

**A report and recommendations from the
Committee to Review the Delivery
of Legal Services to CSEA**

COMPLETE IN THIS ISSUE – Pages 4-9

THE PUBLIC SECTOR

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American Federation of State, County and Municipal Employees AFL-CIO.

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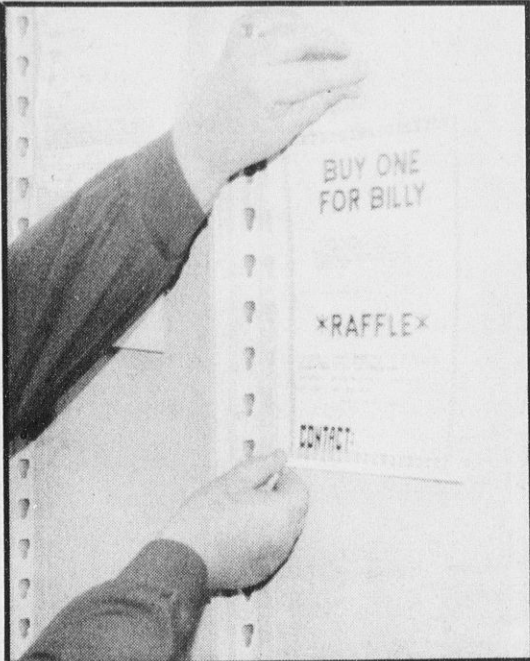
6% pay hike for 100,000 members

THESE STATE EMPLOYEES in the Empire State Plaza complex in Albany are among the more than 100,000 CSEA-represented state workers due to receive salary increases in paychecks in April.

**SEE
PAGE 3**



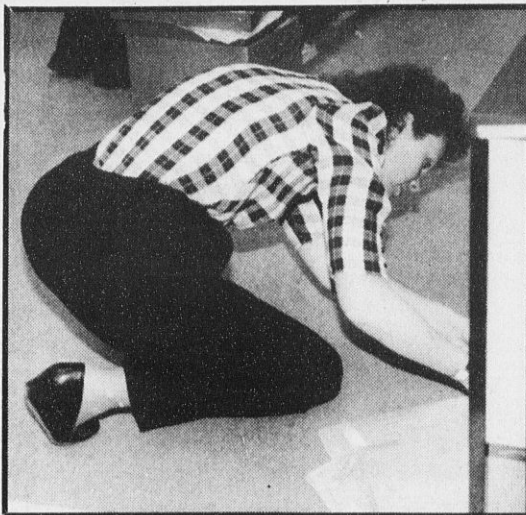
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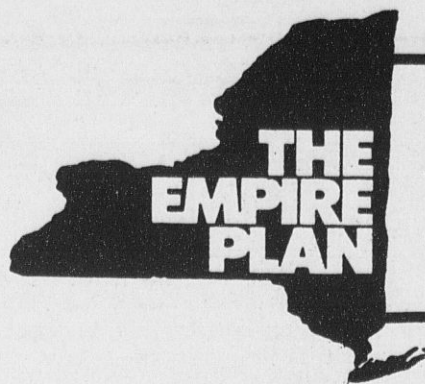
Buy one for Billy!...PAGE 14

**Every day,
they know
it's going
to be one
of those
days . . .**

PAGE 12



Searching for the answers in
Peekskill City Court..PAGE 15



Deadline near for 1986 claims

All 1986 Empire Plan Major Medical claims must be submitted before April 1, 1987 to Metropolitan Life Insurance Company, CPO Box 1600, Kingston, N.Y. 12402-0600.

Major Medical claim forms may be obtained from your agency's personnel/business office or from Metropolitan Life Insurance Company. Please be certain to have your doctor or other provider fill in all the information asked for on the claim form and sign it. If

the claim form is not filled out by the provider, all bills submitted must include all the information asked for on the claim form. Missing information will delay the processing of your claim.

Should you have any questions concerning your claim, you may call the following toll-free number at Metropolitan:

(Within New York State) 1-800-942-4640
(Outside New York State) 1-800-431-4312

BOARD OF DIRECTORS: Meeting summary

EDITOR'S NOTE: The Public Sector regularly publishes a summary of actions taken by CSEA's statewide Board of Directors at the Board's official meetings. The summary is prepared by Statewide Secretary Irene Carr for the information of union members:

By Irene Carr
CSEA Statewide Secretary

ALBANY — CSEA's statewide Board of Directors met here on Feb. 27. In official actions, the board:

- * Directed union lobbyists to try and get funds restored in the governor's budget for the Youth Opportunity Program;
- * Approved directive that any expenditure of AFSCME grant money require prior board approval;
- * Established special committee to define role of the union's State Executive and Local Government Executive committees;
- * Elected Dale King member of the Board's Charter Committee;
- * Invited consultant Paula Lambert to next board session to hear her plans to combat contracting-out;
- * Approved \$30 miscellaneous overnight allowance for next summer's Retiree Convention;
- * Reaffirmed revised legal fee schedule for disciplinary and grievance work done by regional attorneys;
- * Approved \$15,500 expenditure for the

Insurance Department to purchase microfilming equipment;

- * Granted CSEA Charter to Cattaraugus County State Residency employees;
- * Authorized election to fill board vacancies from Chautauqua County (Local Government Executive Committee) and Executive Department (State Executive Committee);
- * Designated Independent Election Corporation of America, Lake Success, N.Y., to conduct regional elections with ballots picked up two business days prior to election deadline and also at noontime on deadline day, June 10;
- * Passed resolution that CSEA increase efforts to hire minorities;
- * Approved election of Art Collins to Region V Political Action Committee; and
- * Retained Coopers & Lybrand accounting firm to do audit for fiscal year ending Sept. 30, 1987.

Questions by CSEA members concerning the union's Board of Directors should be directed to the member's Board representatives, local president or to the office of the Statewide Secretary. Copies of the minutes are also sent to all Board representatives and local presidents.

Public SECTOR

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PAY RAISE

State workers getting 6 percent pay hikes

A 6 percent raise will soon be in the pockets of more than 100,000 CSEA-represented state employees.

The 6 percent pay hikes are due in April for state workers in the three statewide bargaining units — Administrative Services, Institutional Services and Operational Services — as well as in the Office of Court Administration and the Division of Military and Naval Affairs.

The timing of the increase pleases State Insurance Fund worker Kenrick Black since it comes just a few days after his March 28 birthday.

"I'm looking forward to the raise. It's welcome and I hope to see more benefits and raises coming in the next contract also," said Black, who works in Manhattan.

Here's how a basic salary increase works:

GRADE 9 JOB RATE

Current salary (March 1987) — \$19,360

6 percent increase (April 1987) — \$1,162

New salary (April 1987) — \$20,522

"I think it's wonderful," exclaims Therapy Aide Anne Samuels, who works at

Central Islip Psychiatric Center on Long Island. "We really need it." She said she plans to save some money for when her 15-year-old "baby" goes to college.

The increase will be even greater for employees who have not yet reached the top of their salary schedule. They will also get increments valued at approximately 3.5 percent for a total wage package increase worth 9.5 percent.

Take, as an example, a grade 9 salary that falls between steps 3 and 4:

Current salary (March 1987) — \$18,234

6 percent salary increase (April 1987) — \$1,094

Increment (April 1987) — \$782

New salary (April 1987) — \$20,110

But Claire Lasch, an Audit and Control employee in Albany who calls the 6 percent

increase "OK," worries that "people just starting out are really close to where I am after 14 years. I think we need more."

And there is more.

Two new longevity steps are added to the salary schedule. Increases in these situations look like this:

GRADE 7 JOB RATE

Current salary (March 1987) — \$17,403

6 percent salary increase (April 1987) — \$1,046

*Longevity step 1 (anniversary date) — \$750

New salary (anniversary date) — \$19,199

*Eligibility for longevity step 1 includes five or more years of continuous service at a salary equal to or higher than the job rate (but less than the first longevity step) and a "satisfactory" job performance. New salary cannot go higher than salary listed for second longevity step.

Employees with 10 or more years of service at the job rate are eligible to go to the second longevity step of their grade.

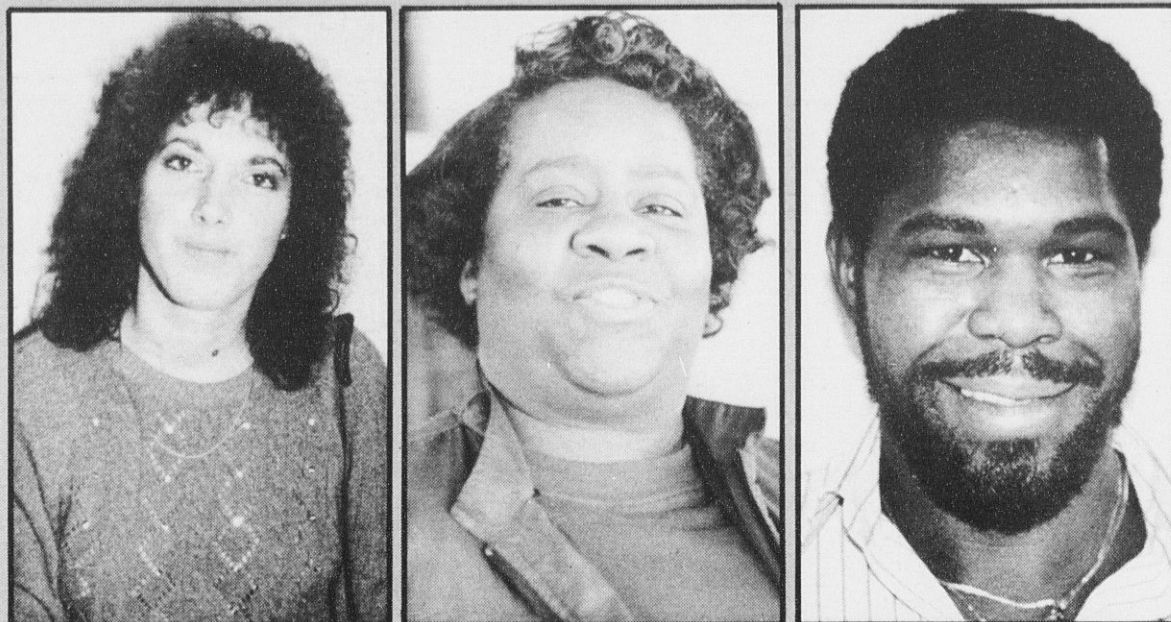
Eligibility for longevity step 2 includes 10 or more years of continuous service at a salary equal to or higher than the job rate (but less than the second longevity step) and a "satisfactory" job rating.

In some cases, however, longevity payments will be delayed.

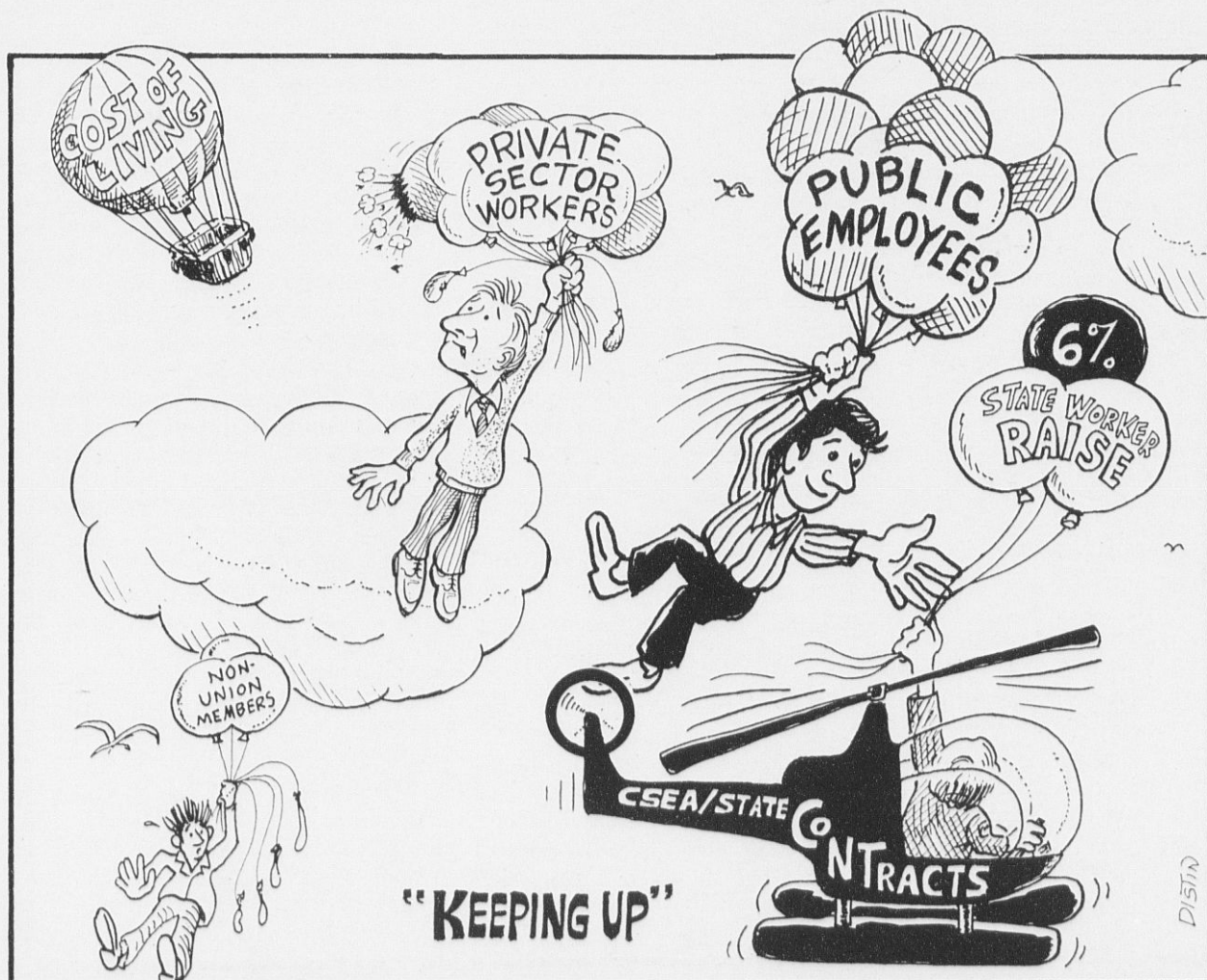
Employees recently promoted or reallocated upward will get credit for time spent at the job rate in their previous position, but additional legislation must be enacted to do so.

CSEA is currently reviewing the legislation for submission to the state Legislature. In the meantime, anyone affected can rest assured it will be retroactive to anniversary dates on or after April 1, 1987. Information will be published in *The Public Sector* as it becomes available.

Because of lag payroll, increases will be contained in the April 23 paychecks for employees on the Institutional payroll and in paychecks dated April 29 for those on the Administrative payroll, which includes the Division of Military and Naval Affairs personnel. Office of Court Administration personnel will get their extra money on April 15.



THESE THREE STATE EMPLOYEES are among more than 100,000 CSEA-represented state workers due for pay increases effective April 1. CLAIRE LASCH, left, believes the raise is "OK" but also feels "... we need more ..." ANNE SAMUELS, center, calls the April raise "... wonderful ... we really need it ..." KENRICK BLACK, right, says he's "looking forward to the raise ... it's welcome ..."



REPORT OF

Special committee to review delivery of legal services

Editor's note: Delegates at CSEA's Annual Delegates Meeting last October in Niagara Falls passed a resolution authorizing and directing the statewide president of CSEA to reappoint a special committee "to review delivery of legal services to CSEA." The resolution directed the special committee to report its findings and recommendations back to the Delegate body.

That special committee has completed its review and published its findings. Copies of the committee's report and recommendations have been mailed to all CSEA voting and nonvoting delegates. Additional copies have been made available in each CSEA regional office for delegates who do not receive the mailing for any reason.

In addition, the committee directed that its report and recommendations be published verbatim in "The Public Sector," CSEA's official publication. Following is the complete text of the committee's report and recommendations, including exhibits.

REPORT OF SPECIAL COMMITTEE TO REVIEW THE DELIVERY OF LEGAL SERVICES

The recommendation of this Committee to the Delegate Assembly, and the action taken by the Assembly on that recommendation, require us to face the basic issue of whether or not we believe what is stated in the opening words of the CSEA Officers' Manual: "CSEA is a democratic union which strives to represent the interests of all of its members."

The October, 1986, annual Delegates meeting once again supported the work of the Committee, originally created by a Special Delegate meeting challenged in litigation in which CSEA attorney Roemer represented those opposed to this review. The Annual Delegates meeting supported the work of this Committee for the same reason it adopted an Amendment to the CSEA Certification of Incorporation at that meeting clarifying the authority of the Delegates. It did so because CSEA delegates represent the membership, and are the policy makers for CSEA when assembled in a Delegate meeting.

The work of the Committee over a period of months has led it to the conclusion that continuing representation of CSEA by Jim Roemer and his law firm is not in the best interests of CSEA and its membership.

Over a period of two years or more now the institution known as "Roemer & Featherstonhaugh, P.C." has been, and is being, used by James W. Roemer, Jr. as a power base for challenging and defying the wishes of the elected President of CSEA and the elected Delegates of its Delegate Assembly. The best interests of the professional corporation, Roemer & Featherstonhaugh, P.C., have become more meaningful to James W. Roemer, Jr. than the interests of CSEA.

This was demonstrated by his open struggle to create and then to continue the Personal Legal Plan, which meant payment of substantial additional sums of money to his law firm, despite the fact that an objective study of the Plan concluded that it was not serving

the best interests of the membership. Equally, or more important, has been the growing involvement of his law firm in representing banks, insurance companies, and other vendors whose interests are in conflict with the interests of CSEA.

If this Delegate Assembly decides to reject the recommendations of this Committee for a change in the system of providing legal services and continues the relationship with Jim Roemer and his firm, the decision is being made that the lawyers run CSEA; rather than the elected Officers and Delegates.

Some years ago CSEA had to face a fundamental change in the nature of its activities, and reshape itself into an effective collective bargaining instrument instead of a civil service association. Now, once again, CSEA must face reshaping itself into an organization in which decisions are truly made by its elected officials, rather than by a group of private practice attorneys whose interests are not the same as the members.

Your Committee retained as its consultant attorney Abraham L. Zwerdling of Washington, D.C. Attorney Zwerdling spent nine years as general counsel of AFSCME, from 1971-1980. He has practiced law as counsel for both public sector and private sector labor organizations for over thirty years, and has been the managing partner of his own law firm throughout that period.¹ In addition, the Committee has the benefit of a study by Professor Quintin Johnstone, of the Yale Law School, made in 1986 at the request of President McGowan. Professor Johnstone is a nationally known authority on the subject of the organization of law practice and the economics of law practice.²

The Committee held a number of meetings, and interviewed CSEA staff and its counsel. Its Chair and its consultant met with Counsel Jim Roemer and other members of that firm. We examined and assembled documents and correspondence pertaining to the delivery of legal services to CSEA, and discussed the subject a number of times with Jim Roemer and other at-

torneys, CSEA officers, and staff. In addition, the Committee sent a questionnaire to local union presidents and unit presidents, and reviewed the replies received from them.

While we also have examined documents pertaining to other CSEA regional attorneys, pressure of time has prevented us from meeting with them up to now.

This Committee and the delegates to whom it presents this Report are well aware of the internal dispute and litigation which has occurred over the question of the functions of the President, the Board of Directors, and the Delegate Assembly. This subject is not within the scope of our assignment. What is a part of our function, in making findings and recommendations concerning legal services, is to examine what the lawyers do who are paid by CSEA to do its legal work and what effect their activities have on the functioning of CSEA as a democratic union.

¹ See attachment 1 — Abraham L. Zwerdling biography.

² See attachment 2 — Professor Johnstone biography.

What We Pay The Lawyers, And What They Do For It.

CSEA spent \$2,285,000 on legal services for the fiscal year 1985 and \$2,234,500 for the fiscal year 1986. Of that total sum, the Albany law firm of Roemer & Featherstonhaugh received \$1,334,582 for the fiscal year 1985 and \$1,372,958 for the fiscal year 1986.³

The International Union, AFSCME, which has over one million members, spent \$2,028,371 for legal services for the year ending 1985. (Report of Int'l. Sec.-Treas. to Convention).

The New York State Teachers Association supplies the needs of its organization and its members throughout the State of New York with a staff of 25 lawyers, located in Albany and New York City. All of the lawyers are full time, salaried employees, who are devoted exclusively to serving the interests of the organization and its members. The total cost of this opera-

tion, including salaries, overhead and all expenses, does not exceed \$2,000,000.

In addition to the above expenditures by CSEA, beginning in February, 1984 and continuing through to December 31, 1985, the CSEA Employee Benefit Fund spent \$3,140,663 for a Personal Legal Plan adopted by the Employee Benefit Fund Board of Trustees at the urging of Jim Roemer. At the time the Board adopted that Plan, Jim's brother Guy, served as its General Counsel.

Roemer and Featherstonhaugh received \$983,952.50 from the Fund for its participation in the Personal Legal Plan. (This was made up of three elements: (1) \$511,354 for administering the plan; (2) \$375,027.50 guaranteed fee as providers under the Plan based on the number of members assigned to Roemer and Featherstonhaugh; (3) \$97,571 paid by members utilizing the plan.)

The decision to have a Personal Legal Plan involved a judgment by the Board of Trustees as to how to use the monies provided for under the Collective Bargaining Agreements between the State of New York and CSEA. These Agreements set up an Employee Benefit Fund which could be allocated for whatever "health and welfare benefits" were considered most desirable for the membership.

The creation of this Personal Legal Plan at the urging of the CSEA attorneys, their insistence on participating as attorneys in the program, rather than having it handled by other attorneys whose services and fees could be reviewed on behalf of CSEA at arm's length, and their active opposition to discontinuation of the program after the independent consultant of the Board of Trustees pointed out that it was not providing worthwhile benefits for the membership, underlines the problem which this Committee and the Delegate Assembly have to face.

The services rendered to CSEA by Roemer and Featherstonhaugh, P.C. have been described by Jim Roemer in various statements to the Committee in different ways. On October 15, 1986 Roemer stated that two lawyers in his

(Continued on Page 5)

Special Delegates Meeting scheduled for April 6

NOTICE

SPECIAL DELEGATES MEETING

At the call of President William L. McGowan, upon petition filed by twenty-five Local presidents, a Special Delegates meeting will be held on the following date, time and place:

DATE: MONDAY, APRIL 6, 1987

TIME: 11:00 A.M.

PLACE: THE CONCORD HOTEL, KIAMESHA LAKE, NEW YORK

For the purpose of discussing and considering the report of the Special Delegates Committee to Review the Delivery of Legal Services to CSEA, and to take any action that the Delegates deem appropriate with regard to delivery of legal services to CSEA.

Report of special committee to review delivery of legal services

(Continued from Page 4)

firm were doing CSEA work full time and that nine others were doing so approximately 80% to 85% of the time. In a letter to Consultant Zwerdling dated January 27, 1987 Roemer described himself as devoting his time to CSEA with "less than 250 hours per year" devoted to "office operations" and Featherstonhaugh spending "356.1 billable hours in 1986 which was unrelated to CSEA."

In this same letter he said: "for the CSEA fiscal year October 1, 1985 through September 30, 1986, the hours charged to CSEA by Jim (Featherstonhaugh) and me were as follows: J.R. (Roemer) — 1,856 hours; J.D.F. (Featherstonhaugh) — 1,845 hours." At the hourly rate of \$70 per hour this means that Roemer charged \$129,920 and Featherstonhaugh charged \$129,150 to CSEA in terms of hourly rate.

In a speech to a Region 6 meeting on February 6, 1987 Roemer stated that he works with two CSEA Committees: the Constitution Committee and the Legal Committee. He described this work as involving 4 to 4½ hours per meeting with the Constitution Committee 4 times per year, and 28 to 30 hours per year with the Legal Committee. This is a total of between 44 and 48 hours per year.

There were no statewide negotiations during the last fiscal year.

At the request of the Committee Jim Roemer sent in what he described as a complete list of all CSEA open files as of January 13, 1987 and a listing of their status and the initials of the attorney working on each file. On February 10, he added a report as to the status of these files as of that date.

A review of the information supplied by Roemer showed that Featherstonhaugh is not listed as an attorney handling any of the CSEA files and Roemer has explained that Featherstonhaugh does not do any work on CSEA matters other than the legislative and political assignment. (The Committee is not aware of any reason this function must be performed by a private practice attorney, rather than by a CSEA staff member.)

A review of the information further shows that Roemer himself is listed as an attorney in only five of the files. Two of those five files were cases involving disagreement between the Board of Directors and President McGowan. In those two files not only was Roemer listed as an attorney working on the matter but, in addition, in each of those cases he had three other attorneys from Roemer & Featherstonhaugh working with him. So that CSEA paid the four attorneys in each of those cases for their legal services in representing one side of an internal dispute within the organization.

There are no other files in which more than one attorney is listed as doing work for CSEA.

The other three files listed by Roemer as ones he worked on personally are a file he described as "closed after an unsuccessful improper practice proceeding that was not appealed"; a civil action against a former local union officer which is not being pursued; and an Article 78 proceeding in which settlement is being explored.

In a meeting with consultant Zwer-

dling in Washington on December 22, 1986, Roemer told Zwerdling that he and Featherstonhaugh each made \$250,000 last year. He also stated that CSEA was 40% of the law firm's business.

It is obvious that CSEA is not receiving the exclusive and undivided allegiance and attention of Roemer & Featherstonhaugh. Matters involving CSEA are handled by other attorneys in the office while other clients and the business of running a large law office occupy a substantial part of the time and attention of the CSEA counsel.

In addition, there is the basic problem which has developed over the last couple of years involving the failure of the relationship between the President of the CSEA and its counsel. The elected President of CSEA has a right to have counsel he trusts and can work with in meeting and solving the problems which face CSEA and its membership. That relationship does not exist at the present time.

Instead, we have witnessed an unseemly, running battle in which the attorney retained by CSEA spends his time and energy (at our expense) campaigning to retain our legal business over the opposition of our elected President.

We cannot recommend that this destructive situation continue. We must put our legal house in order, and work together to strengthen CSEA.

³ See attached statement signed by CSEA Comptroller David M. Stack.

The History Of The Law Firm

The present General Counsel of CSEA, the Albany law firm of Roemer and Featherstonhaugh, was created by CSEA eleven years ago.

In 1976 CSEA had decided to make a change in the way it obtained its legal services. For this purpose it retained James W. Roemer, Jr.

At that time, Roemer was an employee of a law firm, a member of the Bar for seven years, and 32 years old. He had no law firm of his own.

Upon receiving CSEA's retainer, which was based on an amount of money which would enable him to set up his own law firm, pay for lawyers to be employed by the law firm and for his other overhead, Roemer launched that firm under the name of Roemer and Featherstonhaugh.

Featherstonhaugh also was 32 years old and a member of the Bar for seven years.

What has happened since that time?

The latest issue (1986) of Martindale-Hubbell Law Directory lists Roemer and Featherstonhaugh, a professional corporation, as having 22 lawyers and contains a description of its practice and its representative clients which shows that the law firm has grown very substantially.

(Martindale-Hubbell Law Directory reproduces descriptions of law firms which are written by the law firm and inserted in the Directory as paid announcements).

The law firm's 1986 description of its areas of practice is as follows:

General Civil and Criminal Practice before all State and Federal Courts.

Civil Service, Negligence, Corporation, Banking, Federal and State Taxation, Real Estate, Probate, Labor and Matrimonial Law, Legislative Practice, Health Care Law, Securities, Equine Syndications and Entertainment Law, Bankruptcy and Bankruptcy Related Litigation.

Its description of its "Representative Clients" is as follows:

Civil Service Employees Assn. (Local 1000 AFSCME); Local 506 American Federation of Musicians; The Schenectady Trust Co.; Mechanics Exchange Savings Bank — Division of Dime Savings Bank; Trust Co. Bankcorp NY; Finserv Computer Corp.; Fugazy Express Inc.; IPCO Corp.; McGinn, Smith and Company, Inc.; Jardine Insurance Brokers, Inc.; New York Property Underwriting Assn.; Travelers Insurance Co.; United States Fidelity and Guaranty Co.; Unigard Insurance Co.; American International Adjustment Co.; Maryland Casualty; New Hampshire Insurance Co.; American Home Assurance Co.; AIU Insurance Co.; Granite State Insurance Co.; Commerce & Industry Co.; Reliance Insurance Co.; Heritage Mutual; Occidental Fire and Casualty; Fort Orange Claims Service; Shand Morhand; Utica Mutual; Village of Altamont; Village of Delanson; Closeburn Stud; Jockey's Guild, Inc.; St. Mary's Hospital of Troy; Health Equipment Management, Inc.

We have reviewed the paid announcements of Roemer and Featherstonhaugh in Martindale-Hubbell for each of the previous years they have been listed, namely, 1978 through 1985.⁴

In 1984 the law firm filed a Certificate of Incorporation which made it a Professional Corporation known as "Roemer and Featherstonhaugh, P.C." (A Professional Corporation is a corporation composed of members of the legal profession.) The Certificate lists James W. Roemer, Jr. as President and Treasurer. It lists James D. Featherstonhaugh as Vice-President and Secretary.

The monies received from CSEA and other clients of that law firm make up the gross receipts of the Corporation. The cost of operating the Corporation consists of overhead items such as supplies and materials, rent, (or, in the present case of Roemer & Featherstonhaugh, P.C., whatever arrangement it has in connection with the buildings it occupies, which are owned by North Pearl Partners, a partnership including Jim Roemer and Jim Featherstonhaugh), together with salaries and fringe benefits paid support services and salaries and fringe benefits for each of the lawyers. In a professional corporation all of the lawyers are salaried employees, although obviously the lawyers who are the heads of the firm have an arrangement for a combination of a higher salary and an additional sum which is divided up from the profit left over after paying all salaries.

The profit motive in a professional corporation creates the same pressures as does the profit motive of any corporation operating for profit. The

lower the cost of operation the larger the percentage of the gross receipts available for distribution as profit. This means that it is in the interest of the members of the corporation to deliver legal services at the lowest possible cost in order to retain the largest possible profit margin.

In a situation in which the law firm has a guaranteed payment each month from CSEA, year in and year out and year after year, and in which the law firm is adding other clients, there is every incentive to deliver legal services to CSEA on the lowest possible cost level. This means that the attorneys assigned to do work for CSEA produce more profit if they do the work in the shortest possible time and if the work is done by the attorneys receiving the smallest portion of the total gross receipts of the lawyers. We note that Jim Roemer handles few CSEA files, and Jim Featherstonhaugh handles none.

Another aspect of what happens in private practice in these situations is that as the law firm continues to represent CSEA year after year, handling certain types of cases which are basically repetitive in nature, they naturally require less research, preparation and effort per case as time goes on. This means that the cost of producing the result drops and the profit margin consequently grows.

As in the case of any other vendor, competition is the consumer's protection. In this case the consumer is CSEA, and the continuing representation of CSEA by the same private practitioners for a period of a decade or more without consideration of alternative methods of delivering all or part of the legal services provided by the single law firm, necessarily prevents CSEA from getting the maximum legal services for the minimum number of dollars. There has been no move toward economy in the delivery of legal services to CSEA. Instead, the cost has risen.

In 1984 R&F moved from its offices on Washington Avenue to 99 Pine Street. At that time, the law firm, which was previously a partnership, became a Professional Corporation.

The address of the building at which the law firm has been housed since that time is 99 Pine Street. It is owned by the North Pearl Partners. Jim Roemer and Jim Featherstonhaugh are two of the six partners. They are also the principal shareholders in the R&F Professional Corporation.

Meanwhile, the \$1,072,500 annual retainer paid R&F by CSEA for the fiscal year October 1, 1984-September 30, 1985 was increased for the next fiscal year (October 1, 1985-September 30, 1986) to \$1,155,000.⁵

The Committee is not aware of any discussion between R&F and CSEA concerning the effect of this new location on how much it costs R&F to provide legal services to CSEA.

Nor are we aware of any discussion concerning the effect of the addition of a large number of insurance companies and banks as clients of the law firm. The percentage of R&F profit and overhead which is paid for by CSEA should be less than before as R&F adds other sources of revenue.

(Continued on Page 6)

Report of special committee to review delivery of legal services

(Continued from Page 5)

⁴ In 1978 they listed as "Representative Clients", "Civil Service Employees Assn.; Finserv Computer Corp.; Northeastern Products, Inc.". The firm listed ten attorneys at that time.

The 1980 listing added "Ter Bush & Powell Insurance; New York Property Insurance Underwriting Assn.; Local 506 American Federation of Musicians", dropping Northeastern Products, Inc.

The 1982 listing added "McGinn, Smith and Company, Inc.; Schenectady Trust Co.; Travelers Insurance Co.; Village of Altamont; Village of Delanson; Ivesburg Central School District; U.S.F.C.&G.".

In 1984 "Ter Bush & Powell Insurance" was listed as "Jardine Ter Bush & Powell Insurance". Added to the list of "Representative Clients" were "Unigard Insurance Co.; American International Adjustment Co., Inc.; Maryland Casualty; New Hampshire Insurance Co.; American Home Assurance Co.; Mechanics Exchange Savings Bank — Division of Dime Savings Bank".

In 1985 these were added to the list: "Closeburn Stud; Trustee Bankcorp N.Y.; AIU Insurance Co.; National Union Fire Insurance Co.; Granite State Insurance Co.; Commerce & Industry Insurance Co.". That year the firm listed 18 attorneys.

The 1986 listing added to "Representative Clients", "Reliance Insurance Co.; Heritage Mutual; Occidental Fire & Casualty Co.; Fort Orange Claims Service; Shand Morhand; Utica Mutual; Jockey's Guild, Inc.; St. Mary's Hospital of Troy; Health Equipment Management, Inc." and the firm listed a total of 22 attorneys. The law firm added to its description of its areas of practice the following in 1986: "Health Care Law, Securities, Equine Syndications and Entertainment Law, Bankruptcy and Bankruptcy Legislation."

⁵ In 1976 the CSEA retainer was based on a \$31 per hour rate, for a guaranteed 12,000 hours of legal services per year; a total of \$372,000 per year. In 1978 the Agreement went to 15,000 hours per year, and in 1980 it began guaranteeing 16,500 hours per year. The hourly rate became \$70 in 1985.

The Representation By The Law Firm Of Clients Who Make Money Selling Services To CSEA And Its Members.

Your Committee has reviewed the involvement of Jim Roemer and Jim Featherstonhaugh and their law firm in representation and ownership of companies which sell their services to CSEA and its members, and finds the following:

Schenectady Trust Co.:

In a letter to the Committee Chair dated February 2, 1987, Jim Roemer states: "We continue to represent the Schenectady Trust Co., both as general counsel and as real estate counsel in Albany County." Schenectady is where CSEA does most of its banking. In addition, as of October, 1986, CSEA had \$2,065,189.40 invested in Schenectady's money market funds.

Roemer & Featherstonhaugh's representation of Schenectady Trust Co. was first listed in their paid advertisement in the Martindale-Hubbell Directory in 1982, six years after they became Counsel for CSEA. It is reasonable to believe that their representation of CSEA, a substantial customer of Schenectady Trust Co., helped them to obtain this client.

Roemer & Featherstonhaugh earn legal fees from the Trust Company. As

real estate counsel, they represent the Trust Company in cases in which CSEA members are negotiating mortgage loans from the Trust Company. As General Counsel for the Trust Company, they represent an institution which makes a profit from handling the checking accounts, life insurance premium checks, investments, and other accounts of CSEA and its members. At the same time, they are being paid by CSEA for representing CSEA and its members. CSEA members obtaining mortgages from Schenectady Trust Co. pay attorneys to represent them in real estate closings. Roemer & Featherstonhaugh represent the Trust Company on the other side of the table.

In the handling of the monies of CSEA and its members, the more the bank charges the more it costs CSEA and its members. The more profit the bank makes the more it can afford to pay its General Counsel.

FINSERV Computer Corporation:

FINSERV is a data-processing company. It provides the data-processing and computer services for CSEA. For these services, CSEA pays FINSERV approximately \$450,000 per year.

In addition, FINSERV provides the data-processing, programming, and systems analysis for the Employee Benefit Fund. For these services it receives approximately \$420,000 per year. These two contracts pay FINSERV a total of \$870,000 per year.

As we pointed out above, the Roemer & Featherstonhaugh advertisement in the Martindale-Hubbell Law Directory lists FINSERV as one of its "Representative Clients".

MEDAC:

In 1980 E. Guy Roemer filed an affidavit with the New York Department of State in support of the Certificate of Incorporation of a corporation called "FINSERV Health Corporation, Inc.". In his affidavit he described himself as "a partner in the firm of Roemer & Featherstonhaugh, attorneys for FINSERV Computer Corporation".

In the Fall of 1982 Jim Featherstonhaugh agreed to represent a new organization called MEDAC, and to obtain its incorporation. MEDAC was billed for these services.

In May of 1983 the EBF entered into a contract with the newly-created MEDAC for the processing of prescription drug claims of EBF members. At the time MEDAC sold its business to Paid-Medac Corporation in 1986, the value of that contract was approximately \$600,000.

Guy Roemer, a member of the Roemer & Featherstonhaugh law firm, was General Counsel for the EBF when this occurred.

After winning the EBF contract, MEDAC gave Jim Roemer and Jim Featherstonhaugh approximately 6% of MEDAC's stock. At Roemer and Featherstonhaugh's request, that 6% was later increased to 12%. This stock ownership was described as payment for pursuing Blue Cross/Blue Shield of Greater New York and GHI.

After MEDAC International, Inc. won a contract with Blue Cross/Blue Shield of Greater New York, Jim Roemer and Jim Featherstonhaugh offered to continue "marketing serv-

ices" for an additional ownership. MEDAC agreed to give Roemer & Featherstonhaugh an option to purchase an additional 18% for approximately \$50,000.

In a letter from Jim Roemer to Committee Chair Spagnolo dated February 2, 1987, Roemer stated that MEDAC was sold to an organization called Paid-Medac Corporation in 1986. He acknowledged that the sale resulted in a profit for him and Featherstonhaugh. He refused to reveal the amount involved. The Committee believes that it was substantial.

JARDINE:

Jardine, Emmett & Chandler, Inc., and its predecessors, have been represented by Roemer & Featherstonhaugh since 1980. The Committee is advised that Roemer & Featherstonhaugh receives a substantial retainer from Jardine. Jardine is an insurance broker which has secured the right to sell insurance policies to CSEA members. Jardine also is a third party administrator to the EBF dental program, for which it receives \$1,500,000 per year. In a letter dated February 2, 1987, to Chair Spagnolo, Jim Roemer refused to provide the Committee with the amount of this retainer.

Travelers Insurance Co.:

Travelers also is represented by Roemer & Featherstonhaugh. It is also a broker for insurance plans offered CSEA members; is the administrator for the CSEA staff pension plan; and is the broker for the staff health insurance program.

Dime Savings Bank:

CSEA members have the right to have checkoff of monies to be deposited in IRA accounts at Dime Savings Bank, formerly known as Mechanics Exchange Savings Bank — Division of Dime Savings Bank. Roemer & Featherstonhaugh are attorneys for that bank.

We do not need to rely on the code of ethics of the legal profession to determine what is right and wrong from the standpoint of CSEA and its membership, but it is of interest to note that the legal profession itself and the courts which apply its rules disapprove of the approach taken by Roemer & Featherstonhaugh.

The Code of Professional Responsibility of the American Bar Association, followed by the New York State Bar Association, deals with the basic prohibition against attorneys representing clients whose interests are adverse to another client. Canon 5 of the ABA Code is titled: "A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client."

The ethical considerations governing here are set forth as follows:

The professional judgment of a lawyer should be exercised . . . solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interests (nor) the interests of other clients . . . should be permitted to dilute his loyalty to his client. (EC 5-1)

Maintaining the independence of professional judgment required of a lawyer precludes his acceptance or continuation of employment that will adversely affect his judgment

on behalf of or dilute his loyalty to a client. This problem arises whenever a lawyer is asked to represent two or more clients who may have differing interests, whether such interests be conflicting, inconsistent, diverse or otherwise discordant. (EC 5-14)

If a lawyer is requested to undertake or to continue representation of multiple clients having potentially differing interests, he must weigh carefully the possibility that his judgment may be impaired or his loyalty divided if he accepts or continues the employment. He should resolve all doubts against the propriety of the representation. A lawyer should never represent in litigation multiple clients with differing interests; and there are few situations in which he would be justified in representing in litigation multiple clients with potentially differing interests. . . . (EC 5-15)

The New York courts have pointed out that this Canon governs because the attorney "cannot exercise independent judgment and vigorous advocacy" on behalf of one client without injuring another client. They say that the Canon applies where the attorney has "put himself in a position where, even unconsciously, he will be tempted to 'soft pedal' his zeal." The courts caution attorneys to "avoid situations not only in which there is an actual conflict but also where conflict is likely to develop."

Your Committee believes that Roemer & Featherstonhaugh have not complied with this Canon.

In the case of *Kelly v. Greason*,⁶ the highest New York Court said:

The representation of conflicting or adverse interests may constitute professional misconduct, because a lawyer, as one in a confidential relationship as any fiduciary, is charged with a high degree of undivided loyalty to his client. (Emphasis supplied)

Your Committee finds this judicial statement particularly apt in the case of the Personal Legal Plan. CSEA lawyers not only failed to concern themselves with their obligation to have undivided loyalty to the interests of CSEA and its members, being in a fiduciary relationship, but actively attacked the independent consultant for the Board of Trustees of the Employee Benefit Fund when he pointed out that his obligation as a fiduciary required that he advise against continuing a Personal Legal Plan which paid Roemer & Featherstonhaugh, P.C. almost a million dollars additional in fees.

⁶ *Estate Theaters, Inc. v. Columbia Pictures Industries, Inc.*, 345 F. Supp. 93, 99 (n. 75) (S.D.N.Y. 1972).

⁷ *The Corporate Counselor's Desk Book*, (Block, Dennis J.; Hoddinott, Jr., Alfred H.; Epstein, Michael A., Law & Business, Inc., Harcourt Brace Jovanovich, Publishers, at 774 (2d Ed. 1985).

⁸ *Kelly v. Greason*, 23 N.Y.2d 368, 376, 296 N.Y.S.2d 937, 244 N.E.2d 456 (N.Y. App. Div. 1968).

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Report of special committee to review delivery of legal services

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What should CSEA expect of its General Counsel?

Professor Quintin Johnstone of Yale University Law School is a nationally known authority in the field of the economics of law practice and legal ethics and a professor at one of the outstanding law schools in the United States. His publications include the text titled: "Lawyers And Their Work", and he has taught courses on the legal profession for many years.

On August 18, 1986 he presented a written report to President McGowan based on his review of CSEA's legal service needs. Professor Johnstone brought to this study outstanding expertise and complete detachment and impartiality in relationship to CSEA.

Addressing himself to the problem of what kind of legal services are most effective for an organization such as CSEA, Professor Johnstone recommends that CSEA "establish its own law department under the direction of a General Counsel who would be a full-time staff employee. . . ." He sets forth his reasons as follows:

It is unusual today for any public or private sector organization as large as CSEA and with as extensive legal service needs not to have an inside law department staffed by full-time lawyer employees of the organization. Large unions are among the types of organizations with their own law departments. Examples in the State of New York are District Counsel 37, AF-SCME, with 12 lawyers; the New York State Teachers Association, with 25 lawyers; and the International Ladies Garment Workers Union and the Amalgamated Textile and Clothing Workers Union, each with a smaller staff of lawyers. In most instances, inside law departments do not do all of the organization's legal work, although the trend is for a decreasing percentage of legal work to be sent to outside lawyers. Typical of work sent outside is major litigation or litigation at some geographically remote location, matters on which a second opinion is desired, and important problems as to which the inside staff lacks specialized expertise.

One common advantage perceived in having an inside legal staff is cost. If an organization has a sufficient volume of legal work, it is usually less expensive to have this work performed by inside lawyers, as there is no partners' profit margin, overhead costs normally are lower, and it is easier to manage expenses. Another frequent advantage of an inside law department is that closer ties can be developed between the lawyers and other employees of the organization and this can lead to more knowledgeable and more rapid performance of legal work. An added advantage is that with an inside law department most conflict of interest situations involving lawyers are avoided, risks that with firms in private practice are becoming more frequent and serious as these firms become larger or more specialized. Still another advantage of an inside department is that there are lawyers present within the organization having the expertise and usually the responsibility of making decisions, either solely or in consultation with top leadership, as to what legal work goes out, to whom, and under what fee arrangements, and then monitoring that work to make certain

that it is being performed properly and without excessive cost. It is now common for large organizations, when sending legal work outside, not to send it all to one firm but to select a firm highly qualified to deal with each particular matter and at a fee appropriate to the type of work involved. This oversight of legal work going outside requires considerable knowledge of the private law firm marketplace and ordinarily is best handled by an inside general counsel or other top inside lawyer.

As to quality of inside compared to outside legal work, there is generally no question but that routine matters can be dealt with as well or better by inside lawyers as outside ones, including routine or repeat-type problems of major significance to the organization. However, outside lawyers often are more proficient and competent in handling serious legal problems that the organization has not encountered before, particularly if the problems involve fields of law not previously relevant to the organization or to the prior experience of any of its inside lawyers. There are examples, never-the-less, of almost all legal work of top importance being taken care of inside, including new problems and major litigation. District 37's assignment of such work inside is an example of this kind.

Given the nature and volume of its legal service needs, what should CSEA do about allocating its legal work? Should it continue with the present outside lawyer arrangements or should it establish an inside law department staffed by its own full-time lawyer employees? And if an inside law department is set up, what work should be performed by inside staff lawyers and what, if any, assigned to outside private law firms? From information available to me, it is my opinion that in its interests and that of its members CSEA should establish its own law department under the direction of a General Counsel who would be a full-time staff employee and hold a high status position in the organization. This opinion assumes that an outstanding person could and would be hired as General Counsel, someone who is an excellent lawyer, able administrator, and who would fit as a positive and cooperative force in the complex world of CSEA. The effectiveness of a law department is heavily dependent on having the right person as General Counsel, and this is most particularly true when a new department is being created. Selection of an initial General Counsel is so important that if CSEA determines to hire such an inside staff person, it would be highly desirable to include, as voting members or advisors, one or more lawyers experienced in administering union law departments. In addition to suggesting and screening General Counsel candidates, these lawyers could be helpful in advising on law department organization, jurisdiction, and added personnel.

It is also my opinion that general counsel functions now performed by Roemer & Featherstonhaugh should be assigned to the new inside law department, although some of these functions might best be phased in during a transition period. The new General Counsel, in consultation with the union leadership, should decide what exceptions to this centralization of work should occur, and whether or not some important litigation and certain lobbying tasks, for example, should be referred out to lawyers in private practice. From information

available to me, and I again stress that I have not had the privilege of discussing with representatives of Roemer & Featherstonhaugh their CSEA work, I believe that the union and its members would benefit financially by an inside law department as above described. The \$70 an hour charged by Roemer & Featherstonhaugh is lower than what large law firms often charge for their lawyers' services being billed at an hourly rate, although it should be recognized that a tremendous block of 16,500 hours is involved in this retainer and such a volume of assured work merits more favorable client hourly charges. It also should be recognized that much of the work performed under this retainer is of a relatively simple character than can satisfactorily be assigned to junior lawyers, or, in some instances, to paralegals or lay advocates.

Irrespective of the appropriateness of the \$70 an hour rate, however, substantial savings should be possible without reducing work quality if much or all of the work performed by Roemer & Featherstonhaugh is taken over by inside staff lawyers. In the first place, adding an inside staff of lawyers at 143 Washington Avenue would result in little added nonsalary overhead cost. I was assured that CSEA's Washington Avenue office has sufficient space to accommodate a law department in addition to the present office staff, and that existing receptionist, maintenance, and cleaning personnel could service such added office staff at no supplemental cost. In addition, the portion of the \$70 an hour now being charged that is attributable to partners' profit from the overall operations of the firm would be eliminated. It is also possible that if the union's principal lawyers were located in the same building as the rest of the CSEA headquarter's staff, greater efficiency and savings would result. Furthermore, there are questions I have about the Roemer & Featherstonhaugh operation that if answered might indicate other savings. For instance, are 16,500 hours excessive and cover some work of such low priority that it is not needed or not needed at \$70 an hour. I do not know the answer to this question although there are indications that Roemer & Featherstonhaugh has initiated union-related work that was unsolicited and possibly implies an effort by the firm to build up hours and establish a record need of 16,500 hours annually. Another question is whose hours are included in the 16,500. Presumably, it includes only hours worked by lawyers but I am not certain of this. Does it include any paralegals, student law clerks, or other unadmitted persons' work? It would be useful, as well, to know how the hours are allocated among associates and partners and for what major categories of work, and also how many of the 16,500 hours are for work performed by the two name partners and on what types of matters. Roemer & Featherstonhaugh's reports to CSEA on work performance, although probably satisfying the terms of the present retainer agreement, seem quite inadequate. Sufficient data is not being supplied by the firm properly to monitor the firm's work or to determine what revisions should be made in any extensions of the retainer. An inside General Counsel would quite probably insist on better reporting by any outside law firm providing legal services to CSEA.

How CSEA should fill its legal service needs beyond its headquarters in

Albany raises separate problems due to dispersal of members and their employers throughout the state. The structure now in effect to deal with this dispersal is a network of regional attorneys, scattered in 18 cities, and 6 regional CSEA offices, none of the regional offices with any lawyer staff employees. The regional attorneys are private practitioners, with CSEA as but one of their clients. The staff in the regional offices provides some support for the regional attorneys and also takes over much of the early work in grievance and disciplinary cases. There appears to be some CSEA interest in providing at least one staff lawyer for each regional office, a lawyer who would be a full-time CSEA employee. It would be advantageous to both the regional staffs and to union members if such attorneys were available. My opinion, again based on information submitted to me, is that this concept has great merit, but to make it economically viable would probably require that the regional office staff attorneys also carry caseloads of grievance and disciplinary cases in addition to performing their other counseling roles. In effect they would be substituting, in part, for the present regional attorneys in private practice. Full substitution probably is not feasible because of uneven work flow and because some cases arise in locations remote from a regional office. If a law department is established, any regional staff attorneys should probably be attached to that department and under the jurisdiction of the General Counsel in charge of the department.

If CSEA decides to move much or all of its legal work to an inside law department, short-term difficulties will be encountered as the new staff members learn their jobs in their new settings. These transition problems could be alleviated if some present regional attorneys or some lawyers now employed by Roemer & Featherstonhaugh were hired as law department staff lawyers. Even if this turned out not to be possible there should be no difficulty in CSEA attracting a staff of very able lawyers. Many highly qualified lawyers, including many experienced in labor law and employment work, would consider CSEA jobs inviting and ideologically satisfying. An outstanding General Counsel clearly intent on establishing a top-flight department could, if the union leadership was strongly supportive of this objective, attract an excellent staff of lawyers and in a relatively short time build a strong law department providing the best in legal services at a cost more reasonable to the union. Other major unions have done so. CSEA should also be capable of doing so.

A February 27, 1987 letter to consultant Zwerdling from D. C. 37 General Counsel Beverly Gross describing the D.C. 37 in-house legal department demonstrates what Professor Johnstone is recommending. General Counsel Gross states:

The Legal Department is headed by a General Counsel. When I came here 10 years ago we had seven attorneys. We now have 12 full time attorneys; during the course of the year we hire up to 6 full time externs each semester and an additional 6 full time students for 10 weeks in the summer . . . These numbers do not include the lawyer for our Funds, with whom we maintain an arms-length relationship. They also do not include our real estate lawyers,

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who have handled a variety of transactions concerning purchase, use, maintenance and renovation of our building.

Most of the lawyers have been with me over 5 years, some more than 10 years and 2 almost 20 years. We had a recent retirement after 20 years. This stability lends continuity to the handling of legal and quasi-legal matters and to an understanding of and sensitivity to union politics. . . .

In addition, because of the enormous caseload, we utilize 7 outside firms which handle 99.9% of our disciplinary cases whether they be arbitrations or hearings under the New York State Civil Service Law. We pay an hourly rate which is about 1/2 of the going New York City rate for small sized firms and, by close attention to billing procedures, we maintain control over the amount of time spent on each case. The volume makes up for the low hourly rate and we have had occasion over the years to discontinue relationships with only 2 or 3 individual lawyers out of the many who handle our matters in the firms we use. . . .

The lawyers' work week is 24 hours a day, 7 days a week. They are not permitted to engage in outside practice which requires them to appear in court except on behalf of themselves or their family. They may handle contracts, wills, and the like on their own time. This restriction has not seemed to present a problem; it is explained at the time of the job interview.

Since the meter is not ticking, we find that we are consulted on a broad variety of issues which may not be purely legal but which, if not dealt with early, might otherwise lead to problems down the road. In addition, we are available for and often attend local union meetings to explain collective bargaining agreements, constitutional changes, civil service matters, ongoing litigation, statutory changes and the like. We are immediately available when needed for any unanticipated situations in the building. We serve as counsel to all the substantive Departments of the District Council and in that capacity each lawyer is assigned a certain number of collective bargaining agreements for which he or she attends all negotiating sessions. (District Council 37 negotiates several dozen contracts every year.) As you know, I travel with the Executive Director to all IEB Meetings and I also attend all DC 37 Board meetings and Delegates meetings. This enhances the Legal Department's ability to counsel the Executive Director on matters, legal and quasi-legal, which may impact on policy decisions.

This Committee and its consultant essentially agree with Professor Johnstone's analysis. We certainly believe that whether the General Counsel of CSEA is a salaried employee or an independent practitioner, that individual must be exclusively devoted to the interests of CSEA and its members. This means that if the individual is not a salaried employee of CSEA a General Counsel who is a private practitioner must enter into an agreement with CSEA which provides that, for the duration of the relationship, CSEA is the exclusive client of that attorney. Needless to say, this includes the fact that the attorney retained by CSEA shall not do any business with any vendors of CSEA.

OUR PROPOSAL FOR CSEA LEGAL DEPARTMENT

GOALS:

- To deliver competent employment-related legal services to CSEA members in the most efficient and economical manner.
- To provide advice and information to the CSEA Officers, Directors, Delegates, Committees and Departments.
- To provide assistance to CSEA staff on State and Local contract negotiations and administration.

STRUCTURE

The Legal Department should be housed in the CSEA headquarters under the direct supervision of a Chief Counsel and be composed of staff attorneys, paralegal and clerical support staff. It would only use outside law firms, as needed, in situations calling for specialized skills unavailable in house. This department would also include non-lawyer union staff who work closely with chief counsel in determining what services will be provided and by whom.

The Legal Department should function as an integral part of CSEA, providing legal services not only to members, but to elected officers and staff. It should work particularly closely with the Political Action Department and provide assistance in drafting or reviewing legislation. It should also work closely with the Education Department to provide information and training to CSEA members and stewards.

The Legal Department would also be directly involved in negotiations for the State contracts in a capacity to be decided by the President, and indirectly involved in local government contracts through the development of model contract language for political subdivisions and assistance to negotiators on specific contract language as needed. The Legal Department would also furnish assistance to CSEA staff regarding its own in-house union negotiations. All matters relating to the State contracts or which affect CSEA or its membership generally will be handled by the Legal Department.

PERSONNEL

Chief Counsel: Chief Counsel would have the direct responsibility for supervising, directing and monitoring the delivery of all legal services, both professional and paralegal, to CSEA, and the defense of all lawsuits against CSEA. Counsel would supervise in-house attorneys and paralegal staff and oversee the assignments and monitoring of all cases handled by regional attorneys and outside law firms. Counsel would direct the organization and training of paralegal and other support staff so that non-lawyers may be utilized to the fullest in the legal service delivery system. Counsel will be available to consult with, and advise, elected officers and staff on matters pertaining to any CSEA business or services.

Regional Attorneys: The Regional Attorney structure will remain in place. These attorneys handle local government contract grievances, disciplinarys and lawsuits which are assigned on a geographic basis. Regional attorneys can also provide backup to headquarters attorneys.

Outside Law Firms: These firms would provide backup to the Legal Department in specific areas of expertise. Assignments to outside law firms will be made, and monitored by, chief counsel.

Staff Attorneys: Attorneys should have a labor law background and a commitment to unionism and CSEA. The number of staff attorneys will depend on the need. Staff attorneys will function as the regional attorney for Region 4 in addition to their general CSEA work.

Contract Administrators: These would be non-lawyers; persons with a labor background, either by education or experience, who would be trained to appear on behalf of members in routine or non-complex disciplinary and contract arbitrations or other administrative hearings. These positions would be developed after careful examination of the kinds of grievances or disciplinarys which appear on a regular basis, which contain simple fact patterns, and which do not require the complex training of an attorney in order to have the member competently represented.

Paralegal Staff: This staff will prepare all disciplinary and contract grievances through the third step, whether handled at the final stage by regional attorneys, headquarters staff, or contract administrators. The paralegal staff will see to it that when a disciplinary or contract grievance reaches the desk of the attorney or contract administrator, the file will be fully prepared and contain a concise statement of facts, issues, position of the parties, names, addresses and telephone numbers of the grievant, witnesses and opposing parties. These paralegals would also contact the grievant and witnesses during the course of preparation and obtain their version of the facts. There should be a close, cooperative working relationship between the paralegals and the attorneys or contract administrators who will be representing the employee at the administrative hearing.

Legal Program Administrator: All requests for legal assistance would come to this CSEA staff position, with a copy to Chief Counsel. The Legal Program Administrator would be responsible for routing these requests to the appropriate person or committee. Requests for legal assistance to commence court action should be accompanied by an evaluation from the regional attorney, as well as from the office of Chief Counsel where appropriate, before being brought to the legal committee for funding approval. Third step disciplinary and contract arbitrations should go to the paralegal staff for file organization and preparation and then to the appropriate regional attorney, headquarters attorney, or contract administrator for further action. All matters relating to the statewide contract or which could have an effect on statewide workforce would go to Chief Counsel's office.

In addition, the Legal Program Administrator would be responsible for the creation and maintenance of a data bank relating to all legal services provided by CSEA. Settlements, arbitration decisions, PERB determinations and judicial decisions should be cross-referenced by subject matter,

contract provision and arbitrator, hearing officer or judge. This information should be a part of the preparation of each case and should be made available to the attorney or contract administrator. It can provide valuable history on the interpretation of specific contract provisions or statutes, and guidelines on disciplinary findings and penalties. It would also give CSEA a profile of particular arbitrators which can be useful in evaluating them for future inclusion on CSEA panels.

Assistant Administrator: This position would have, in conjunction with Chief Counsel's office, supervisory responsibility for the paralegal staff. The Chief Counsel's office would be responsible for training and monitoring paralegal performance with input from the assistant administrator who would have direct day-to-day supervision of this staff.

Special Advisory Committee for Legal Services: This delegate committee would be a liaison between the union membership, staff of CSEA and counsel, and would assure that CSEA membership continues to have knowledge and input into the delivery of legal services. The committee would provide information for the delegate body and would work closely with counsel and the Legal Program Administrator to improve services already in place and to make recommendations for future legal services.

CSEA Standing Legal Committee: This committee would continue to provide approval for funding CSEA initiated lawsuits on a case-by-case basis. This committee would be advised by both Chief Counsel and the Legal Program Administrator.

TRANSITION PERIOD

The transition period should be only as long as is needed to review and assess each pending case. With cooperation, this should take no longer than 10 days to 2 weeks. Each pending case should be reviewed by an attorney for the following information:

- (1) a brief description of each case, setting forth the issues and containing the position of the parties and the facts upon which those positions are based;
- (2) a chronological graph outlining where the case is presently, the time frame for the next action and the identification of the person who will need to take that action;
- (3) names, addresses and telephone numbers of all contact persons;
- (4) a brief statement of the merits of the case and estimated chance of success.

The same information would provide a complete picture of every legal or administrative action currently being handled for CSEA and allow counsel to establish a timetable for each case, and assign it to the appropriate person. Cases needing immediate attention can be flagged, so they can be dealt with promptly, as needed.

The Legal Department could begin functioning immediately; however, the task of hiring sufficient headquarters attorneys, training contract administrators and paralegals, should not be done in a hurried manner. Job descriptions will need to be created, salaries approved and a comprehensive plan developed before these positions are

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filled. It is very important that the Legal Department, both professionals and other staff, function as a team. Careful thought must be given to each member of that team, not only with regard to that person's training and abilities, but also with regard to how cooperatively and effectively they will work within this structure and — all important — their exclusive dedication to the interests of CSEA and its members.

FUTURE GOALS

Although the major goal of CSEA is the provision of employment-related legal services to its members, future planning ought to consider the provision of legal services to members who are no longer actively employed, such as those members who are on long term disability, leaves of absence, unemployed or retired. There are many other areas in which members of CSEA can utilize legal assistance which are presently not being addressed, such as worker's compensation, discrimination and unemployment insurance claims. The future may also present opportunities for the union to provide legal assistance to its members in non-employment related situations. But such a plan must be constructed carefully, for the benefit of the membership. It must not become a bonanza for attorneys.

COMMITTEE FINDINGS AND RECOMMENDATIONS

This Committee makes the following findings and recommendations to this Delegate Body, in response to the Resolution it adopted concerning legal services at its October 26-31 Annual Delegates Meeting.

1. Your Committee finds that the delivery of legal services to CSEA by the law firm of Roemer & Featherstonhaugh, P.C. is unsatisfactory, for the reasons set forth above.

2. The Committee recommends that the Delegates at this meeting of the Association exercise their power and authority to terminate the services of the law firm of Roemer & Featherstonhaugh, P.C.

Respectfully submitted,

Ralph Spagnolo, Chair

Patrick Hahn, Region 1

Denise Berkley, Region 2

Jeff Howarth, Region 3

David A. Biddle, Region 4

Dorothy Penner-Breen, Region 5

Dominic Spatone, Jr., Region 6

EXHIBITS attached to Report of Special Committee to Review Delivery of Legal Services

ABRAHAM L. ZWERDLING, ESQ.

Abraham L. Zwerdling has been representing unions and employees throughout his legal career.

Shortly after receiving his B.A., M.A. and J.D. (law) degrees from the University of Michigan, he became administrative assistant to UAW President Walter P. Reuther and later served as UAW Associate General Counsel.

While practicing law in Michigan, he served as Chairman of the Labor Relations Law Section of the State Bar of Michigan and as President of the Industrial Relations Research Association, Detroit Chapter.

His civic activity in Michigan included serving as President of the Detroit Board of Education and as a member of the Board of Education. He also served as a member of the Executive Board of the Southeastern Michigan Council of Governments.

In 1971, he established a Washington, D.C. office of his law firm, and for nine years was General Counsel of the American Federation of State, County and Municipal Employees (1971-1980).

He is a member of the Executive Committee, National Resource Center for Consumers of Legal Services, which is administering the legal service program for union members established by the AFL-CIO to develop benefits and services for unions affiliated with the AFL-CIO; and of the International Society for Labor Law and Social Security.

He has served on the Board of Directors of the American Arbitration Association, as General Counsel of the Social Development Corporation, and as a member of the American Judicature Society.

As an Adjunct Professor of Georgetown University Law School, he has taught courses in Collective Bargaining and Impasse Resolution

and in Labor Relations in State and Local Government.

His early career included employment in state government in Michigan as an attorney for the Michigan Employment Security Commission, as well as service with the National War Labor Board.

He is author of law review and other articles in the field of labor relations.

Mr. Zwerdling is a member of the Bar of the United States Supreme Court, the Federal Bar Association, the Bar of the District of Columbia, and the State Bar of Michigan.

He is a member of the law firm of Zwerdling, Paul, Leibig, Kahn, & Thompson, P.C. with offices in Washington, D.C., Maryland and Virginia.

1. For fiscal year 1985 (October 1, 1984-September 30, 1985) the total cost to CSEA for its legal services program was: \$2,285,000. For fiscal year 1986 (October 1, 1985-September 30, 1986) the total cost to CSEA for its legal program was: \$2,234,500.

The CSEA Legal Services Program consists of two allocations:

(a) Special Legal Services Fees

(b) Retainer Agreements

The following items are paid out of Special Legal Services Fees Fund:

(a) Regional Attorneys' per diem

(b) Regional Attorneys' Schedule of Fees

(c) Transcripts

(d) Arbitrations

(e) Court Filing Fees

(f) All Roemer & Featherstonhaugh expenses

(g) Other expenses — filing fees, text copy, share of Lexis System, Express Mail

The total sum paid out of this Fund for fiscal year 1985 was: \$1,026,000.

The total sum paid out of this Fund for fiscal year 1986 was \$950,000.

3. For fiscal year 1985 (October 1, 1984-September 30, 1985) the following amounts were transmitted to Roemer and Featherstonhaugh:

1. \$982,500 from CSEA

2. 90,000 from CSEA Political Action Fund

3. 17,672 fees from real estate transactions

4. 186,500 transmitted to Roemer & Featherstonhaugh for distribution to regional attorneys

5. 75,582 reimbursed expenses billed by Roemer & Featherstonhaugh

The total sum received by Roemer & Featherstonhaugh from these sources was: \$1,334,582.

4. For fiscal year 1986 (October 1, 1985-September 30, 1986) the following amounts were transmitted to Roemer & Featherstonhaugh:

1. \$1,065,000 from CSEA

2. 90,000 from CSEA Political Action Fund

3. 3,656 fees from real estate transaction.

4. 129,900 transmitted to Roemer & Featherstonhaugh for distribution to regional attorneys

5. 88,058 reimbursement for expenses billed by Roemer & Featherstonhaugh

The total sum received by Roemer & Featherstonhaugh from these sources was: \$1,372,958.

5. Reimbursed expenses billed by Roemer & Featherstonhaugh were made up of the following items:

	1985		1986
Travel	\$26,828	Travel	\$46,757
Subscriptions	4,118	Subscriptions	3,845
Text	-0-	Text	7,392
Telephone	999	Telephone	2,208
Xerox	48	Xerox	9
Postage	2,437	Postage	4,358
Miscellaneous	-0-	Miscellaneous	5,008
Other: Express Mail, Filing Fees, Share of Lexis System, Text Copy	23,480	Other: Express Mail, Filing Fees, Share of Lexis System, Text Copy	14,825

DAVID M. STACK, CSEA Comptroller

Workers at risk!

Study: Job can make you sicker than you know

By Stephen Madarasz
CSEA Communications Associate

ALBANY — A new study completed for the state legislature shows a much greater relationship between illness, disease and unsafe working conditions than had previously been acknowledged.

The study, conducted by the prestigious Mt. Sinai School of Medicine in New York City, also urges the establishment of up to six regional occupational health clinics to provide better diagnoses, reporting and prevention of occupational illness.

The findings based on a review of a cross-section of the public and private sector workforce found occupational disease and death rates far beyond what figures from the state Workers' Compensation Board would suggest.

"Working people shouldn't have to pay with their lives for the right to make a decent living," comments CSEA President William McGowan. "This report recognizes that something has to be done to protect them."

"But these findings are just the tip of the iceberg," he adds.

"We're seeing recommendations for New York to make a fundamental change in the way it views occupational illness and that won't be easy," says CSEA Director of

Occupational Safety and Health James Corcoran, who served on the study's advisory panel.

"There's been a very wrong assumption that a disease or illness is only occupationally-related if you can establish a direct cause-and-effect relationship based on specific incidents. Now we're beginning to see that problems develop from long-term exposure to toxic substances, unsafe noise levels and other workplace conditions," he explains.

The Mt. Sinai study shows that between 1979 and 1982, the Workers' Compensation Board determined there were only three work-related cancer deaths per year in New York State. But, in fact, in 1979 alone there were 80 fatalities alone from mesothelioma — a rare cancer that comes from asbestos exposure.

The study further estimates that about 10% of all cancer deaths in the state may result from on-the-job exposure to toxic substances. Other studies contend that figure may be as high as 30 percent.

Occupational conditions are also to blame for 35,000 new cases of skin disease, eye and ear problems, heart disease, nervous disorders and respiratory conditions in New York each year, according to the report.

But Corcoran points out that even the study recognizes that its figures are incomplete because there is no central information reporting system. The proposal for the occupational health clinics is an attempt to begin keeping track of actual cases.

"Right now, Mt. Sinai has the only occupational health clinic in the state and they're only open one afternoon per week," says Corcoran. "Clearly that's not enough to address the reality of occupational illness in New York State."

Beyond the lack of adequate facilities, the study reports that most doctors are not trained to recognize a link between chronic illness and workplace conditions. Many will not even ask about a patient's occupation.

"There has to be wider recognition that all kinds of conditions, from asthma to headaches to anemia, can result from working conditions," explains Corcoran.

The study's recommendation to develop the six clinics would cost about \$21 million over five years. It is now under review by the legislature.



Report all illness

As part of the effort to change attitudes toward occupational illness and disease, CSEA wants to see some changes in the way they're reported.

For example, by law public employers must post the DOSH-400 form each February, detailing the extent of on-the-job injuries suffered in the workplace each year.

It would be a logical extension to require that all cases of cancer, birth defects, hearing loss and numerous other ailments experienced by employees be included on that list to give a more accurate picture of the workforce's health condition.

Ignorance isn't bliss

The lack of appropriate diagnosis of occupational disease and illness has another huge price tag — it contributes to the total breakdown of the health insurance system.

New York has a system of Workers' Compensation to pay for occupational injuries and illness. But, invariably employers contest claims related to occupational disease.

Even without having their claims contested many victims are discouraged from filing for compensation because they don't want the hassle of the paperwork and lengthy process.

It seems easier to simply pay medical bills through your own health insurance coverage.

But you lose as a result.

When claims are not filed with the Workers' Compensation Board, employers get off scott-free from their responsibility to maintain a healthy workplace.

Health insurance companies have to pay out millions of dollars in inappropriately billed claims.

Those inappropriate claims then become part of sky-rocketing medical costs, which get passed on to you through higher premiums that employers can no longer afford to pay in their entirety.

• CSEA-OMRDD talks intensify

'We want guarantees in blood'

ALBANY — As the state's April 1 budget deadline draws closer, intense discussions continue between CSEA and the Office of Mental Retardation and Developmental Disabilities (OMRDD) over union objection to the planned closing of seven developmental centers.

At the heart of the issue are job guarantees for the thousands of facility employees. CSEA is also skeptical that OMRDD can gear up its proposed network of community-based residences to replace the centers by the target date of 1991.

"We will not help OMRDD move forward with their plan until we have an agreement that shows us how it will work," CSEA President William McGowan told a meeting of OMRDD presidents from the affected facilities, last week. "To get an agreement, we have to know that all of our people and clients will be protected."

"I want to see it in blood," adds George Boncoraglio, president of CSEA Region II, where three of the seven facilities targeted for closing are located.

There is general agreement among the CSEA officials that any job guarantees would have to be as enforceable as a contract, provide positions within a reasonable location to the present worksite, and establish a procedure for resolving disputes.

While only lukewarm toward the concept of general retraining for staff, OMRDD CSEA officials support programs for direct-care upgrading.

"There have to be opportunities for people and we want to encourage them to improve their abilities," says McGowan. "It will just give them more options in the future."

CSEA will not act on any agreement over the OMRDD Plan until it is in writing and fully acceptable.

CSEA OMRDD presidents from facilities targeted for closing listen during a special meeting in Albany last week.



Jobs safe under Monroe-Livingston plan

ROCHESTER — The jobs of CSEA members at the Rochester Psychiatric Center won't be threatened by the Monroe-Livingston demonstration project, the workers were told.

In fact, the pilot mental health program should strengthen the value of state Mental Hygiene workers, as state and private agency community residence treatment centers develop under the five-year project. Some RPC patients will begin transfer to community residences in July.

A full briefing on the program, arranged by Local 420 President Geraldine Wiggins, was made available so that members' questions could be answered.

Present to respond to workers' concerns were Marty Langer, CSEA Public Policy Specialist, Mark Lawrence, Research Analyst, RPC Director Martin Von Holden, and Phylliss Marshall, Executive Director of Integrated Mental Health, Inc., which will operate the project.

"I'm glad our members were able to have their questions about the project answered," declared Wiggins. "Because there's always a lot of uncertainty (in the workers' minds) when changes are made. So with the assurances we've heard today, we can observe the progress and evolution without so much anxiety."

One important job-safety provision of the agreement assures that 50 percent of the community resident treatment jobs will be under state administration.

For that reason, RPC workers "shouldn't fight job transfers to community residences," Langer recommended.

The 50 percent state job provision was written into the agreement at the insistence of CSEA, to protect members from job loss as the pilot program evolves.

CSEA political action in 1985 had successfully stalled about \$1.2 million in funding for the program until the job safeguards were in place.



Geraldine Wiggins

"CSEA was out there first, on behalf of its members," said Von Holden, "and CSEA is the only entity that has such guarantees," under the agreement.

The first state community residency facility is being built on the RPC campus. Scheduled for completion later this year, it will serve as a model for others to be developed through 1988.

Wiggins called on those members in attendance to "pass on the news" to their fellow workers.

A DAY IN THE LIFE OF A MHTA AT

NEWARK D.D.S.O. DAY TREATMENT PROGRAM CENTER



TOURING NEWARK Developmental Center facility are, from left, Local 417 President Martin DiSanto, Grievance Chairman Mike Flaherty and Local 417 Vice President Charles Rich.

Editor's note: A mental hygiene therapy aide (MHTA). It is arguably one of the most difficult and sometimes dangerous of the thousands of job titles in state service.

MHTAs throughout the state's mental hygiene system are consistently at or near the top of the lists in numbers and percentages of injuries sustained on the job, and of being involved in grievances filed on their behalf resulting from understaffing, unsafe working conditions, out-of-title work assignments and other worksite problems.

That job can be all the more difficult if you know the facility where you work is scheduled to be closed and your future employment could be in doubt. Such is the case for thousands of MHTAs now working at seven state developmental centers listed for closing between now and 1991.

Still, at those and other Office of Mental Retardation and Developmental Disabilities (OMRDD) facilities, and at the several state psychiatric centers, thousands of MHTAs every day go about their duties with determination under difficult conditions. The following is an example of a "normal" working day for MHTAs at the Newark Developmental Center in Wayne County, one of the seven ORMD facilities slated for closing.

By Ron Wofford
CSEA Communications Associate

To make it through a day in the life of a mental hygiene therapy aide (MHTA) requires an abundance of skill, compassion, patience, experience and the strength and will to be ready for another day of the same tomorrow.

For the day workers at the Hillcrest Unit at the Newark Developmental Center here in western New York, the shift begins with a 7 a.m. status report from the night crew on how the clients made it through the night.

Next, through lots of noise and confusion, about three MHTAs must help the approximately 17 clients assigned to them get bathed and dressed for breakfast.

It may sound simple enough. But the clients are a group of adults who have yet to master basic bathroom functions, which is evident by body waste and urine all around. Some of the clients are crawling around on the floor and being generally uncooperative. The MHTAs maintain control in an atmosphere that seems chaotic.

Depending on their developmental level, clients are given goals of dressing and feeding themselves, and general behavior. MHTAs apply the goals and monitor the client's progress individually. So, amid what appears to be confusion, each MHTA-client interaction is important to the client's treatment plan.

While clients are being washed and dressed for breakfast, the units are also in need of cleaning. In fact, cleaning is an on-going duty throughout shifts because clients are always at various levels of bathroom

training.

Once clients are finally dressed, it's time for the breakfast meal. Clients are split into two groups for the meal, given in the same building.

Feeding goals for the client are then applied by the MHTA. Goals include learning to eat slower, choosing and using the proper utensil, not spilling food, and showing good behavior.

Some clients will need to have their clothes or their diapers changed when they return to their unit, before they go to their designated day program area.

But before clients can be dressed for outside weather, the MHTAs must also gather bed linens for sending to the laundry, and wash the clients' clothes and bibs that may have been soiled at breakfast.

By 9 a.m. the center's buses are lined up outside the units to transport the clients to their respective program areas.

Even while dressing and assisting in dressing the clients, the MHTAs must be continually alert to stop any self-abuse by the many clients who may insert articles into body orifices, eat burning cigarettes, grab and drink very hot liquids and such.

Loading clients onto buses is another seemingly simple project that is actually filled with problems. Many are in wheelchairs, some are sightless and others simply disruptive. Many cannot talk and require directions given in sign language.

MHTAs having to break up fighting among clients is routine. There is always the threat of bodily harm for the MHTA and other clients from the overaggressive clients.

At the program units, the chaos does not necessarily subside. In fact it may increase.

But the MHTA, in conjunction with program clinicians, helps the clients, through repetition and consistency, to develop adult living skills.

The return trip to the living unit from the day programs is the reverse of the process that earlier in the day brought the Hillcrest clients to their scheduled programs.

The clients' charts are noted with the day's activities and progress. An oral report is given to the late shift. And the day shift MHTA prepares to leave another hectic workday behind for a few hours, to rest and build up the energy for another day. Tomorrow.

All the MHTAs at the Hillcrest Unit at Newark Developmental Center have battle scars from their tenure at the facility. Among them are wrenched shoulders, cuts, sores and bruises from bites and kicks. Memories of more dangerous episodes are among the invisible scars.

But they all say they have a compassion for their clients, born from their time together in helping them cope with the hand that life has dealt them.

A number of Newark Developmental Center employees contributed accounts of their personal daily work routine to help compile this composite story of a typical day in the life of a MHTA. Among them were MHTAs Brenda McAllister, Sue Pinero, Sal Branciforte, Doris Eaton, Karen Shinsign, Laura Lee Jones and Betty Marsa, and Food Service Supervisor Duane Fisher.

MHTAs: always on the firing line

Editor's note: Mental hygiene therapy aides (MHTAs) are in difficult, tense and sometimes dangerous situations virtually every working day. Many of the clients they work with are as dangerous to themselves as they are to other clients and staff around them. Compounding the problems they confront is the fact that much of the time MHTAs work understaffed in overcrowded, chaotic conditions and must make instant decisions under difficult situations. Sometimes that leads to charges against MHTAs by well-meaning people who do not understand what they see — or believe they see — occurring. Here are some examples.

Protecting client leads to charges; MHTA exonerated

By Sheryl Carlin
CSEA Communications Associate

KINGS PARK — Mental Hygiene Therapy Aide Alan Pinter is back at work at the Kings Park Psychiatric Center, exonerated by an arbitrator of charges he struck a client on the shoulder.

Pinter, represented by CSEA legal service during the arbitration, received \$7,500 in back pay for the time he was suspended from work pending the outcome of those unfounded charges. But that does little to soothe his disappointment in being brought up on charges for simply doing his job in preventing a psychiatric patient from harming himself.

Pinter's problems began when he and a nurse, Gary Schultz, brought a Kings Park psychiatric client to the emergency room of a nearby hospital. The client had an intravenous (IV) in his arm and electrodes attached to his chest. The client tried several times to remove the IV from his arm while they waited for a doctor.

Meanwhile Schultz had to return to Kings Park and Pinter was left alone with the patient. Pinter requested wrist restraints be put on the patient to prevent him from pulling out the IV, but the request was denied.

When Pinter returned from answering a phone call, the patient was pulling the intravenous out. Pinter took the client's arm and placed it at his side, at which time a nearby nurse admonished Pinter, "Don't hit that patient again."

That nurse called Kings Park and requested a replacement for Pinter, and Schultz returned to the hospital. Pinter was surprised when Schultz asked if he struck the client, and answered "No." Schultz also questioned the client, who was rational and coherent, and the client said simply the IV was uncomfortable.

One month later, Pinter received a Notice of Discipline charging he had struck the client on the shoulder during the emergency room situation and notifying him he was suspended and that the employer proposed to terminate him.

However, the arbitrator found the testimony of the hospital staff to be contradictory and that while it may have seemed that Pinter was mishandling the client, all he was really doing was keeping him from pulling out the intravenous.

CSEA Attorney Lester Lipkind, who represented Pinter in the arbitration, noted, "This was a good win . . . Pinter has his job back and a large sum of back pay, which he certainly deserved."

Wrongly accused; \$10,000 back pay

ROCHESTER — MHTA Robert Clark has been reinstated to his job at Monroe Developmental Center here and received more than \$10,000 in back pay after being exonerated of charges brought by a client who had previously bragged he was out to get Clark fired.

Local 439 President Creaola Shelton and CSEA Field Representative Debbie Lee both hailed the arbitrator's ruling as an "important victory for all MHTAs."

"Too many times in the past," said Shelton, "some particularly devious clients have used the threat of 'crying wolf' (about patient abuse) to intimidate MHTAs to get their way. This should help slow



UNJUSTLY CHARGED MHTA Alan Pinter, center, looks over arbitrator's decision reinstating him to his job. At left is CSEA Long Island Region I President Danny Donohue and at right is Kings Park CSEA Local 411 President Tony Bentivigna.

False charge from 'confused witness'

KINGS PARK — Jerry Mims is another mental hygiene therapy aide (MHTA) at Kings Park Psychiatric Center who was wrongly charged with misconduct involving a client.

The state wanted to suspend Mims for two weeks without pay, charging he verbally abused a patient at Kings Park by calling him "a goddamned Vietnam veteran."

Attorney Lester Lipkind represented Mims in arbitration on behalf of CSEA and pointed out such a charge would be strange in light of the fact that Mims himself is an honorably discharged veteran who also operates a home for other veterans.

The arbitrator agreed, and also found that conditions were noisy during the incident and that the patient himself was yelling, "I'm a goddamned Vietnam veteran."

Said the arbitrator, "...more likely than not (the witness) confused what Grievant (Mims) was saying and what (the client) was saying."

down such situations, especially when it's the client's word against a staff person."

In the Clark case, Lee noted, "the client had bragged to other staff that he was going to have Clark fired. We're very happy to see justice served, and that the arbitrator saw this as a case of petty vindictiveness."

Shelton said the case also boosted staff morale when they saw the effort CSEA put into defending Clark against the unfounded charges.

Suffering family finds friends in CSEA

WAPPINGER FALLS — The whole community is rallying to help a CSEA member and her husband who lost one son and had another severely injured in a tragic accident that took the lives of four teen-agers recently.

Employees from throughout the Wappinger Central School District have joined with area residents and many businesses to



BUY ONE FOR BILLY — Dutchess County Education CSEA Local 867 President Norma Condon posts a flier urging local members to buy raffle tickets to benefit Billy Jacobs, son of member Arlene Jacobs, who was seriously injured in a car accident that killed his brother Chris. The proceeds will help pay for Billy's therapy.

help Bill and Arlene Jacobs pay mounting medical costs for Billy Jacobs, 17, who was injured in the accident that killed his brother Chris, 15, and three other teen-agers.

Billy suffered several broken bones and internal injuries, including damage to his kidney, pancreas, intestines and stomach. His heart was bruised, his spleen had to be removed and during surgery to repair some of the injuries, he suffered a stroke.

This is not the Jacobs' first tragedy. Bill Jacobs, seriously injured in a car accident seven years ago, is unable to work. Arlene works in the local school district and is a member of the Wappinger Central School District Unit of the Dutchess County Education CSEA Local 867.

Their youngest son, Kevin, 13, is a student at Van Wyke Junior High School. Billy was a senior at John Jay High School at the time of the accident, and Chris was a junior.

Now semi-comatose, Billy faces long and costly rehabilitation programs.

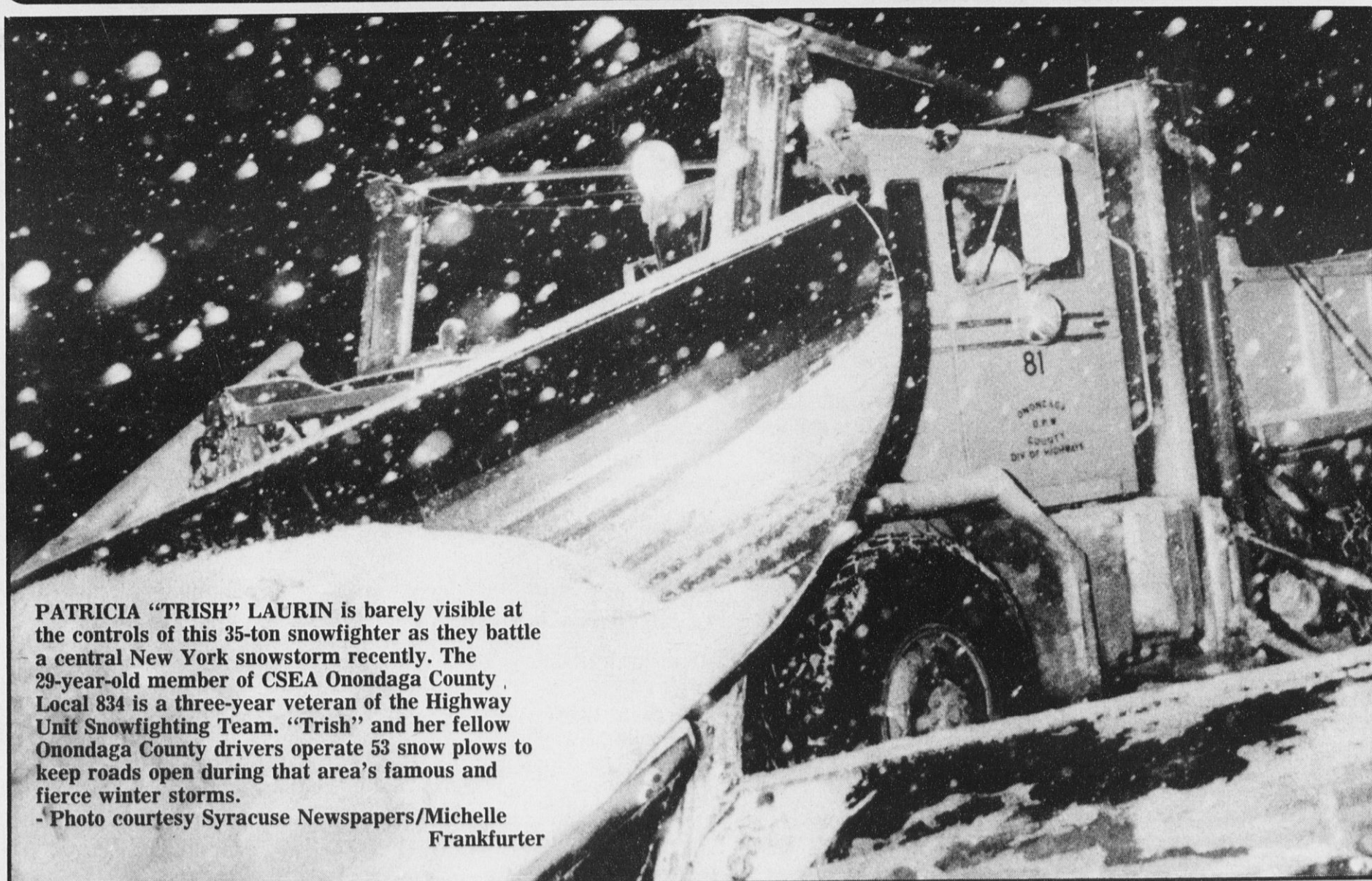
His medical care has already cost hundreds of thousands of dollars, said CSEA Unit President Maryjane McNair, and therapy will cost even more. The Jacobs' insurance does not cover the therapy programs Billy needs.

The community is raising money to help offset as much of those costs as possible. A raffle chaired by Saranne Ratner, one of Billy's former teachers, has already begun with local businesses donating prizes; a local shopping mall has donated space for ticket sales; and people are making donations.

Groups participating in the fundraising effort include: the teachers, members of the New York State United Teachers (NYSUT); custodians and bus drivers, members of the Wappingers Federation of Workers; and monitors, teacher aides and 45 CSEA members who are clerical employees in the district.

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Anyone wishing to make a contribution should make checks payable to the Committee to Assist William J. Jacobs and send them to Maryjane McNair, Fairview Road, Hillside Lake, Wappinger Falls, N.Y. 12590.



PATRICIA "TRISH" LAURIN is barely visible at the controls of this 35-ton snowfighter as they battle a central New York snowstorm recently. The 29-year-old member of CSEA Onondaga County Local 834 is a three-year veteran of the Highway Unit Snowfighting Team. "Trish" and her fellow Onondaga County drivers operate 53 snow plows to keep roads open during that area's famous and fierce winter storms.

—Photo courtesy Syracuse Newspapers/Michelle Frankfurter

Enough is enough!

Peekskill court staff wants help to dig out from paperwork backlog

By Anita Manley
CSEA Communications Associate

PEEKSKILL — "Just hang in there!" That's the answer that Peekskill City Court staff members hear when they complain to officials in the Ninth Judicial District that their work is so backed up they haven't seen the tops of their desks in months.

Westchester State Judiciary Local 336 Grievance Chairman Marty Boxenhorn says the problem is that the court is staffed according to management prerogative, a figure that court workers say doesn't reflect their actual caseload.

"It's ludicrous," says Jane Roush, office typist. "Most of the people arrested are from surrounding towns and the state of Connecticut."

Lately there have been many drug-related cases flooding the court, she added.

Deputy Court Clerk Judy Dimichele notes that although the court is designated a part-time court, the heavy caseload creates the work of a full-time court.

"We're there to serve the public. We're not serving the public," she says. "We never catch up. The work is two weeks behind. We used to come in on weekends without pay to catch up with the paperwork. They don't take into consideration that along with paperwork, we spend a lot of time on the phone during the day."

"We're all very dedicated," Dimichele emphasizes. "Some of us come in an hour early and stay an hour or so late to try to catch up on the incoming work as well as the backlog."

Recently court clerks received a memo from Nicholas A. Federici, executive assistant to Ninth Judicial District Administrative Judge Joseph F. Gagliardi

requesting the employees' caseload figures. At the bottom of the memo he wrote, "I know your problem. Hang in there."

Dimichele notes that even the court monitors have recommended more staffing.

"When the local attorneys ask why the situation is the way it is, we tell them to complain to Gagliardi," she says.

"You can't even take a sick day without feeling guilty," Roush says. "You're home sick and all you're thinking about is how much work your co-workers are left with while you're out."

Asked how the workers establish

"You can't even take a sick day without feeling guilty... all you're thinking about is how much work your co-workers are left with."

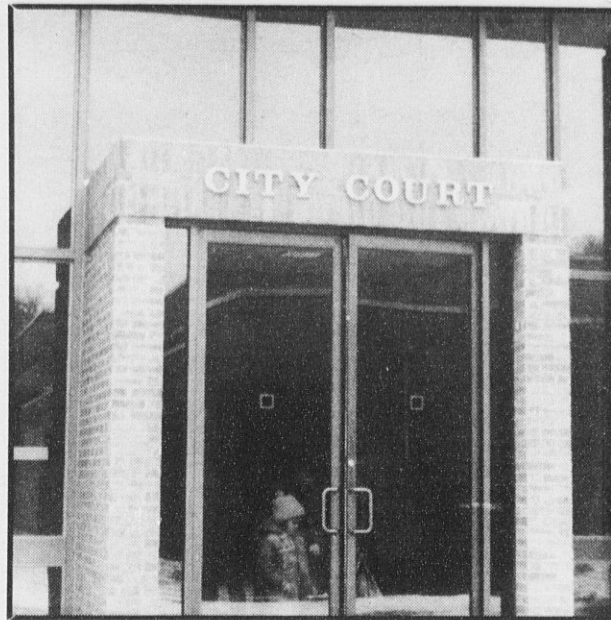
— Joan Sewalk

priorities, office clerk Joan Sewalk replies, "Whoever screams the loudest!"

A major concern, of course, is the back up in the courts. Trials resulting from arrests made last summer have still not been scheduled, employees say. Sewalk says the small claims court is in the same sad shape, and arrest warrants are not issued promptly. What will it take to catch up?

Chief Court Clerk Janice Laughlin said she could do it with "five or six trained office clerks for about two months."

Meanwhile, Boxenhorn and Region III Field Representative Al Sundmark say they



may pursue the problem with out-of-title grievances.

To add insult to injury, the workers are all provisional, despite the time they have been employed by the court — Dimichele for 12 years, Roush for five years and Sewalk for seven years.

"Those employees, all of whom are provisional, perform out-of-title work on a daily basis and operate under a workload that is monstrous," Sundmark says.

"The only solution is for Office of Court Administration to upgrade the status of the court and upgrade the clerk/typists to senior office assistant and the senior stenographer to senior or principal office assistant," he adds.

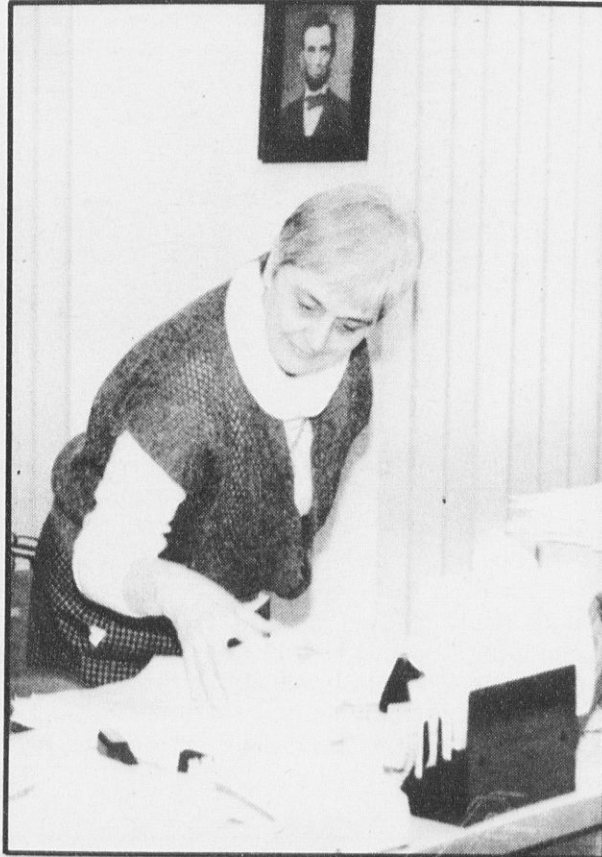
"The upgrading would be appropriate in as much as the employees currently perform the duties of the higher positions and are, in effect, appropriate for reclassification."

"I question why this has gone on for so long," says Local 336 President Rose Impallomeni. "It should have been addressed long ago."

"Something should be done for these people who have served the public without any protection at all," she adds. "Their loyalty is above and beyond any call of duty as far as I'm concerned."



WHERE'S MY DESK? — Jane Roush, left tries to help a caller while attempting to catch up with mountains of paperwork. At right, Joan Sewalk hunts for files on a desk hidden by paper in the Peekskill City Court Office. Work is so backed up, the staff goes for months without seeing their desktops.



Hyde Park School Unit calls for fact finder

HYDE PARK — Hyde Park School District CSEA members have asked for a fact-finder to end a five-month impasse in contract negotiations.

The contract for the bus drivers and maintenance and custodial workers expired July 1, and employees have been working under the conditions of their old contract. Unit President Ann Milby said morale is at a new low.

"We concern ourselves with the safety and welfare of the children, the district-owned property and the cost to the taxpayer," Milby said. "We have been performing these services despite the low morale problems created by the administration. There is no incentive to perform well. Employees are never thanked for a job well done, even when the job is hazardous."

The employees' frustration stems from the long negotiations. The process began in April 1986 and impasse was declared in October. The 160-member unit, part of the CSEA Dutchess County Education Local 867, asked for the fact-finder in February.

"The school administrators have negotiated contracts for the other employees of the district," said Region III Field Representative John Deyo. "The school superintendent negotiated the teachers' contract without an attorney, but when it comes to



UNIT PRESIDENT ANN MILBY, center, gathers her troops for a Sunday afternoon picket line to protest halted contract talks. At right is member Bill Storms, whose dog Muggs, photo below left, joined the picket line.



the bus drivers and maintenance and custodial employees, they bring in the big guns, their attorney."

Negotiations will resume soon with the state-appointed fact-finder, Deyo said.

On top of stalled negotiations, employees are frustrated by district administrators who are stalling and delaying the grievance process, Milby said.

"They continuously postpone grievance hearings," she said. "Our patience is getting a little thin but we will vigorously pursue these legitimate grievances and, if need be, go to arbitration and win these grievances as we have with several others in the past."

Milby also charged administrators with showing a total disregard for the safety of employees by extending bus runs for drivers. As a result, many buses arrive at school late. Other complaints include unsafe vehicles for school district employees, understaffing and work-related accidents.

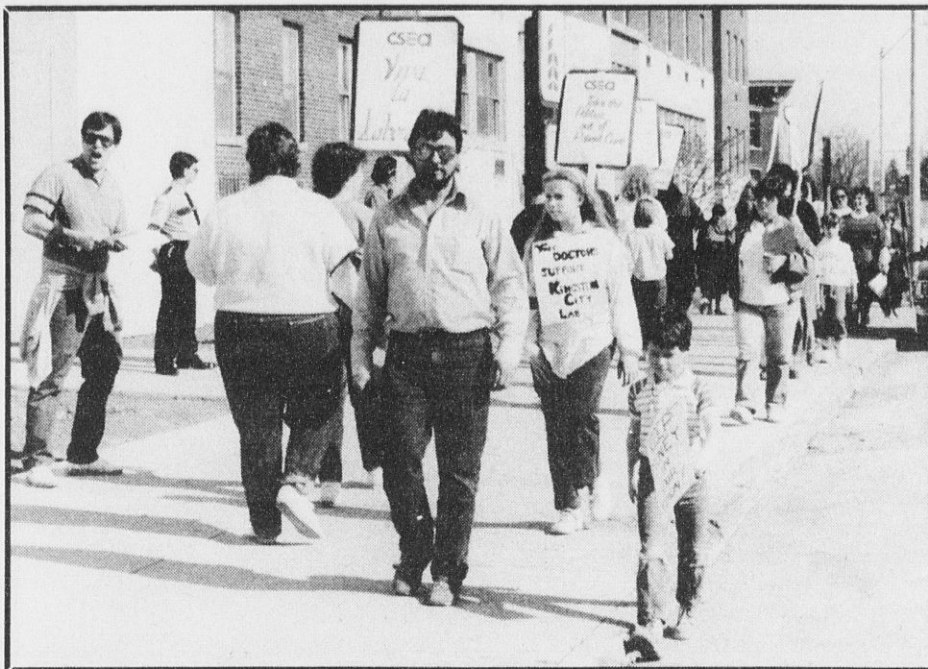
"The waste and cutting back on safety procedures will come back to haunt the administrators," Milby said, adding that a number of Improper Practice charges have been filed against the district. "We perceive this as a waste of taxpayers' money since the matter could be resolved locally."



SIGNED AND SEALED — Lakeland School District officials recently signed a three-year contract for 400 employees. The new agreement provides for salary increases of 6.8 percent per year and the upgrading of 40 clerical employees. Seated from left are: Assistant School Superintendent for Business Thomas Ryan, Board of Education President Patricia Walters and Lakeland School District Unit President Pearl Griffiths. Standing are: School Board Vice President David Wixted, Unit First Vice President Ted Soderblom, Second Vice President Charlie Eible and Region III Field Representative Glenn Blackman.

Kingston Lab fight Picket protests plan

MILLIONS FOR BRICKS — FOR LAB EMPLOYEES — ????
Kingston Hospital celebrated the opening of a new wing recently, and CSEA members of the Kingston Lab Unit picketed the event. The hospital is considering contracting out its lab services to a Canadian-based private, for-profit company. That could result in not only the loss of jobs, but also in higher lab costs for patients. Doctors in the community are satisfied with the city-owned lab's services, but hospital administrators admit that using the private lab will bring the hospital more profits. Early spring weather boosted the morale of 50 employees who spent a recent Sunday afternoon picketing the new hospital wing.



OMRDD agency caught with pants down

This undercover agent was really uncovered

WASSAIC — Employees at the Wassaic Developmental Center say they caught an undercover investigator with his pants down, several times.

And although complaints were made, CSEA officials say the state has taken no action against the man.

CSEA Field Representative John Deyo said the man was in an undercover role investigating allegations of drug abuse at the facility for Office of Mental Retardation and Developmental Disabilities (OMRDD) Commissioner Arthur Webb.

Deyo said many female employees at Wassaic Developmental Center witnessed the man undress in front of them on a number of occasions. The man would

reportedly come to work in army fatigues and change into his work clothes in a pantry in front of female employees.

"Besides the fact that this is unsanitary, I would certainly question the credibility of anyone who would put on such a performance," Deyo said. He said both he and CSEA Local 426 President Tom LeJeune are both concerned and angry that no action has been taken against the individual although complaints were made.

"I've seen employees terminated for a lot less," LeJeune noted.

Deyo said the union will pursue the matter. "We've given the state enough time to respond to our complaints. Now we'll just have to pursue it all the way."

Region IV plans contest to design pin

ALBANY — CSEA Region IV is looking for a winning pin.

The region's ad hoc Committee for a Region IV Pin has decided to have a contest to come up with a design for the pin.

CSEA members or their family members may submit designs. The person who comes up with the winning design will get a \$50 U.S. Savings Bond.

The deadline for design proposals is April 30. Send entries to Betty Lennon, care of Pin Contest, Capital Region IV, 1215 Western Ave., Suite 402, Albany, N.Y. 12203.

MIDDLETOWN SCHOOL DISTRICT CSEA members are all smiles following the ratification of a three-year contract which will boost salaries 21 percent plus increments. The new agreement, retroactive to July 1, also provides for snow-day compensation, increased dental and optical coverage and a 20-year retirement plan. Seated from left are: Unit President Roger Andolsek, Region III Collective Bargaining Specialist Larry Sparber and Unit Vice President George Perna. Looking over their shoulders are John Jones, a past president and member of the negotiation team, and unit Secretary Buzzy Roselli.

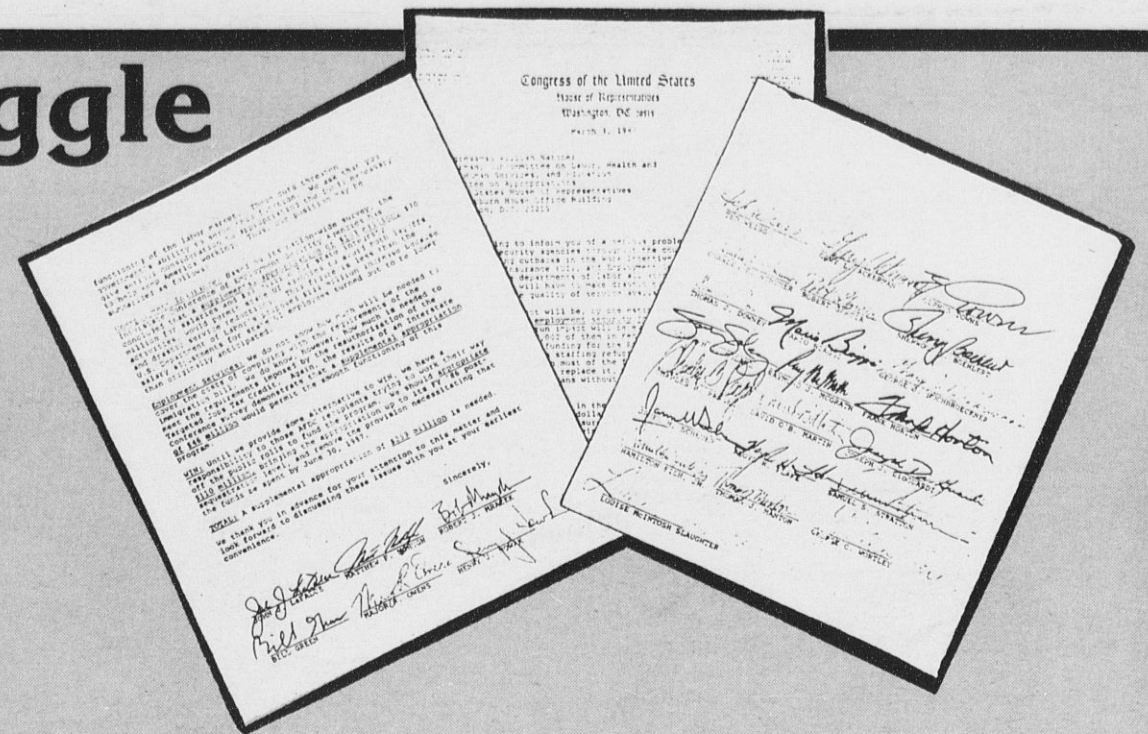


Labor struggle continues

WASHINGTON, D.C. — Twenty-eight members of the New York Congressional Delegation have signed a letter in support of supplemental funding for the vital services provided by state labor departments across the country.

Those services were slashed by federal cutbacks on March 4. In New York, a last minute action by Governor Mario Cuomo and the state Legislature continued the services through April 1.

The letter to the chairman of the House subcommittee on Labor was prepared by Rep. John LaFalce (D-Tonawanda). It details the devastating impact the cutbacks will have on people who need jobs and argues for a reversal of the situation before it is too late.



"This letter shows how serious the issue really is," says CSEA President William McGowan. "It also shows the broad support for action on both sides of the aisle." The action comes as efforts to prevent the

scheduled April 1 layoffs intensify. At press time a group of CSEA members and staff was in Washington discussing the Labor Department issue and other federal priorities.

Frank Martello heads CSEA field operations

ALBANY — CSEA President William L. McGowan has announced the appointment of Francis A. Martello, a 20-year veteran of CSEA service, to the position of administrative director of field operations for the union.

Martello is directly responsible for delivery of CSEA services to the union's quarter of a million members and will supervise a staff of more than 200 employees statewide. He recently assumed the post and is based at CSEA Headquarters in Albany.

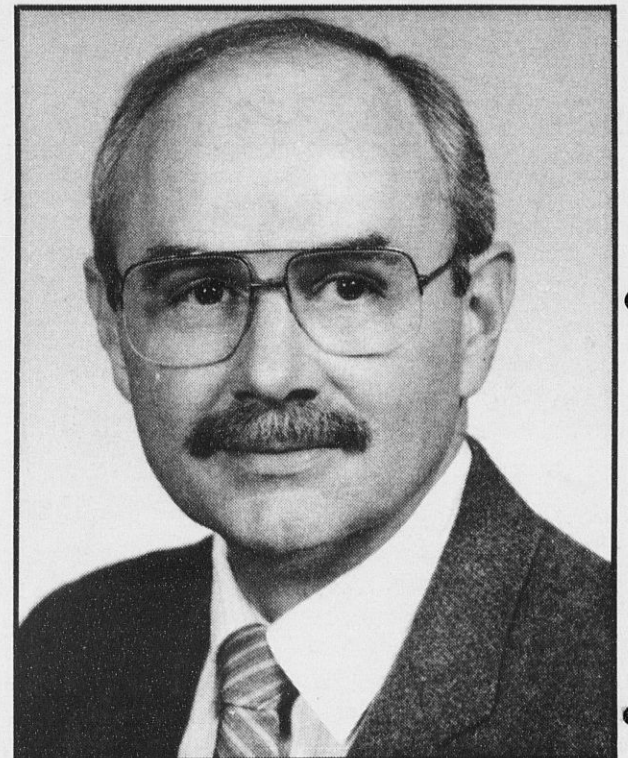
During his two decades with CSEA, Martello progressed through the ranks from field organizer to field representative and for the past 15 years

served as regional director of CSEA Region V. Before joining the CSEA staff, he was employed by the state Department of Audit and Control and the Department of Labor.

In addition to directing staff activities in the 20-county Central Region, Martello served on special CSEA statewide assignments and other priority assignments for AFSCME International in Ohio and Alaska.

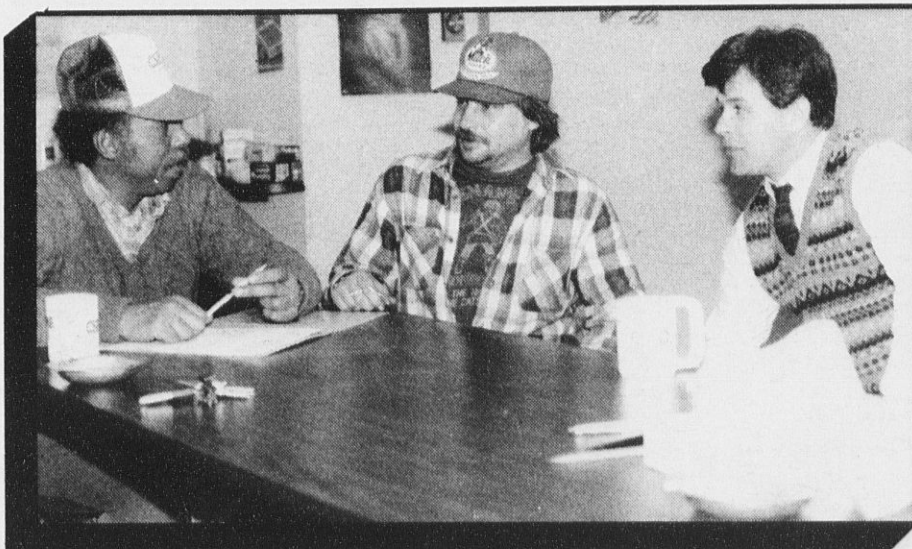
A native of Utica, Martello is a graduate of the University of Notre Dame and holds a master's degree from the State University of New York at Binghamton.

He and his wife, Kathleen, have three children.



Francis A. Martello

Member's quick thinking averts disaster in Ulster County



Tedd Denmann, center, discusses incident with Local 856 President Sean Egan, right, and vice president Joe Van Dyke.

KINGSTON — When Ulster County Department of Public Works employee Tedd Denmann said he could smell gas fumes in the garage at work one day recently, his boss didn't seem too concerned.

But fortunately Denmann persisted.

"The fumes were so bad they were almost to the explosive point," he says.

Denmann, an automobile mechanic helper, said the fumes appeared to come from a vent by a holding tank for oil which drains from the grease pit.

"The boss told me to put a rag in the vent," said Denmann. But the CSEA member decided instead to call County Safety Officer Bob Hoose.

Hoose reported immediately, and ordered a crew to dig up the area. He discovered not only that the oil tank was leaking, but that someone had poured gasoline into the tank, which is located near the sewer system.

"This incident could have been a danger to the entire community," said Ulster County CSEA Local 856 President Sean Egan. "Tedd saved the county a lot of frustration with his persistence."

•Retirees lobby for pension increases

ALBANY — “We know the difference between wants and needs and these are definitely needs!”

That’s what Donald Webster, chair of the CSEA Retiree Executive Committee, told state legislators at the first retirees’ legislative breakfast recently.

Retirees from across the state met with legislators to push issues including pension supplementation renewal, permanent cost of

living adjustment legislation and improved health and survivor benefits.

CSEA President William L. McGowan proposed putting 10 percent of the state surplus into the retirement fund each year.

“It’s no additional cost to anyone,” McGowan said. “We want people to have a decent retirement, to be able to eat well and have decent health care.”

Della Mae Smith, vice president of the

Livingston-Wyoming County Retirees Local 922, said the breakfast was a chance to talk to legislators.

“I feel whatever input we get from this meeting will do something for pension supplementation,” Smith said. “I retired in 1978 and at that time I thought my pension would be adequate. But I had to dip into my savings to meet bigger bills.”

She is not alone.



CSEA RETIREES LOBBY with legislators at a recent breakfast. Above, Lillian Clark, left, and Wilhelmina Neidel of the Capital Region Retirees Local 999 talk with Assemblyman Robert D'Andrea. At right, CSEA President William L. McGowan and Lillian Kovarick of Suffolk Area Retirees Local 920, standing, talk with Assemblyman John C. Cochrane, center. Joining them are, from left, Louise Reinecke and Walter Kovarick.



• Women honored for activism

ALBANY — Two women affiliated with CSEA have earned honors for their contributions to the labor movement.

Jeanne Lyons, president of Department of Labor (DOL) CSEA Local 670, earned the Ruth Jandreau Memorial Award.

Peg Wilson, Headquarters Staff Union (HSU) vice president and CSEA education and training specialist, earned one of five Bread and Roses awards presented to outstanding trade union women.

The awards are named after the 1912 Lawrence, Mass., textile workers’ strike, during which women fought for both workers’ rights and improved quality of life — “Hearts starve as well as bodies: give us bread but give us roses too.”

The Jandreau award goes to a woman who “contributes beyond the call of duty,” said Alice Brody, labor program director for Cornell University’s School of Industrial and Labor Relations.

A shop steward for 20 years, Lyons is in her third term as Local 670 president.

“I became involved because I had some ideas and I thought they should be brought to the attention of someone,” she said.

Lyons has been membership chair for Local 670 and Region IV and served on the statewide Membership Committee. A member of the CSEA Board of Directors, the mini-board, the statewide labor-management committee for the state insurance fund and workers compensation, she is chair of the DOL labor-management committee and co-chair of DOL’s Benefit On Line Terminal System Committee.

Wilson believes that organized workers need to realize they have power in the workplace.

“One of the things the education department does is encourage people to believe they have the ability to enforce their rights, to protect their rights,” she said.

Wilson ran an educational program for the Amalgamated Clothing and Textile Workers

Union and joined CSEA in 1981. She is in her second term as HSU vice president.

Adviser to the CSEA statewide Women’s Committee, Wilson has completed the Cornell labor studies program. She is chair of the HSU’s labor-management committee and is a member of the Albany Federation of Labor’s Solidarity Committee.

Wilson and Lyons will be honored at a Bread and Roses reception at the Albany Labor Temple March 29.



Jeanne Lyons



Peg Wilson

March of Dimes honors McGowan

ROSLYN HARBOR — When Meghan Cutieri hugged CSEA President William McGowan recently, the gesture symbolized more than affection.

Meghan, 3, is the Long Island March of Dimes poster child and McGowan was with her at the charity's annual Salute to Labor dinner to accept honors for contributions to the fight against birth defects.

CSEA members and union-endorsed providers raised \$35,365 through ticket sales and journal advertisements during the fund raiser held at the Swan Club.

"Maybe some day, if enough of us work hard enough, we won't be able to fit on the dance floor because Meghan and the other children who have been affected by birth defects will be up dancing," McGowan said, gesturing toward Meghan in her wheelchair. "Nothing is more precious than the future of a child. We are here to see that their futures will be brighter."

McGowan was named distinguished citizen of 1987 by the Long Island March of Dimes "in recognition of dedicated commitment to the ideals of mutual support, cooperation and assistance shared by the March of Dimes and American labor."

CSEA Region I President Danny Donohue and CSEA Suffolk County Local 852 President William Maccaro served as co-chairs in organizing the event, which attracted about 275 people.

"President McGowan is a staunch supporter of the March of Dimes," Donohue



CSEA PRESIDENT WILLIAM L. McGOWAN, left, and Region I President Danny Donohue look on as Lou Mannelino kisses Long Island March of Dimes Poster Child Meghan Cutieri, center. At right are William Maccaro and Tom Garguilo.

said. "He has always stressed the involvement of our membership." Donohue thanked everyone who worked

to make the evening a success, either through their hard work or their contributions.

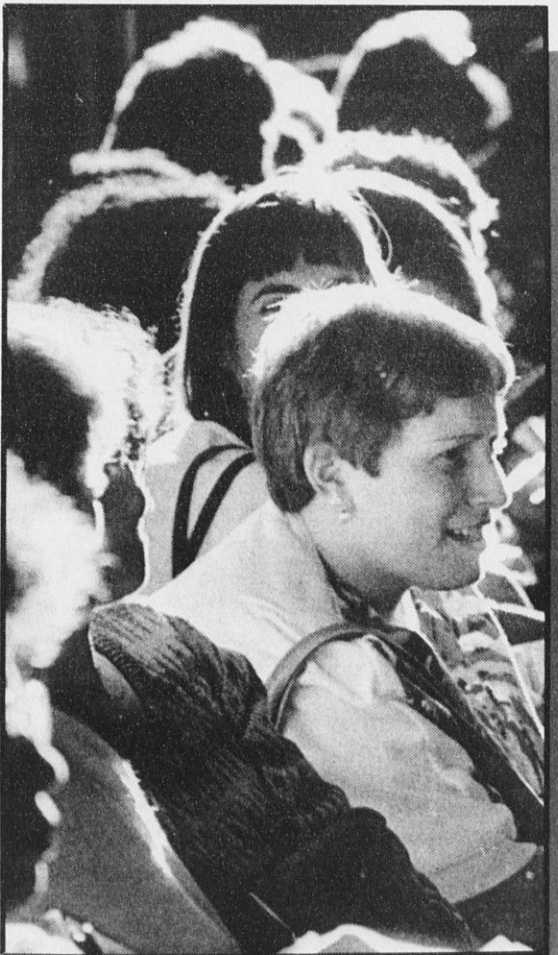
Community spirit in Region I

Long Island members give blood

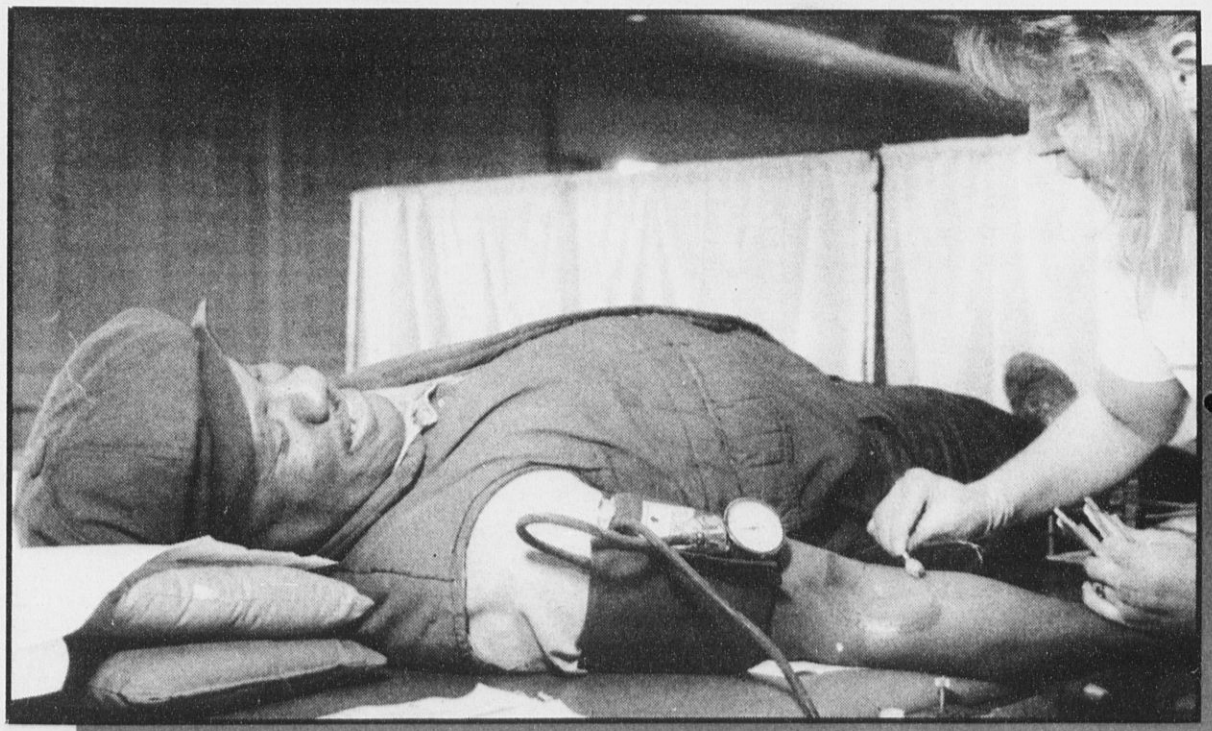
CSEA members in Region I don't just give their best on the job — they reach out to their communities, too.

The Parks and Recreation Unit of Nassau County Local 830 conducted its 10th annual blood drive, attracting 156 donors. The unit has become the county's largest source of blood donations.

The members of CSEA Pilgrim Psychiatric Center Local 418 also took part in a blood drive recently. "It was an excellent turnout," said Local President Patrick Hahn.



CSEA PILGRIM PSYCHIATRIC Center Local 418 members turn out in force to help their community by donating blood during a recent blood drive.



CSEA MEMBER LEROY DAY gives blood during the blood drive put on by the Parks and Recreation Unit of CSEA Nassau County Local 830 at Eisenhower Park.



Welfare reform gets priority

New York's senior U.S. senator, Daniel Patrick Moynihan, recently conducted hearings on reform of the nation's social services system.

Among those testifying was AFSCME President Gerald McEntee, who stressed that any reform must include a comprehensive job training program with child-care provisions for participating mothers.

McEntee also restated AFSCME's opposition to the "workfare" concept which would force recipients to work in public sector jobs at a fraction of the appropriate salary.

Nationwide, momentum is growing for major changes in social services.

In convening the hearings, Senator Moynihan, one of the architects of the present system, said: "Nearly everyone agrees that Aid to Families with Dependent Children (AFDC) is outmoded and inadequate.

"But for nearly 20 years we have been unable to agree on how best to reform it. That is because AFDC cannot be

'reformed' and still be responsive to today's social realities. Our objective . . . should be to replace it with a new national system of child support."

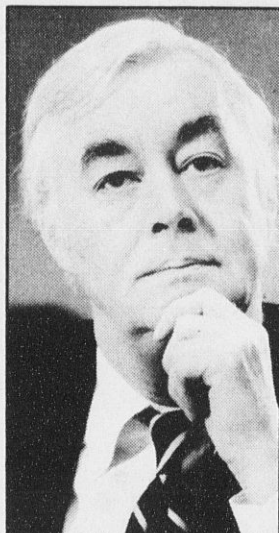
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A newly-completed public opinion poll conducted for AFSCME shows the political appeal of President Reagan's anti-government stance has been exaggerated and is giving way to a renewed demand for a "government that works for us."

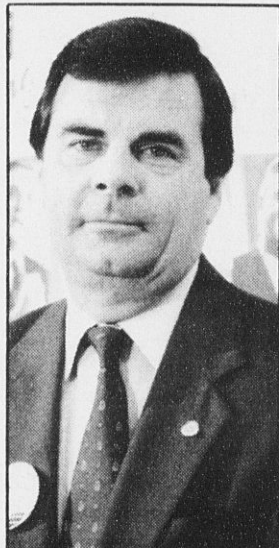
The AFSCME poll finds that American voters want government to increase its

commitment to job training, research and development, cleaning up hazardous waste care for the elderly and public education. And, by a margin of 53% to 32% voters reject military spending in favor of spending on "social needs."

The respondents also reject the notion that "government is not the solution but the problem and we've got to get government off people's backs." A 69% to 22% majority argue instead that "government can be a big part of the solution to our problems when we have leaders who make government work for us."



MOYNIHAN



McENTEE

AFSCME SURVEY RESULTS — Should government do more or less in the following areas:

	Much More	Some-what More	Same	Some-what Less	Much Less	(Not Sure)
Rebuilding roads, bridges and highways.....	34%	26	26	7	2	4
Reducing the size of the federal government.....	31%	22	21	13	6	7
Investing in reseach and technology to keep America competitive	42%	28	18	5	3	4
Maintaining America's military defense buildup....	20%	18	31	15	13	4
Providing programs for the elderly.....	48%	28	17	2	1	3
Creating training programs for new job skills.....	49%	26	15	5	3	3
Cleaning up hazardous wastes and other environmental problems....	59%	20	13	3	2	3
Supporting higher education.	46%	23	20	5	2	3
Welfare programs for the poor	35%	24	24	9	5	4
Programs for the handicapped and mentally ill	50%	28	17	1	1	2

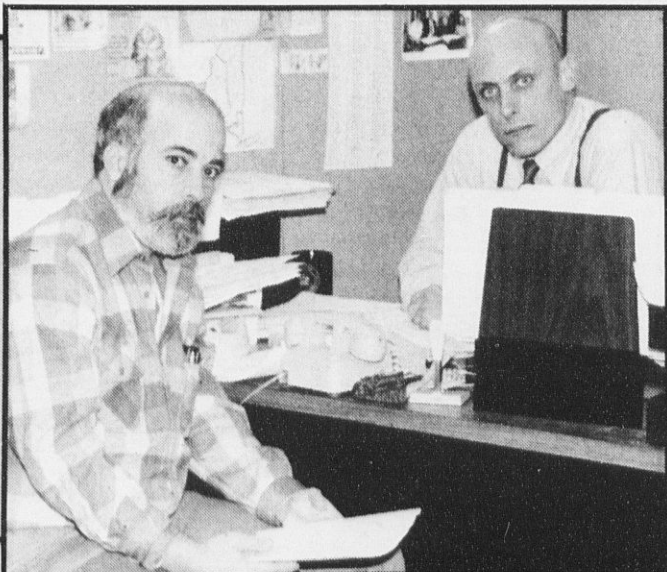
Change leaves cooks stewing

Eastern Correctional Facility Local 159 member Jeff Karangelen, left, confers with CSEA Research Analyst Mark Lawrence over job qualifications for the newly created Correctional Facility Food Administrator I title.

Although the job description is virtually identical to the assistant food manager title it replaced, the food administrator position requires at least two years of college.

The change has dead-ended the careers of some 150 head cooks across the state. CSEA argues that years of experience in food service should substitute for the college requirement.

CSEA has approached corrections about developing a traineeship or transitional exam to provide promotion options. Corrections has not yet responded.



WASHINGTON CONNECTION



TABLE TALK—AFSCME International President Gerald W. McEntee, lower left with his back to camera, gestures as he talks with CSEA local presidents from Region V who toured AFSCME facilities in Washington

recently. At far end of conference table is CSEA Central Region President James J. Moore.

Editor's note: Ever since CSEA affiliated with AFSCME in April 1978, there has been constant interaction between the two giant public employee labor unions. One form has been informational visits by groups and/or individuals from either organization to the other. One of the more recent exchange visits included a group of 32 CSEA local and unit presidents from Region V who participated in a three-day visit to AFSCME headquarters in Washington, D.C. Below are comments from some of those CSEA leaders.

Region V representatives recently had an opportunity to learn from and about CSEA's international affiliate, the American Federation of State, County and Municipal Employees (AFSCME).

A group of 32 local and unit presidents visited AFSCME Headquarters in Washington, D.C., for three days of meetings.

Dorothy Penner-Breen, president of Oneida County CSEA Local 833 and Region V Political Action Committee chair, says the trip was

valuable.

"Not only did we learn more about the many services offered by AFSCME, we shared and discussed common CSEA problems," she says.

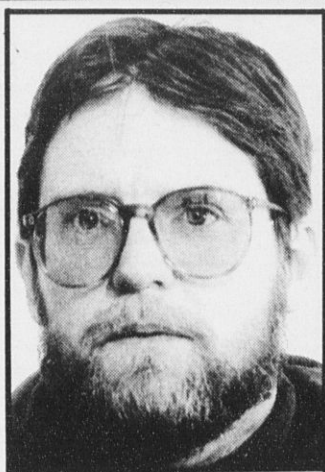
Region President James Moore agrees: "I am sure that what we saw, heard and learned will be productive for the union on both the regional and local levels."



Question:

If you could switch jobs with someone for one day, who would you choose?

Where asked: Region V



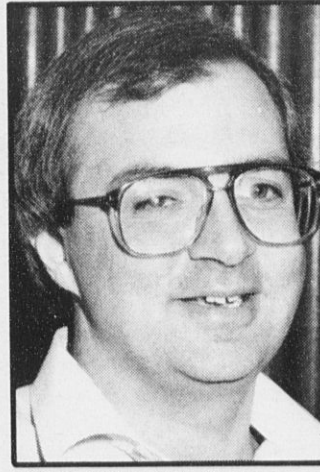
DENNIS RECZENSKI, grounds worker, Rome D.C.

"Send me Gov. Cuomo. I want him to get a phone call in the middle of the night to plow after a big storm. Eight to 12 hours later, when he's cold and exhausted, let him read in the morning paper that someone in Albany has decided to close the facility with no promise of job security."



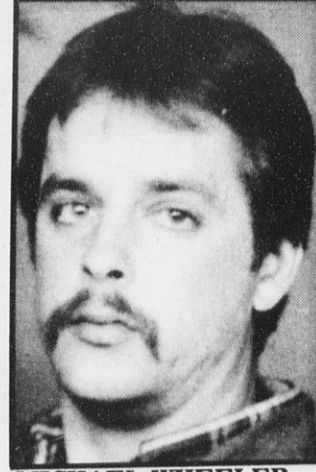
DAVE MINOR, mental hygiene therapy aide, Rome Developmental Center

"My pick is OMRDD Commissioner Webb. Let's see him bathe, dress, feed and care for 35 mentally handicapped clients for eight hours, then be told he has to work another shift because of short staffing."



BOB MORRIS, foster care worker, Onondaga County Department of Social Services

"I'd like County Executive John Mulroy to experience the duties of a foster care worker. Let's see if he can handle my overload of abused and neglected children cases for a day. Maybe he and the Onondaga County lawmakers will then show some respect for the work the dedicated employees perform."



MICHAEL WHEELER, mechanical equipment operator II, Highway Unit, Onondaga County

"My choice would be Charles Merrill, county administrator of physical services. Let him take my place in the middle of a snowstorm, do the job I have to do with the equipment I have to use, in the time I'm given to do it, for the wages I'm getting. He's welcome to my keys for a shift in a snowstorm."

This, that

AND THE OTHER THING

Retiree honored

HARRISON — A new library-media-computer center opened at the S.J. Preston Elementary School includes a plaque honoring retired CSEA member Reva Surow.

The new center was established through the efforts of the Preston Library Committee and partially funded by the school's PTA.

The plaque was placed in the library's Primary Children's section. Surow, a library aide, retired last June after 20 years of service.

Library meeting

The ninth annual New York State Library Assistant's Conference will be held at the State University College in Geneseo on June 5.

If you do not receive a registration form by April 6 and would like to attend, please call Harriet Sleggs at (716) 245-5595 or Sheila Marsh at (716) 245-5594.

More insurance info



The response to CSEA's phone-in service for auto insurance quotations has been tremendous.

Because of its success, effective immediately, this toll-free service is being expanded to include free quotes on Masterplan homeowners insurance for CSEA members and their spouses. This expansion is in direct response to the many inquiries by CSEA members for homeowners' and renters' quotations.

The program to help members get free quotes on CSEA-sponsored Masterplan auto insurance began Feb. 11. Since then, several hundred calls have been answered by CSEA Plan Administrator Jardin Emmett and Chandler Inc.

To benefit from this service as quickly as possible, members should have all the material pertaining to their premises available for the telephone operators.

Once all the information has been recorded and processed, your homeowners' quotation will be mailed to you. Those looking for a renters' insurance quotation need only call the toll-free number and leave their name and address.

As always, members of CSEA who enroll in either plan can enjoy the added convenience of payroll deductions.

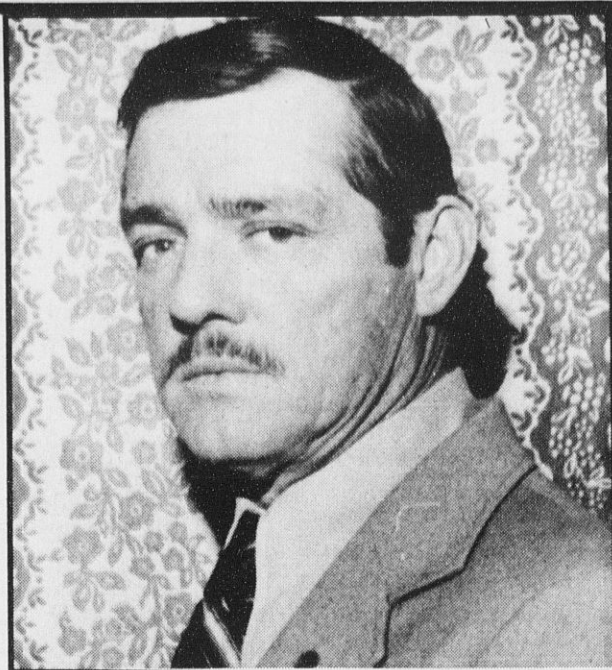
For a free quotation on automobile or homeowners/renters insurance, call the toll-free number: 1-800-833-6220 and ask for Operator 40 between 8:30 a.m. and 4 p.m. Monday through Friday.

Whitney named committee chair

ALBANY — CSEA President William L. McGowan has announced the appointment of Charles Whitney, president of state Department of Transportation Local 505, to serve as chair of the Statewide Department of Transportation Labor/Management Committee.

A 35-year veteran of CSEA, Whitney has served as a member of the committee from DOT District 11 for several years. Recently he was also appointed by CSEA Region V President James Moore to serve as chair of the Transportation Presidents Committee for the Region.

Whitney lives in the Town of Deerfield, near Utica, and works in state DOT District 11.



Charles Whitney

Name the newsletter

If you can come up with a name for the new newsletter to be put out by the Statewide Women's Committee, you could win a \$50 U.S. Savings Bond.

The committee plans to publish its first issue this spring. Concentrating on issues affecting women, the newsletter will offer practical information, legislative information and information on where to turn to learn more.

But the newsletter needs a name. Send in your suggestion to Peg Wilson, CSEA

education specialist, at CSEA headquarters, 143 Washington Ave., Albany, N.Y. 12210.

The deadline for entries is April 3, and the committee will select the winner during its April meeting. Remember, the winner will get a \$50 savings bond!

If you'd like to get on the mailing list for the newsletter, contact your regional

Women's Committee representative. She can give you a registration card.



Local 432: a winner!

The Westchester Developmental Center Local 432 was the winner of the AFSCME trophy for highest membership participation in the CSEA/AFSCME Public Employees Organized to Promote Legislative Equality (PEOPLE) program. Local 432 President Gary Eldridge congratulates First Vice President Andrew Farley who recruited his local members for the PEOPLE Committee.

Surrounded by toxic sludge

DOT cancer rate raises new alarm

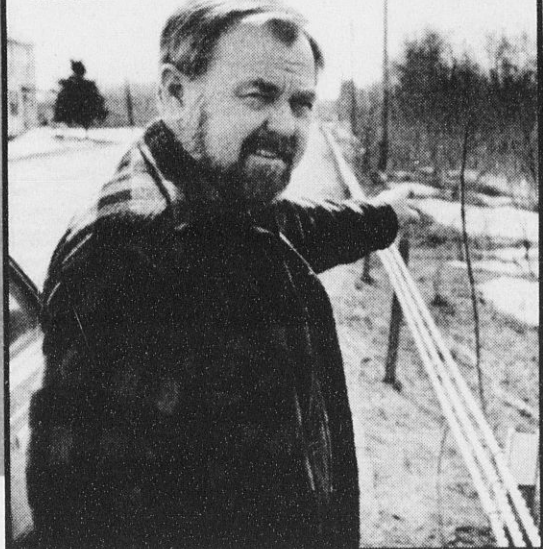
FORT EDWARD — Alarmed by an apparently high cancer rate among workers in the Fort Edward area, the New York State Department of Transportation is conducting a survey to determine if the situation is more than just coincidence.

Many of the DOT workers in the area were involved in the dredging and removal of river sludge following the collapse of the Hudson Falls dam in the early 1970s.

In 1977 it was determined that the sludge contained toxic polychlorinated biphenyls (PCBs) and other cancer-causing agents. But by then, the dried and sifted sludge had already been used extensively throughout the region as landfill and to sand roads following winter storms.

"This is a giant step forward for DOT to recognize that there might be a connection,"

Milo Barlow points out a spot where toxic sludge was unknowingly used as landfill.



says CSEA Director of Occupational Safety and Health James Corcoran. "But the survey alone isn't enough. All present and past employees from that worksite should be examined by the Mt. Sinai Occupational Health Clinic in New York City so there will be no doubt about their condition." (See related story — page 10)

In a letter to DOT Commissioner Franklin White, however, CSEA Region IV President C. Allen Mead expressed dismay that CSEA was not contacted by the department prior to the distribution of the survey. Mead went on to add: "I am requesting to review the entire matter."

The State Health Department is reviewing the DOT survey results. Health's earlier review of the circumstances surrounding the dredging operation led to no action, even though it was clear workers has been exposed to the cancer-causing substances, often without any protective equipment or clothing.

The union has learned that even a 10-year-old Department of Environmental Conservation (Encon) report lists the presence of dangerous substances beyond PCBs, such as lead, mercury, chrome, cadmium, and zinc — some at levels 600 times the allowable safe limit.

Many of the contaminants were dumped into the river over a period of years by General Electric and CIBA-Geigy plants still operating in the area.

While GE reportedly dumped 30-40 pounds of PCBs a day into the river, an Encon memo indicates that CIBA-Geigy was pouring in nearly 2000 pounds of lead chromate a day.

"We need more than just PCB screening," comments DOT Local 676 President Milo Barlow. "Because we know there was other stuff in the sludge . . . not just from GE but from the other industry and mills above the dam."

'We used it for years'

By Daniel X. Campbell
CSEA Communications Associate

FORT EDWARD — "If my doctor finds something wrong, some type of PCB-related problem," says one long time DOT member, unconsciously pointing a clenched fist toward his chest, "then I'll take steps, talk to CSEA, take care of myself, my family."

He then rattles off a litany of more than a dozen DOT co-workers who have died from or have some form of cancer.

"Banks, Bristol, Bower," a voice in the break room adds to the mental checklist. "And Elder's undergoing treatment," another worker says.

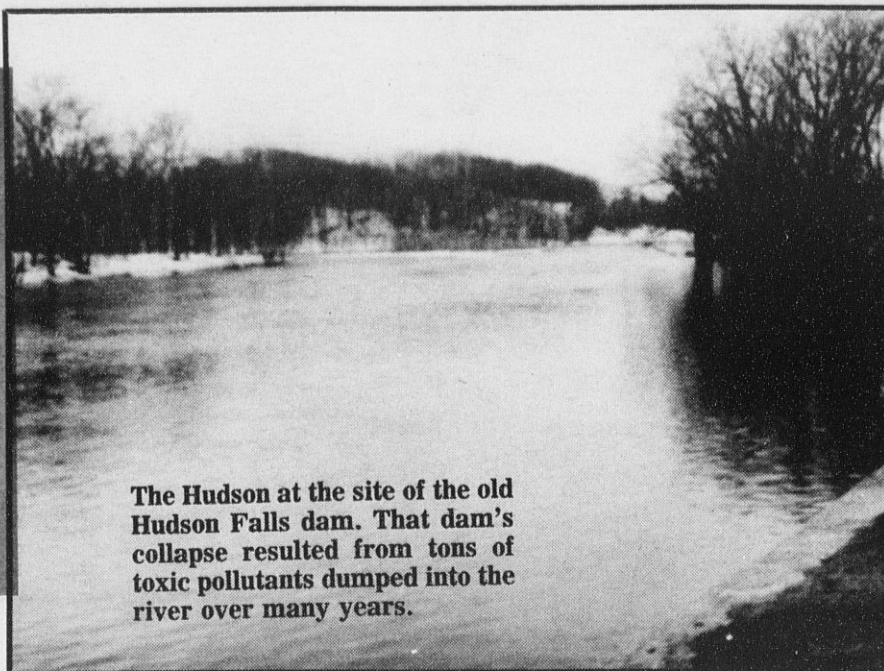
Each time a name is called, heads nod in agreement how that person also worked with the tons of contaminated sludge dredged from the Hudson years ago when the Hudson Falls dam was removed.

The dredging was required in 1974, after years of accumulated river refuse exploded from behind the structure and splashed out of the river's banks for hundreds of yards, burying playgrounds, swimming pools and clogging the river to a slow trickle.

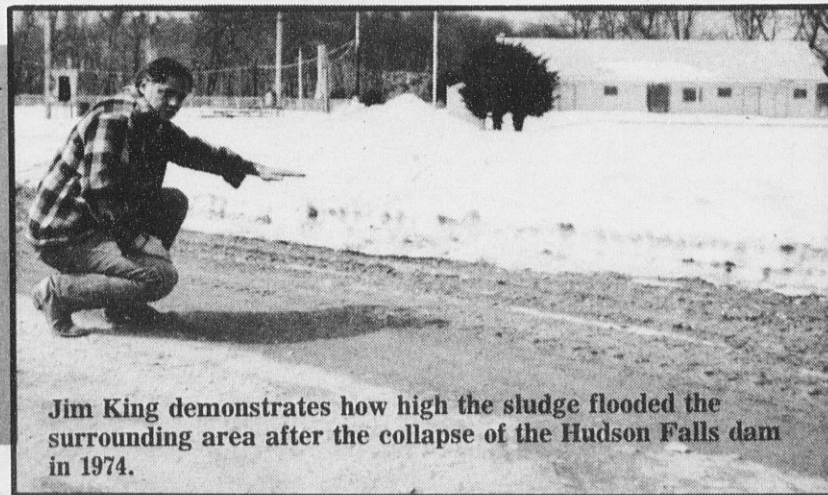
"It was a mess," explains Jim King, general foreman and highway maintenance supervisor. "They never expected so much was clogged up behind the dam. It was knee deep for hundreds of yards downstream."

The 9:30 a.m. lunch break for the snow and ice crew, who work from 5:30 a.m. to 2:00 p.m. between Thanksgiving and St. Patrick's

The Hudson at the site of the old Hudson Falls dam. That dam's collapse resulted from tons of toxic pollutants dumped into the river over many years.



Jim King demonstrates how high the sludge flooded the surrounding area after the collapse of the Hudson Falls dam in 1974.



Day, usually goes quickly. Part is spent gulping down a sandwich and coffee, part playing cards to relax, and talking. Today, the conversation is taken up with the PCB problem.

"The sludge was dried out in a tank and then sifted through a series of screens just like at a sand pit. You pulled out rocks, stones, and wood chips. The screened stuff was used all over Washington and Saratoga counties as fill. We used it for years, for years," Ken Studdard, a DOT oldtimer recalls.

"And we used to sit down right smack in the middle of the stuff and eat our dust-covered lunches," another notes, taking the last bite of his sandwich.