan mandated when local judiciary workers became state employees on April 1, 1977. About 2,500 of those who got the retro checks were CSEA-represented employees in Judicial districts 3 through 9.

With regard to the long-overdue retro checks, some of which topped the \$30,000 mark, Mr. Monachino said, "Some of these people had approximately half of the money taken out for taxes. In these cases, we recommend that the employees look into the possibility of using the 'income-averaging' procedure (available through the Internal Revenue Service) in figuring their income taxes next April. This may reduce the tax bite considerably. Anybody who wants to look into this should call the IRS and ask for the appropriate forms and instructions."

In a related development, CSEA has asked the OCA to extend for 60 days its Oct. 1 deadline for employees to notify OCA of their intent to appeal their Civil Service classification, salary, or pay grade, under the newly implemented OCA reclassification plan.

Mr. Monachino and fellow CSEA Collective Bargaining Specialist Manny Vitale are attending CSEA membership meetings around the state, explaining the appeals procedure and urging court employees to file their notices of intent-to-appeal immediately. Such meetings have already been held in CSEA's Southern and Central Regions.

"OCA agreed to have its reclassification plans and job specifications sent to all local court locations for review by interested employees, but so far they have failed to do so," Mr. Monachino said. "How can the employees know whether they want to appeal or not, when they still haven't seen the plan or their job specs?" But the Oct. 1 deadline was still in effect at press time, and the union was urging court employees to send OCA a notice by that date if they believe they may be in the wrong title, classification, or salary.

The union will need a copy of all such notices, Mr. Monachino added.

CSEA represents about 4,000 of some 8,400 court employees statewide who were reclassified



Pat Monachino

under the OCA plan. The union sent out detailed informational bulletins to all its court-employee members recently, explaining how to go about filing their appeals and assuring them that CSEA is prepared to handle the appeals process.

"Intent-to-appeal forms are available at all court locations," Mr. Monachino said. "Even though we have asked for an extension on the deadline, we are urging everyone to file immediately. If you fail to file the intent notice on time, you lose the right to appeal."

Court employees can get further information from their local CSEA presidents.

Mayville schools back off contracting out

MAYVILLE — Threatened with the loss of their jobs by way of contracting out to a private sector firm, Mayville Schools workers, represented by Chautaugua County Local 807, united and went to the public.

Last week their efforts paid off.

According to CSEA Field Representative Michael G. Painter the workers were notified dated July 5 that several titles in the cafeteria and maintenance departments would be eliminated on Sept. 5 because the work was going to be contracted out.

While the letter complied with the contract provisions requiring sixty days notice on lay-off, the district made no effort to negotiate the impact of the lay-off.

Painter, therefore, immediately requested such negotiations. Simultaneously, Unit President Robert Smith called a meeting of the unit to assess the situation and take action.

It was decided to follow a course of action which was successful in several other school districts in Western Region 6.

One, petitions were drafted enlisting the support of friends and taxpayers of the district.

Two, ads prepared by CSEA public relations and communication people and successful elsewhere were localized for Mayville and placed in local media.

Then, the workers went into the

streets to gather signatures from their friends and neighbors.

By the end of the first day, the petitions contained more than a hundred signatures.

By the time there were three hundred signatures, school board members had "gotten the message."

On Aug. 29, Painter received a letter from the board attorney in-

forming him that the affected workers were to begin their work year for the 1979-1980 school year on Sept. 5.

On Sept. 4, the board passed a resolution confirming the letter.

The workers are back to work. And, according to Painter, the credit goes to the workers and to the expertise provided by CSEA.

Allen elected

ELMIRA — Elected and installed recently were the following officers of the Chemung County Unit of Local 808: President Robert Allen, First Vice President Bill Wilkins, Second Vice President Mary Benjamin, Recording Secretary Pat Nolan, Corresponding Secretary Marci Symonds, and Treasurer Barbara Mashanic.



NEWLY ELECTED OFFICERS of CSEA Health Research Local 315 are shown during the Local's installation banquet recently, during which the officers were sworn in by CSEA President William L. McGowan. From left are Executive Committee Board members Don Stayoch, Barbara Fauser, Jeanette Shaver, Treasurer Terry Reinhardt, Secretary Jean Benz, Vice President Judith Goranson, President James Jayes, and Committee Board members Alforna Evans and Brian Dwyer.

'CSEA does not believe that the citizens . . . deserve or desire to be governed by well financed special interest groups . . .'



ATTY. STEPHEN WILEY testified before a Senate subcommittee on September 17 that Initiative and Referendum-type legislation results in the placing of abnormal power in the hands of well financed special interest groups.

The following testimony was presented to the Senate Standing Committee on Investigation, Taxation and Government Operations, Subcommittee on Initiative and Referendum, September 17, 1979, New York State Office Building, 270 Broadway, New York, New York.

Senator Goodhue, members of the subcommittee, and guests, my name is Stephen Wiley and I am a member of the firm of Roemer and Featherstonhaugh, which is general counsel to the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO. I speak to you on behalf of the more than 200,000 public employees whom CSEA represents. I speak in opposition to the suggestion, apparently a popular one, that the New York state constitution should be amended to provide for initiative and referendum.

I say that the notion is a popular one because I picked up the legislative index a couple of weeks ago and took a look to see exactly how popular the concept of initiative, referendum, or recall is. By my count, which I arrived at simply by a guess based upon the three word description in the index to the index, reveals that there are approximately 18 discrete proposals presently pending which would amend the New York state constitution to provide for initiative, indirect initiative, referendum, or recall, or some combination. Some bills have more than one sponsor. From that, we can only conclude that A) initiative, referendum and recall bills are popular and B) there is no consensus as to how initiative should work in New York state.

Treating the issue of popularity first, initiative and referendum bills are apparently popular among the elected because of their perception that the electors think that (A) taxes are too high and (B) politicians are lazy, dishonest, or incompetent, and that therefore, the solution is for the electors to take things into their own hands. From a purely theoretical point of view, the kind of direct democracy invited by initiative, referendum, and recall has been disapproved of for centuries. Plato and Aristotle, who had some actual experience with it, disapproved of it. The framers of the United States constitution determined not to provide for initiative, referendum or recall. So, also for the various New York state constitutional conventions. In fact, fewer than half the states have a form of initiative, referendum or recall, and those states put that method in place, by and large, around the turn of this century. Presumably the reason that more governments have not adopted an initiative/referendum type approach is because it hasn't worked very well. The reason it hasn't worked very well is because it fails to recognize that initiative and referendum do not allow the electors to "take things into their own hands". In fact, as Proposition 13 dramatically demonstrates, it allows interest groups to take power from the elected into their own hands.

I have taken the liberty of attaching to each copy of this testimony, a copy of the September 1979 issue of Consumer Reports, which, at pages 546 through 548 contains an analysis of the aftermath of Proposition 13. Proposition 13 receives bad marks from consumer reports based upon several variables. (1) Who publicized Proposition 13 and characterized it as "grass roots"? The name is familiar — Howard Jarvis. Not so familiar is that the father of Proposition 13 headed an association of Los Angeles apartment-building owners. Not so well known is the fact that some landlords promised to pass through savings to tenants during the campaign; is it surprising that few did so? (2) Who benefited from the 7 billion dollar tax cut? The government and industry. More specifically, in terms of percentages, the breakdown is as follows:

- 1) 28% to owners of commercial, industrial, or agricultural property;
- 2) 12% to the owners of renter occupied residential property;

3) 14% to the state of California in additional income taxes;

4) 22% to the federal government in additional income taxes;

5) 24% to owners of residential property.

In more concrete terms, standard oil of California saved 47 million dollars in property taxes based upon Proposition 13. Wells Fargo & Co., saved 1.2 million dollars, which it returned to the community this year. Savings, according to their spokesman, will now be "included in our banking operations" for future years. While the California analog to the PSC required utilities to refund tax savings to consumers, it appears that the promises of savings have generally not been kept. (3) Did Proposition 13 have the intended effect on governmental services? Not according to the Consumer Reports comparison of a CBS News poll with revenue estimates established by the California State Department of Finance. 59% of those polled on the day Proposition 13 passed wanted to have welfare reduced, whereas, only 13% of the total welfare bill is paid by property taxes. On the other hand, while 50% of the cost of running schools is paid, in California, by property taxes, only 13% of the voters wanted cut-backs in that area. (4) Have there been any immediate unintended results? Other than the beneficiaries, which were probably unintended by the electors, it seems reasonable to assume that Californians did not intend that approximately 36% of their savings in property taxes would be eaten up in extra income taxes to the state of California and the federal government. The 1.5 billion additional dollars paid by Californians to the federal government has not, of course, been returned to California in the form of additional grants. As the article which I have attached points out, there are additional unintended consequences for the future. The real property tax cap is requiring the state to look for alternative sources of revenue, and Governor Brown has proposed such measures as an increase in sales tax (an extremely regressive tax), and user fees, which would be paid by individuals using such services as garbage collection. Note that such fees differ from taxes in that they are not deductible from Federal Income Tax.

Another more long run unintended result is the potential loss of local control and autonomy generated by the efforts of the state of California to alleviate the effect of the 7 billion dollar loss on local governments by providing, in effect, a 4 billion dollar "bail out" during fiscal year 1979-80, and 3 billion dollars thereafter.

As I pointed out in my opening remarks, the number and diversity of proposals for initiative, indirect initiative, referendum, or recall, indicates that there is no consensus about how initiative should work in New York state. I submit that this fact indicates attempts to cure inherent problems with initiative and referendum by drafting. For example, one argument against initiative and referendum is that it can be used, and it usually is, by well financed special interest groups to pass laws which promote the interest of those groups over the interests of others. Section 5 of Assembly bill 74, for example, places some limits on the kinds of legislation which could be passed.

Another problem with initiative and referendum is that, with respect to budgets and finances, it does not allow the kind of long run planning which is necessary. Some proposals, for example, Assembly bill number 74, also provide that tax levies cannot be affected by initiative or referendum measures.

There is a particular problem in New York state with its rural/urban dichotomy between the city of New York and the upstate areas. Assembly bill 5233 attempts to moderate that dichotomy by providing that a certain percentage of the signatures must be from each county in the state, and Assembly bill 3452 requires that no more than 10% of the required number of signatures be from any single county.

Because initiative measures may be misleading, Assembly bill 74 requires prior circulation to the attorney general, whereas, Assembly bill 800 requires the use of plain language.

Another issue which would have to be faced, is whether initiative or referendum measures would have to comply with the kinds of technical requirements imposed, in many cases, by the constitution, on other legislation. For example, the New York state constitution prevents the incorporation of other statutes by reference except under certain limited circumstances which would not appear to apply to an initiative situation.

Potential conflict between two initiative measures is also a problem. Assembly bill 3868 attempts to address that problem, but it does not address the question posed where two separate initiative measures repeal different parts or portions of the same law, with the result that there is a severe dislocation in what remains.

Under what circumstances should the governor have the right to veto an initiative measure, and under what circumstances should the Senate and Assembly be able to amend, modify, or repeal a law enacted by initiative?

Anyone with enough money can get an initiative measure on the ballot, as there are persons and firms willing to supply signatures for a price. That kind of an approach hardly indicates any broad based support for a proposition, but should the practice be made illegal? Should disclosure be required? What about the amount of money which is spent in promoting a proposition once it has been placed on the ballot? Should that be required to be disclosed? Would it be constitutional to place a limit on such spending?

These are some of the issues which the multitude of initiative and referendum proposals have attempted to address. CSEA believes that they are only symptomatic; they point to the overall conclusion, which is that initiative and referendum are simply not designed to work.

Proposition 13 did not work. It did not work because of the inherent weaknesses of direct democracy, particularly where voter perception of an initiative issue is so easily shaped by the media. Since media time can be purchased and managed by inventive and well paid public relations firms, it is not surprising that the interest group which spends the most money may predict a win. CSEA does not believe that the citizens and voters of the state of New York either deserve or desire to be governed by well financed special interest groups conducting scientifically constructed media campaigns.

Thank you.