

# Public SECTOR

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Legislative  
Report  
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## Fixed costs drain CSEA revenue

UTICA — CSEA President William L. McGowan's Advisory Committee on Dues last week carried its message to leaders of Region V for the Committee's proposal of a one percent dues structure to solve the union's financial problems.

Region V President James Moore endorsed the proposed new dues structure during the meeting last week of the Committee with Local Presidents in the Region. It was the fourth in a series of informational sessions being held by the Committee across the state with local presidents, who take the information gained at the meeting back to their local membership. President McGowan, Statewide Treasurer F. John Gallagher, CSEA Executive Director Joseph

Dolan, and other union officials also attended the meeting.

Breaking the financial problems confronting the union down to a "per member" basis, Committee Chairman Howard Cropsey pointed to the declining funds to operate the union after "fixed obligations" are deducted from the present flat dues structure. Unless action is taken now, the Chairman noted, the current fiscal crisis could quickly become a fiscal disaster.

Of the \$58.50 that each CSEA member pays annually in dues now, only a portion actually is available to operate the union's major services such as Legal Assistance, representation services, negotiations, professional staff, etc. Deductions are first made from gross dues revenue to

meet costs mandated by the Statewide Delegates, such as Local rebates, Regional rebates, Political Action Fund, and the union Contingency Fund.

Additionally, other obligations that are met with gross dues include large contractual obligations such as the union publication and the increasing cost of per capita payments to AFSCME for affiliation.

The services that most people associate with union membership, such as legal help for grievances and disciplinary proceedings, field services from professional labor relations experts, regional and satellite offices, communications, data processing, union meetings and workshops, etc., are funded after the obligations are met from

gross revenues. The net revenues remaining make up the funds that pay the operating expenses.

The fundamental problem confronting the union is that the net revenues after obligations are shrinking and in the next year, there will be no net revenues on which to operate the union. With the available funds to operate the union rapidly shrinking and the demands for services and, the resultant costs rapidly increasing, the union is caught in a financial squeeze that is beginning to strangle its services.

Chairman Cropsey and the Advisory Committee reported on their conclusion that the only solution to this threat is a change in the structure of the union's dues to one percent of base salary.

## Election dispute in highest court

ALBANY — The state's highest court last week denied an attempt by the Public Employees Federation (PEF) to vacate a lower court order which maintains CSEA as the exclusive bargaining representative of the state's Professional, Scientific, and Technical Unit.

The continuation of the stay was ordered by the State Court of Appeals when it granted motions to hear an appeal of a earlier decision by the Appellate Division of State Supreme Court directing PERB to conduct a thorough investigation of CSEA allegations of fraud by PEF in the showing of interest leading to the April 12, 1978 representation election.

The action by the state's highest court means that the dispute now moves before the Court of Appeals which will take legal briefs from all sides to the dispute later this month and hear oral arguments from the parties on March 20.

Last month the Appellate Division of State Supreme Court ordered PERB to inspect cards submitted by PEF as part of a showing of interest to force the election, for forgeries. CSEA had argued before PERB that sworn testimony by a former PEF employee concerning forgeries was grounds for a thorough inspection of the cards by a handwriting expert.

However, PERB decided not to investigate for forgeries as directed by the Appellate Division but to appeal instead. CSEA President William L. McGowan blasted PERB for actively attempting to avoid an investigation ordered by a court to certify the integrity of a union election.

CSEA asked the Court of Appeals not to hear the appeal since the fastest way to resolve the issue would be to check the cards. But additionally, CSEA asked that if the Court of Appeals did decide to hear the appeal of the inspection order, that it also hear CSEA's appeal of the Appellate Division's ruling that the state had not interfered in the election. The court agreed to hear all elements of the case.



Everyone seems pleased that the long-awaited contracts covering some 2,800 court employees represented by the Civil Service Employees Assn. has finally been signed. The occasion was last week and coincided with passages of necessary legislation and the signing of the bills by Governor Carey. Symbolically sealing the signing with a handshake are Judge Robert J. Sise, standing, Deputy Chief Administrative Judge of the Office of Court Administration, and CSEA President William L. McGowan. At left is Nancy J. Roark of Elmira, President of CSEA Judiciary Local 334 and CSEA Board of Directors representative for the Judicial Department.



# Masten Park worker honored

By Dawn LePore

BUFFALO — The conference room at the Masten Park Community Treatment Center was filled to the brim recently with co-workers and friends and a cake even wider than all their best wishes as Hattie Martin accepted her award.

Mrs. Martin, an employee at Masten Park since 1971, was being honored with the 1978 Director's Award for her exemplary work in the center's Admissions Department.

Citing Mrs. Martin in a letter addressed to her, Marguerite Saunders, Deputy Director for Treatment and Rehabilitation for the state's Division of Substance Abuse Services, said:

"Your outstanding dedication and efforts in completion of your normal functions as secretary in the Admissions Unit and your extraordinary concern, involvement and interest in the welfare of the clients, your professional attitude and your invaluable assistance in assuming tasks not within the structure of your job title, are exemplary and commendable. In the normal work day world it is often forgotten that the contributions of an individual such as you are necessary to the success of any venture, especially in dealing in the sensitive area of admission of often dysfunctional substance abusers."

Although Mrs. Martin's actual job title is Dic-



A BEAMING HATTIE MARTIN holds bouquet of flowers while her children, Kémény and Kendra, hold awards presented to Mrs. Martin as recipient of the 1978 Director's Award at the Masten Park Community Treatment Center in Buffalo.

taphone Machine Transcriber, her co-workers who nominated her for the award said she also fills in for substance abuse treatment specialists, coordinating admissions and discharges, and often supervises visits of relatives,

attorneys and parole officers, as well as maintaining records for the entire admissions unit.

Mrs. Martin has received several letters of commendation in past years for her service to Masten Park.

## LOCAL GOVERNMENT REPORT

"Local Government Report" will appear regularly in "The Public Sector." The column is prepared and edited by Joseph Lazarony, chairman of the Civil Service Employees Assn. County Division, and contains information of interest for all CSEA members in general and employees of local government jurisdictions in particular. Comments and questions pertaining to this column may be addressed to Mr. Lazarony c/o "The Public Sector."

## Some words on coming union election

All odd numbered years produce a confusing number of elections in CSEA. 1979, while the start of a new era in this matter, will still be a difficult one in terms of the number of elections to be held.

Essentially, CSEA is a four tiered organization; state or central level, located at 33 Elk Street, Albany; six regions, commonly called Long Island, New York City, Southern, Capital, Central and Western; then

comes Locals, formerly known as chapters; and, finally, in some Locals (usually local government Locals) there are units.

Each of these tiers (state, region, Local and unit) elects its own officers from the membership involved. What usually occurs is the first three levels elect on the same year, and at about the same time.

This means about fifteen elected offices to be filled, each with a

minimum of two candidates. All ballots go out usually during May. The result is confusing and goes a long way towards explaining our relatively poor record in ballots cast.

At our convention last October, the delegates took a major step forward to correct this difficulty. In the 1979 election, state officers will be elected for a term of three years. Thus, in 1981, only regional and Local elections will occur. At that time (1981) the regional officers will be elected for three year terms. In 1983, only Local elections will occur.

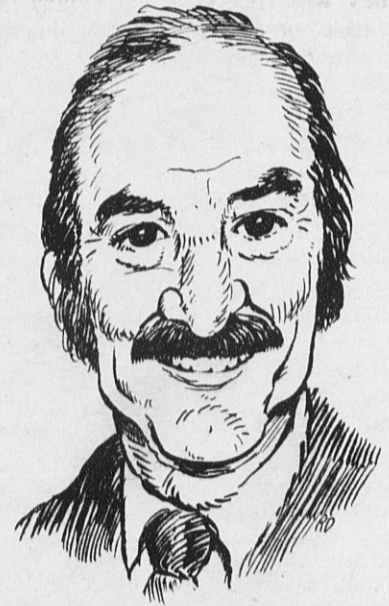
Thus, in 1982 we will elect only statewide officers, in 1983 only Local officers and in 1984 only regional officers.

Besides alleviating the current confusion of too many elections at once, other benefits occur. Candidates will have a better chance to campaign, key issues applicable to each level can be more clearly debated, and hopefully far more members will feel comfortable about voting.

Nothing we do more accurately describes the "CSEA way" than these open elections. It is our best means of ensuring genuine membership control of our union. If nothing else results from this constitutional revision, increased membership participating in all elections would make the change worthwhile.

Local government sections are still faced with two problems. First, should unit level terms of office be increased to three years?

Second, should unit elections be



Joseph Lazarony  
County Division Chairman

## Sen. Johnson: High priority for agency shop legislation

ALBANY — Agency shop legislation will receive a high priority in the State Senate Standing Committee on Civil Service and Pensions, its chairman, State Senator Owen H. Johnson, told The Public Sector last week.

Making reference to agency shop, Johnson said while a bill can be kept in committee by the chairman, it would not be "if the leadership wants it out."

He was not optimistic about retiree pensions being linked to cost of living. "Everyone agrees retirees need an increase," he did say.

Johnson said he had received a letter from a retiree who had not had a pension increase in 20 years.

He said the problem involved the amount of money needed to fund a pension increase.

While there has been mention in the news media of proposed civil service

reforms, Johnson said his committee had not yet seen a bill.

Johnson, echoing the words of AFSCME International President Jerry Wurf when he addressed the CSEA Legislative Seminar on Feb. 10, said a "strong undercurrent" of Proposition 13 sentiment is an anti-public employee position. "Many people tie them together," he said.

He also categorized his committee as being in general supportive of public employees. He termed the minority Democrats as being "supportive" and the majority Republicans as being "fairly supportive."

Johnson, a Republican-Conservative whose district includes parts of Nassau and Suffolk counties, stated non-committal positions on Civil Service Reform, Triboro and OSHA legislation.





**HAMMERING IT OUT** — Kathleen McDonnell, President of the Yonkers Non-Teaching CSEA Unit, points out information to Dr. Joel Douglas, center, who mediated the long-standing contract dispute. School Board Atty. Arthur J. Doran Jr. is at right.

## Yonkers school employees vote ratification of new contract

**YONKERS** — Members of the Yonkers Non-Teaching Unit of the Civil Service Employees Association's Westchester County Local 860 have overwhelmingly ratified a new three-year agreement with the Yonkers Board of Education after more than seven months of negotiations.

The agreement calls for 12-month workers to immediately receive \$500, 10-month workers to receive \$400 and hourly employees will receive \$300. In addition, employees will receive increments, if applicable, retroactive to Jan. 1, 1979; on July 1, 1979, they will receive a 3% salary increase; on Jan. 1, 1980, 3% plus increments, if applicable; on July 1, 1980, 3%; and on Jan. 1, 1981, 3% plus increments, if applicable. The contract expires on June 30, 1981.

The employees ratified the agreement (February 8) at two meetings held for day and evening shift workers, and the Yonkers Board of Education ratified the agreement that same evening.

Joseph O'Connor, CSEA Region III Field Representative, was chief negotiator for the contract. The unit's negotiating team was com-

prised of Kathleen McDonnell, CSEA unit president, Mary DeSantis, Irene Bruno, Barbara Rosengraft, Vincent DiNino, and Michael Moravsky.

Ms. McDonnell said that she thought the settlement "was a fair one in view of the bad fiscal shape of the City of Yonkers which funds the Board of Education and we're pleased that we were able to retain all of our benefits."

James J. Lennon, president of CSEA Region III, said, "I was extremely concerned with the long negotiations and pleased that the difficult talks had been resolved in a manner satisfactory to the unit membership. I would like to extend

my congratulations to Ms. McDonnell, the members of her negotiating team and the unit officers for their solidarity and dedication throughout the long effort and to Joe O'Connor for the professional manner in which he handled this very difficult problem with the Yonkers Board of Education."

Mr. Lennon said, "This is another situation where patience and understanding by both the union and the Yonkers Board of Education achieved resolution of a difficult situation. The efforts of the mediator, Dr. Joel Douglas, deserves considerable mention for his assistance to both sides."



**CSEA YONKERS NEGOTIATING TEAM** — After seven months of intense bargaining, they initial a tentative agreement later ratified overwhelmingly. CSEA Field Representative and chief negotiator Joseph O'Connor, seated, watches Unit President Kathleen McDonnell sign. Others members of the negotiating team, standing from left, are Vincent DiNino, Mary DeSantis, Barbara Rosengraft and Irene Bruno.

## \$1,575 grievance won

**BUFFALO** — A worker at Roswell Park Memorial Institute who filed for workers' compensation leave with pay benefits under provisions of Article 10.9 of the Administrative Unit Contract will receive \$1575 under terms of an agreement reached between the State Health Department and the Civil Service Employees Assn.

The settlement was made prior to arbitration for Miss Jamelah Ramadhan of Buffalo who filed for workers' compensation on a claim that an illness which disabled her for more than a year was work related.

While the claim, which was disputed by the Health Department, was pending, Miss Ramadhan filed the grievance for the workers' compensation leave with pay benefits under the contract between CSEA and the State. The grievance was denied at the first two steps.

Subsequently, the Workers Compensation Board reimbursed Roswell for sick leave paid her, and she was also restored leave credits.

## Nassau hearing off

**MINEOLA** — A scheduled legislative hearing by the Nassau County Legislature took an unexpected turn at press time when the legislative committee announced it had discovered more funds in the county budget that could be applied to contract negotiations between the county and Nassau County CSEA Local 830.

As a result, the legislative hearing was discontinued and the Nassau County Executive was directed to resume negotiations with CSEA. Reportedly, an additional \$5 million to \$7 million has been made available for renewed contract talks.

# Arbitration victory at Hutchings

**SYRACUSE** — In a decision handed down by the American Arbitration Association a Mental Hygiene Therapy Aide has been reinstated to his position as MHTA at Hutchings Psychiatric Center, with back pay and all attendant benefits from September 6, 1978.

The individual had been suspended without pay and charged with failing to cooperate in an official investigation of alleged patient abuse and impeding said investigation.

In his decision, dated December 7, 1978, William Babiskin, AAA Arbitrator, found the grievant guilty of the charge of failing to cooperate as set forth in the Notice of Discipline, but dismissed all other charges. While the Arbitrator proposed that the penalty of termination was inappropriate, he did indicate that the employer (State of New York Office of Mental Health) may issue a written reprimand for the grievant's failure to cooperate. The MHTA was also directed to submit a complete written statement concerning the alleged patient abuse no later than five (5) working days from the date he received a copy of the AAA Award.

## Nomination deadline

**BUFFALO** — The CSEA Region VI Nominating Committee has advised that Request to be a Candidate forms for regional offices may be obtained from CSEA regional headquarters, 4245 Union Road, Cheektowaga, N.Y. 14225. According to Mrs. Jerry Frieday, chairperson of the regional committee, applications must be returned to the region office not later than March 16, 1979. Positions include president, first, second and third vice presidents, secretary, and treasurer.

## Civil Service makes changes

The following rotational assignments have been announced within the State Department of Civil Service.

John Wilson will assume the duties of Director of Examinations and Staffing Services. Charles Wolz, the present Director, will undertake a special assignment to search out and pursue potential grant funds from State and Federal sources and foundations.

Robert Parrish will assume the duties of Assistant Director for Testing Services. Donald Hoyt, the present Assistant Director, will undertake a special project to develop and improve the capabilities of local civil service commissions to conduct their own oral examinations.

Marylou Satterfield will assume the duties of Assistant Director for Staffing Services, now held by John Wilson.

James Sever will take Ms. Satterfield's place, serving as Chief of Staffing Services Section III.



## Region meeting in Syracuse set

SYRACUSE — The CSEA Central Region V Conference on March 9-11 will be used to hopefully "get our positions on the issues unified" for the March 11-13 delegates meeting in Albany, Region V President James Moore reported.

Other events at the conference will include a training session for non-instructional school employees on unemployment insurance hearings, and discussions on duty of fair representation and on election procedures.

The election procedures will be explained by Bernard Schmahl, chairman of the CSEA Election Procedures Committee.

### REGION 1 — Long Island Region

(516) 691-1170

Irving Flaumenbaum, President  
Ed Cleary, Regional Director

### REGION 2 — Metro Region

(212) 962-3090

Solomon Bendet, President  
George Bispham, Regional Director

### REGION 3 — Southern Region

(914) 896-8180

James Lennon, President  
Thomas Luposello, Regional Director

### REGION 4 — Capital Region

(518) 489-5424

Joseph McDermott, President  
John Corcoran, Regional Director

### REGION 5 — Central Region

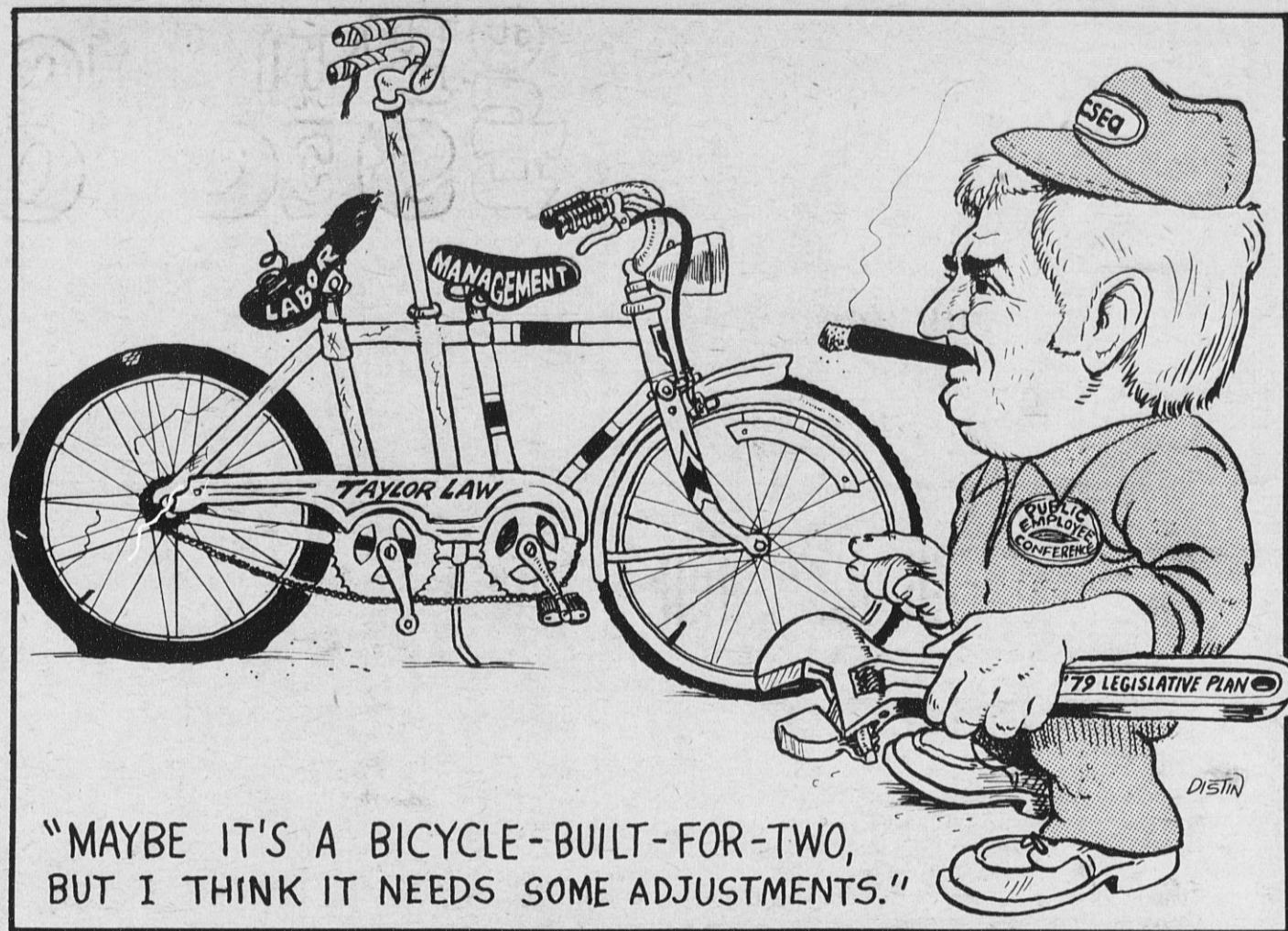
(315) 422-2319

James Moore, President  
Frank Martello, Regional Director

### REGION 6 — Western Region

(716) 634-3540

Robert Lattimer, President  
Lee Frank, Regional Director



"MAYBE IT'S A BICYCLE-BUILT-FOR-TWO,  
BUT I THINK IT NEEDS SOME ADJUSTMENTS."

### Published article

TORONTO, Canada — Dr. Gerald Alperstein, associate editor of The Public Sector, has written an article which is being published in the March issue of Canada's national news media magazine, Content.

The article, "Is that Poll Accurate?", is concerned with the use of political public opinion polls by newspapers.

## How to address lawmakers

Effective legislative and political action in support of positions sponsored by the union often times depends upon the participation of the membership in contacting their lawmaker or legislator. Knowing how to address the correspondence and how to begin the letter is important.

The following guide on how to address your lawmaker was distributed by CSEA during its recent Legislative Seminar in Albany.

TITLE	ADDRESS	SALUTATION
President of the United States	The President The White House Washington, D.C. 20500	Sir Mr. President Dear Mr. President
Vice President	The Honorable _____ The Vice President of the U.S. Washington, D.C. 20500	Sir Mr. Vice President Dear Mr. Vice President
Cabinet Officer	The Honorable _____ Secretary _____ Address	Sir Dear Sir Dear Mr. Secretary
Senator	The Honorable _____ United States Senate Washington, D.C. 20510	Sir Dear Senator
Congressman/woman	The Honorable _____ U.S. House of Representatives Washington, D.C. 20515	Sir Dear Congressman/woman
State Senator	The Honorable _____ State Senator Address	Sir Dear Senator
State Assemblyman/woman	The Honorable _____ State Assemblyman/woman Address	Sir Dear Assemblyman/woman
Governor	The Honorable _____ Governor, State of _____ Address	Dear Governor
Mayor	His (or her) Honor The Mayor Address	Dear Mayor
County Executive	Mr. _____ County Executive Address	Dear Mr. _____
County Legislator	The Honorable _____ Member of Assembly Address	Dear Assemblyman/woman
Councilman	Councilman _____	Dear Councilman _____

## KEEP CSEA INFORMED ON MAILING ADDRESS

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

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

This form is also available from local presidents for CSEA members, but is reproduced here for convenience. It is to be used only by those CSEA members or agency shop payors who are currently employed as civil service workers or by those retirees who are paying full active membership dues.

### Change of Address for 'The Public Sector'

My present label reads exactly as shown here

Name \_\_\_\_\_ Local Number \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### MY NEW ADDRESS IS:

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Agency where employed \_\_\_\_\_

My social security no. \_\_\_\_\_ Agency No. \_\_\_\_\_

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# The Public SECTOR

A special 4-page comprehensive report on the legislative and political action programs of The Civil Service Employees Association on behalf of its members.



## A message from the president

Dear Brothers and Sisters:

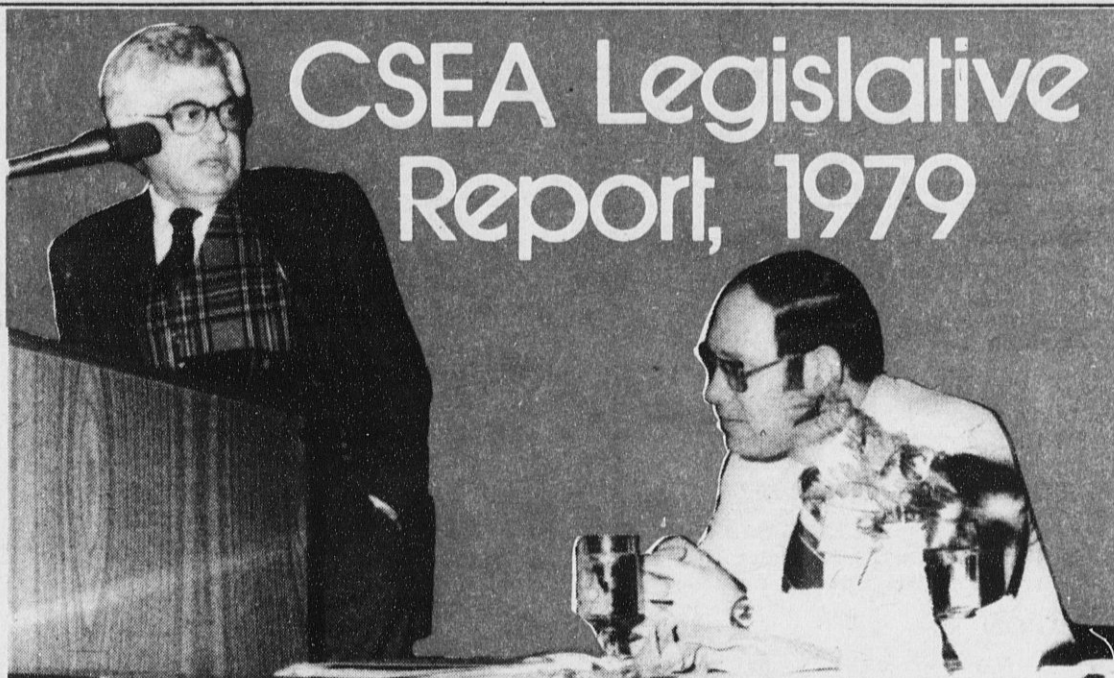
The sole purpose for the existence of the Civil Service Employees Association is to protect the vital interests of our rank and file membership. This fact has naturally led us to a leadership role in the area of legislative action.

As you know, some of the most glaring inequities that public employees face in our state can be changed only through legislation. Our members have been second-class citizens ever since the 1967 enactment of the Taylor Law, which outlaws, for public employees, the most basic right of all other workers — the right to strike. Also, injustices within the Taylor Law itself, such as excessively harsh penalties for the workers and virtual carte blanche for management, must be changed by action of the state legislature. In addition, improvements in such areas as pensions and occupational safety and health are all in the hands of legislators elected by you and me. That is why CSEA has become one of the strongest forces in the labor movement, lobbying for and against hundreds of bills each year that affect the lives of public employees in New York State.

In future years, CSEA will continue to lead the way in initiating laws that are beneficial to public employees, and to be a legislative watchdog for our members' interests. After all, that is the whole reason for our existence.

Fraternally,

William L. McGowan



AFSCME INTERNATIONAL PRESIDENT JERRY WURF addresses the nearly 300 people attending CSEA's Legislative Seminar February 10 in Albany. Listening at right is Martin Langer, Chairman of CSEA's Statewide Political Action Committee.

## Seminar huge success

ALBANY — The CSEA Legislative Seminar on Feb. 10 in Albany was a huge success, according to CSEA Legislative and Political Action Director Bernard Ryan.

Almost 300 persons attended, including approximately 250 union members. The all-day session was held at Rockefeller Mall.

In addition to the valuable information received by the members, two members provided suggestions which could eventually be considered for proposed legislation.

CSEA Attorney James Featherstonhaugh, who chaired a meeting on Civil Service reform, said Tony Burns of Schenectady Social Services suggested state and local governments be required to file a fiscal impact statement for contracting out to show how much additional cost or cost savings would occur from the contracting out.

CSEA Attorney Stephen Wiley, who chaired a meeting on school district legislation, said a member from Yonkers suggested the State be required to pay the entire cost of education and transportation of handicapped children.

The reason for the suggestion was the high cost local school districts incur by providing those services with only partial reimbursement, Wiley said.

Other meetings were chaired by CSEA Attorney James Roemer, Taylor Law legislation; CSEA Attorney Richard Burstein, local government legislation; CSEA Attorney Pauline Rogers, mental hygiene legislation; and Ryan, retiree legislation.

After an opening address by Martin Langer, chairman of the CSEA Statewide Legislative

and Political Action Committee, and the six morning meetings, luncheon speeches were given by CSEA President William L. McGowan, AFSCME International President Jerry Wurf, Public Employee Conference Chairman Barry Feinstein of the International Brotherhood of Teamsters; and Meyer Frucher, Director of the State Office of Employee Relations.

The afternoon meetings included talks on the purpose of the legislative program by Ryan and on the strategy of the program by Featherstonhaugh, the union's chief lobbyist.

Ryan explained that unlike private sector unions which do their bidding through labor-management negotiations, CSEA must also deal with the State Legislature.

He warned the union members to be wary of so-called civil service reforms. "When you hear 'reform' we are in trouble," he said.

He called on every unit and Local to have a legislative and political action committee.

Featherstonhaugh explained that CSEA and other public employee unions are lobbying in competition with opposing lobbying groups, such as the Empire State Chamber of Commerce, the State School Boards Association and other government groups.

He said 16 Initiative and Referendum (I&R) bills had been introduced in the Legislature. I&R is the first step to Proposition 13.

Members who attended received information on how to conduct lobbying on the local level and were provided with copies of The CSEA Legislative Report 1979 for distribution to other CSEA members.

REPRESENTATIVES FROM SARATOGA COUNTY CSEA LOCAL 846 attending the Legislative Seminar included, from left, Local President John Miller, Donna Woodcock, and Local 846 Political Action Chairman William McTygue.







TWO KEY LABOR-MANAGEMENT PEOPLE in New York State listen attentively to a presentation during CSEA Legislative Seminar. Meyer Frucher, left, Director of the State Office of Employee Relations, and CSEA Statewide President William L. McGowan both also gave presentations during the program.

## McGowan:

# 'Think political action!'

ALBANY — "Any legislator who will not help us will not get a penny from us," declared William L. McGowan, president of CSEA, at the CSEA Legislative Seminar Feb. 10 in Albany.

McGowan was speaking of the union's highly successful legislative and political action program which helped elect a number of legislative candidates last year.

He was one of three major labor leaders to address the almost 300 persons attending the seminar. The others were AFSCME International President Jerry Wurf and Public Employee Conference Chairman Barry Feinstein of Local 237 International Brotherhood of Teamsters.

McGowan, sounding a note of caution, said: "We can't have everything, but we can't be in the dungeons."

He said he was "very happy that CSEA has access to the governor's office," which is another result of the legislative and political action program.

The combined strength of CSEA, AFSCME District Council 37 and AFSCME New York State — 400,000 members — can be an extremely powerful political force in the state, McGowan said.

He called on the rank and file members to start thinking in terms of political action. "We are going to use The Public Sector to get them on board," he said.

Wurf spoke on the generally negative climate facing public employees. "Public employees are as disposable as a Kleenex. Being opposed to public employees is the name of the game," he said.

He voiced opposition to President Carter's proposed federal budget and

said he was co-chairman of a coalition of labor groups, both public and private sector unions, with headquarters in Washington, organized to oppose the budget proposal.

The proposal would make state and local governments the biggest losers.

"We can't wait till you lose your job. We must fight it before it happens," Wurf said.

Feinstein praised CSEA for making a substantial difference in the ability of the Public Employee Conference (PEC) to have its impact felt in Albany. CSEA's 240,000 members are 40 percent of PEC's 800,000 members.

PEC is a coalition of New York State's 28 public employee unions.

"CSEA, in every election district in the state, can bring a message to every reactionary legislator. That gives PEC a dimension which is tough to beat. We can and do make a difference," Feinstein said.



REPRESENTING CREEDMOOR PSYCHIATRIC CENTER LOCAL 406 were Charles Bell, left, and Joe Healy.



CSEA DELEGATES to the seminar included Jeanne Kelso, left, President of Clinton County CSEA Local 810, and June Ferner, Political Action Chairman of Erie County Educational CSEA Local 868.

# 1979 legislative proposals

## 1. AGENCY SHOP EXTENDER

The 1977 agency shop legislation is due to expire in September, 1979. This bill will make it permanent and mandatory upon the political subdivisions.

## 2. OSHA

State and local government employees are presently the only employees in New York State who do not benefit from a program designed to make the work place safe. This bill would mandate minimum health and safety standards for public employees no less than those promulgated pursuant to the Occupational Safety and Health Act of 1970.

## 3. TWO-FOR-ONE ELIMINATION

Public employees determined to have been on strike are fined two days pay for every strike day. This bill will eliminate the second day's penalty.

## 4. INJUNCTIVE NOTICE

The Taylor Law presently allows the issuance of a temporary restraining order against a strike. The violation of such orders may result in fines and jail terms. This bill would give unions and employees the right to notice and an opportunity to be heard before the issuance of a temporary restraining order.

## 5. PRESUMPTION OF ARBITRABILITY

The Liverpool case recently decided by the Court of Appeals unduly restricts the arbitration of contract disputes under the Taylor Law. In the field of arbitration there is generally a presumption that the parties agreed to arbitrate a contractual difference. This bill would restore the presumption of arbitrability for N.Y.S. public employees which disappeared because of Liverpool.

## 6. LIMITED RIGHT TO STRIKE

This proposal would re-define the term "strike" as it is used in the Taylor Law to mean a stoppage of work which threatens irreparable injury to the public health, safety and welfare. Such strikes would remain illegal.

## 7. TAYLOR LAW STRIKE NOTICE LIMITATION

Where a strike is alleged to have occurred, the employees would have to be served with a notice of violation within the first 10 days of the alleged strike, so that a defense can be prepared.

## 8. LEGISLATIVE ENACTMENT OF TRIBOROUGH

The New York State Court of Appeals has recently overruled the Triborough doctrine, which required that the terms of an expired collective bargaining agreement be continued until a new agreement is negotiated. This bill would make it an improper employer practice to refuse to continue such terms.

## 9. RE-DEFINE DAILY RATE OF PAY

When an employee is determined to have been on strike, the employer deducts twice his daily rate of pay. In fact, the penalty is even more severe, because the employee is required to pay tax on the second day's pay. This bill would limit the fine of the second day to the net amount received, after taxes, for that day.

## 10. ALLOW POLITICAL SUBDIVISIONS TO NEGOTIATE ALTERNATIVE DISCIPLINARY PROCEDURES

The Public Employment Relations Board has recently held that Civil Service Law allows the negotiation of alternate or supplemental disciplinary procedures only on behalf of employees of the State. While this holding has been reversed by the Court, the question is still being litigated. This bill would make it clear that unions and political subdivision employers may, if they desire, agree upon a different disciplinary procedure.

## 11. EXTENSION OF SUPPLEMENTATION TO 1969, 1970, and 1971 RETIREES

In 1977, the legislature increased the existing pension supplements for public employees who retired before April 1, 1969 by an amount varying between 14 and 25 percent. That increase is temporary, and must be renewed. This bill would renew that increase and extend its benefits to those who retired before January 1, 1972. It would also increase the amount of such supplements to reflect increases in the cost of living during the past year.

## 12. PERMANENT COST OF LIVING INCREASE BASED UPON CONSUMER PRICE INDEX

Retired public employees' pensions are dissipated by inflation. This proposal would make permanent the previous percentage supplements. It would, commencing in 1980, give all retirees an increase in the retirement allowance based upon increases in the cost of living for the previous year.

## 13. PRE-'66 \$2,000 DEATH BENEFIT

This bill would make State employees who retired before September 30th, 1966 eligible for a death benefit in the amount of \$2,000.00 or \$3,000.00 depending upon the date of retirement.

## 14. EDUCATION LAW PARITY

The Education Law presently encourages the contracting out of transportation services by school districts because it provides a more favorable state-aid formula. This bill would eliminate that advantage to private contractors.

## 15. DIVISION FOR YOUTH/YOUTH SUPPORT, INC. TRANSFER

Certain employees of the Division for Youth have been "transferred" to a not-for-profit corporation to increase federal reimbursement. This bill would insure that individuals so "transferred" will not lose benefits of State service.

## 16. COVERAGE OF OCA EMPLOYEES TRANSFERRED TO THE STATE

Employees in the Unified Court System transferred effective April 1st, 1977 from the payroll of the appropriate political subdivision to the payroll of the State will be granted permanent status in the competitive class if they have performed the duties of their respective positions for a period of one year prior to the effective date of this act.

## 17. INDEMNIFICATION OF PUBLIC EMPLOYEES

This bill would allow additional instances in which public employees of the State, public authorities, and the political subdivisions should be indemnified from suit by the public employer for acts which arise in the course of performing their duties.

## 18. SULLIVAN COUNTY DEPUTY SHERIFF'S REOPENER

This bill would allow approximately eight employees of the Sullivan County Sheriff to elect the provisions of Retirement and Social Security Law §89-b (optional twenty year retirement plan for sheriffs). These employees were excluded simply because of their failure to make that choice within a year.

## 19. STATE UNIVERSITY — UNCLASSIFIED SERVICE

The Chancellor of the State University presently determines which positions shall be removed from the classified service and placed in the unclassified. This action would be returned to the Civil Service Commission.

## 20. UNIVERSITY OF BUFFALO BUY-BACK

This bill would allow State employees who were employed by the University of Buffalo prior to its acquisition by the State of New York to purchase retirement costs from the New York State Retirement System for the time of employment by the University, with employer contributions together with appropriate interest.

## 21. VETERANS BUY-BACK

This bill would allow the veterans of World War II to purchase credit for up to three years of service in the Retirement System. A separate bill will be introduced to allow purchase for both World War II and Korean service.

## 22. SANITARIANS

Sanitarians working for public and private employers would be certified by the Department of Education.

## 23. INSTITUTIONAL TEACHERS

Teachers working in state institutions would be allowed to elect employment on a twelve month basis, with appropriate pro rata increases in accruals and salaries.

## 24. SUFFOLK COUNTY DISTRICT ATTORNEY INVESTIGATORS

This bill will implement a provision in the collective bargaining agreement, between CSEA and the city of Suffolk allowing investigators to elect the twenty year retirement plan.

## 25. RETIREMENT SYSTEM PENSION

Power to invest pension funds will be vested in a board of trustees with meaningful public employee representation.

## 26. CORRECTION OFFICERS

Correction officers employed by Westchester County would be eligible to elect participation in a twenty year retirement plan.



AMONG PARTICIPANTS were Isabelle O'Hagen and William T. Smith, both of Capital District Retirees CSEA Local 999.



AMONG UNION MEMBERS PARTICIPATING were, from left, Edward T. Plummer of Nassau County CSEA Local 830, and Dale L. Hatch, President, and John J. Hatch, Political Action Chairman, both of CSEA Local 504, Barge Canal, Rochester.





# Legislative Update

Legislative Update is a column dealing with the legislative and political program of CSEA. It is written by Atty. James D. Featherstonhaugh, CSEA Lobbyist of the legal firm of Roemer and Featherstonhaugh. This column will appear regularly during the State Legislature sessions and during non-session periods.

On December 29th, 1976, employees of the Division of Unemployment of the Department of Labor from Bay Shore, Long Island received a belated Christmas present. They were moved from their work location at 1730 Union Boulevard (which had been condemned for governmental use) to 24 East Main Street, in Bay Shore.

Unfortunately, 24 East Main was not a step up. The building was unheated for the first four dates during which it was occupied. There were inadequate toilet facilities, and a serious flooding problem on the roof resulted in the collapse of a portion of the ceiling which closed the office on January 10th, 1977.

On January 23rd, 1977, a fire caused serious damage to the work location at 24 East Main Street, and on Monday, the 24th, the employees were temporarily moved into three alternate locations including one in an abandoned store known as Ben's at 19 East Main Street. There was no heat in the store and the employees were forced to work with their coats and gloves on in order to keep warm.

The toilet facilities in the store were useless and the employees had to leave the work location and walk to one of the other locations in order to use the facilities. On January 27th, 1977, the employees were moved from Ben's back to 24 East Main Street.

The section of 24 East Main Street which had been damaged by fire had been partitioned off, but the smoke odors and fumes were still strong. A number of employees suffered from sore throats, nausea, chest pains, headaches and nosebleeds. Both employees and claimants fainted as a result of the air and several

employees were forced to leave work because they were so ill.

On February 1, 1977, the fire department determined that the premises at 24 East Main were unsafe because of noxious fumes and smoke both caused by the fire and by the chemicals used in extinguishing the fire, and the employees on Wednesday, February 2nd, were transferred back to 19 East Main Street.

The premises at 19 East Main were clearly not fit for occupancy. The heat in the building was inadequate because of a defective boiler and small space heaters were utilized throughout in an attempt to heat the store. As a result of the space heaters, there were extension cords lying on the floor connected to them and adjacent to large cartons of files and papers.

There were fluorescent light fixtures lying along the wall, exposed wires hanging from the fixtures and many ceiling tiles were missing. Underlying the problems with the building was the fact that no certificate of occupancy for the use of this building had been issued because it had not passed the safety inspection.

In addition to the employees, the continued claim section processes over 2,000 claimants a day. There were inadequate fire exits for the number of people occupying the premises, no fire extinguishers were in evidence, and the sprinkler system had not been tested to see if it worked properly.

On February 7th, the local building inspectors again inspected the building and refused to issue a cer-

tificate of occupancy because the building had not passed the safety inspection. At this point, most of the employees left the building and refused to continue working therein. They did not leave work entirely, but moved at their own behest to premises at 13 East Main Street, which were in a good state of repair and there they continued to perform their services on behalf of the public. Many of them worked several hours of overtime in order to conclude the day's activities.

The State of New York, in its wisdom, rather than choosing to commend these employees for the dedication and devotion to duty which they had shown, chose rather to declare them to have been on strike on the day on which they left 19 East Main Street and to propose to fine them two days pay for each day worked pursuant to the Taylor Law.

Had the same set of facts which occurred above, occurred in private industry anywhere in the State, the employers work premises would have been tagged and closed pursuant to the Federal Occupational Safety and Health Act standards. Only public employees are required to work in unsafe, substandard working conditions which may jeopardize their lives and health. There is no justification for this, there can be none. The time has come when the legislature must enact a State and Local Government OSHA program.

CSEA has agreed upon proposed legislation with the other unions comprising the Public Employee Conference and has undertaken to draft that legislation on behalf of the Conference. There have also been extensive discussions with the New

York State Department of Labor and with the United States Department of Labor. The conclusions of those discussions are, we think, a State and local government OSHA proposal which is both within the economic ability of government and provides adequate protection for the lives and health of public employees.

The proposed bill would cover the State and any political subdivisions, a public authority or other governmental agency or instrumentality. The Commissioner of the New York State Department of Labor would have the authority to enforce the standards, which standards shall, at a minimum, include all safety and health standards promulgated under the U.S. Occupational Safety and Health Act of 1970 which are in effect on the date that our OSHA bill becomes a law.

The bill sets forth the duties of each employer which are:

1. Furnish to each of his employees employment and a place of employment which is free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees and which will provide reasonable and adequate protection to the lives, safety or health of his employees; and,

2. Comply with the safety and health standards promulgated under this section."

Authorized representatives of the employees will be given an opportunity to accompany representatives of the employer and Commissioner during inspections of work locations for the purpose of aiding in such inspections. Furthermore, any employee or union representative who believes that an OSHA violation exists, may request an inspection by giving notice to the Commissioner, and upon his request, his name will be withheld and kept confidential from the employer.

Once a violation of the OSHA standards have been identified, the Commissioner shall issue an order to comply and fix a reasonable time for compliance. The employer will be required to post such order in a conspicuous place near the violations cited.

"Any person who violates or does not comply with any provision of the Labor Law, any rule, regulation or lawful order of the Industrial Commissioner or the Industrial Board of Appeals, and the officers and agents of any corporation who knowingly permit the corporation to violate such provisions, are guilty of a misdemeanor. . ."

This bill is a must for our members. The basic right to a safe and healthy working environment cannot be compromised. We expect our OSHA legislation to be introduced into both houses before the end of February and **The Public Sector** will carry the bill numbers, but don't wait! Tell your legislators that we need OSHA and that we need it now.

## A message from the chairman

CSEA Members:

During the past three years, I have communicated with you on the various problems that CSEA has encountered in the areas of legislative and political action. I have asked for your help and your understanding and have always received the utmost cooperation. I now want to take this opportunity to thank you, the men and women who make our program work.

However, I am at an all too familiar juncture again. We are at the beginning of a four year gubernatorial term and two year state legislative term. We are on the brink of entering a new decade. I now foresee the need for an even greater effort from you, the rank and file members of CSEA, than has ever been required before.

Public employees are entering what could be desperate and lean years ahead. So-called "reforms" that have been experienced by union members through-

out the country, are now being placed on our doorstep. You, as union members, must take an active position in both the political and legislative areas in order to protect yourself as well as your brothers and sisters.

To accomplish our goals in the months ahead, I ask you to do three things. First, be informed. CSEA's political and legislative department will be keeping you up to date on our bills, legislative trends and other ideas of importance. Second, inform others. Don't throw this information away; pass it on to someone else. Third, understand the issues and proudly defend your position as a public employee.

With your assistance my committee, our staff and our attorneys can assure you that your future can be a safe and solid one.

Fraternally yours,

Martin Langer  
CSEA Statewide  
Political Action Committee





# Constitution and By-Laws

Changes in the Constitution and By-Laws of the Civil Service Employees Association have a direct effect upon the day-to-day operation of the union, and therefore upon the membership itself.

Traditionally, the largest block of time devoted at CSEA conventions is given over to consideration of such changes. This will undoubtedly be true at the upcoming meeting of the union delegates from March 11-13 in Albany.

As the official publication of CSEA, "The Public Sector" has a legal obligation to publish proposed changes prior to delegate sessions. More

importantly, however, we feel an obligation to the membership to present such proposed changes for informational rather than legal, purposes.

The membership has a right and a need to know what major changes are being considered that affect them directly. Therefore, we are publishing the report of the CSEA Constitution and By-Laws Committee to the upcoming annual delegates meeting in order to, (1) meet our legal obligation, and (2) keep the membership informed of events that are important to them.

## REPORT OF REVISION OF CONSTITUTION AND BY-LAWS COMMITTEE TO THE SPECIAL DELEGATES MEETING CONVENTION CENTER ALBANY, NEW YORK

The Constitution and By-Laws Committee has met twice since the Annual Delegates Meeting in October, 1978. Because of the limited time available at this Special Delegates Meeting, the Committee is reporting on completed work only and all other amendments will be reported out at a future meeting.

THE FOLLOWING ITEMS ARE PRESENTED TO THE DELEGATES FOR A SECOND READING AND IF PASSED, WILL BECOME PART OF THE CSEA CONSTITUTION:

1. The following amendment to Article III, Section 2 "RETIREE MEMBERS", was submitted to this Committee by Melba Binn, Chairperson, Retirees Statewide Committee:

Article III "MEMBERSHIP", Section 2:

"Section 2: RETIREE MEMBERS. Any member of the Association who has retired from the civil service of the State of New York or any political subdivision thereof or any public authority, public benefit corporation, or similar autonomous public agency may elect to become a retiree member. Retiree members shall (not) be eligible to vote (or hold office) but shall not be eligible to hold regional or statewide office and (but) shall have other such rights and privileges as the Board of Directors may prescribe."

**Explanation: The Committee recommends defeat of this amendment. The opinion of the Committee remains that CSEA is a labor union organized for the betterment of working conditions for its active and working members. While it is recognized that the retirees serve a useful purpose on behalf of the organization, the right to vote for regional and statewide office should not be extended to individuals who are not directly affected by the actions of the officers being elected. It should be noted that information received by the Committee indicates that 2,000 retiree members reside in the State of Florida. In addition, it should be remembered that CSEA has affiliated with AFSCME, which by its constitution provides for a retiree division. Retiree members are permitted to vote for officers of retiree chapters only and may not vote for offices within the union. Only active employees who pay full dues may participate in those elections.**

Key: Italics = New Material  
Brackets = Removal of Old Material

2. From the floor of the delegates meeting in October, 1977, the Committee was requested to review Article VI, Section 1 dealing with the question of vacancies in the office of the State Department representatives. The Committee has studied the issue and presents the following amendment:

Article VI, Section 1 STATE EXECUTIVE COMMITTEE:

"Section 1. STATE EXECUTIVE COMMITTEE. The power and authority to transact business relating to state employees shall, except as provided herein, be vested in a State Executive Committee. The State Executive Committee shall consist of the officers of the Association, and one representative from each State Department. The Judiciary, the State University, the Waterfront Commission and state public authorities as one unit, shall be deemed State Departments. The Faculty Student Associations and Teachers' Retirement System shall as a unit be deemed a State Department. In addition to the foregoing, each State Department with more than 3,000 members as of January 1 in an odd-numbered year, shall for the term of office beginning the following July, be entitled to one representative on the State Executive Committee for each 3,000 members or major fraction thereof. The State Executive Committee shall elect from its membership one member to be known as the Chairman of the State Executive Committee. The State Executive Committee may create one or more subcommittees to perform such duties as the State Executive Committee shall delegate. Each department representative shall be elected by ballot by the members in his department in the manner prescribed in the By-Laws. No person shall be eligible for nomination unless he shall have been a member in good standing of the Association on or before June 1st of the year preceding the year in which the election is held. They shall hold office for a term of two years or until their successors shall have qualified. Vacancies in the office of the State Department representatives including termination of employment with the Department may be filled for the remainder of the term by members of the Association employed in such department at a special election to be called by the Board of Directors within fourteen days after the first meeting of the Board subsequent to the time that such vacancies occur under rules established by the Board."

**Explanation: The Committee recommends adoption of this amendment since the interests of active, full-time employees can be best served by having their peers and fellow co-workers represent them on the Board of Directors.**

THE FOLLOWING ITEM IS PRESENTED TO THE DELEGATES BY THE COMMITTEE AS A PROPOSED AMENDMENT TO THE CONSTITUTION. THE PRESENTATION TO THE DELEGATES AT THIS MEETING CONSTITUTES A FIRST READING OF THIS AMENDMENT.

1. The following amendment to Article VIII "DELEGATES" was submitted to this Committee by Patricia Gooden, Treasurer, Monroe County Local:

Article VIII "DELEGATES"  
"Members of each local shall elect from their membership one or more delegates to represent the members of the local at all meetings of the Association, except

that the local president shall, by virtue of his office, automatically be designated as a delegate. Prior to June 1st of each year, each local shall file with the Secretary of the Association an accurate list containing the names and addresses of its delegates for the ensuing year, and names and addresses of alternate delegates may be submitted to the Secretary thereafter. Such delegate or delegates shall have one vote for each one hundred members or fraction thereof in such local, based upon the paid membership in the Association on the first day of June preceding the meeting. *In such instances where a local has lost delegate voting strength due to loss of dues check-off as a penalty imposed by a job action, the local may claim the right to have its delegate voting strength determined by the paid membership as of the first day of June twelve months prior to the first day of June preceding the meeting.* The number of votes each local or department is entitled to cast shall be determined by the Membership Committee." REST OF ARTICLE REMAINS THE SAME.

**Explanation: The Committee recommends adoption of this amendment on the basis that a local should not, in effect, be penalized by its own union for participation in a job action and the inherent possibility of the loss of dues checkoff.**

THE FOLLOWING ITEMS ARE PRESENTED TO THE DELEGATES BY THE COMMITTEE AS PROPOSED AMENDMENTS TO THE BY-LAWS. IF PASSED AT THIS MEETING, THE AMENDMENTS WILL BECOME EFFECTIVE IMMEDIATELY.

1. The following amendment to Article VI, Section 1 "STANDING COMMITTEES" was submitted to this Committee by Timothy McInerney, Transportation Local 676:

"Section 1: STANDING COMMITTEES. The Standing Committees of the Association shall be as follows: Insurance Committee, Legal Committee, Revision of Constitution and By-Laws Committee, Retirees Committee, Convention Committee, Political and Legislative Action Committee, Grievance Committee, Pension Committee, (Salary Committee,) Committee for Methods and Procedures, Education and Training Committee, Election Procedures Committee, and Committee to Oversee the Comprehensive Employment and Training Act." REST OF SECTION REMAINS THE SAME.

**Explanation: The Committee recommends adoption of this amendment on the basis that the Salary Committee is a non-functioning Committee. Prior to the enactment of the Taylor Law, the committee met for the purpose of formulating salary demands to be placed upon the State of New York on behalf of State employees. Currently, the negotiating teams, based upon input from the membership, formulate and approve the demands submitted during the negotiating process. The Salary Committee, therefore, is a duplication of a portion of the functions reserved to the negotiating teams.**

2. The following amendment to Article VI, Section 4 "SPECIAL AND AD HOC COMMITTEES" was submitted to this Committee by Peter Blaauboer, Buffalo Local:

"Section 4: SPECIAL AND AD HOC COMMITTEES. The Special Committees of the Association shall be as follows: Armory, Auditing, Membership, Human Rights, Memorial Scholarship Fund, Plaque, Civil Service, Regional Office, (Platform,) Social Services, Probation, Non-Teaching School District Employees, Special Authorities, Work Performance Ratings and Examinations, and such other committees designated by the President of the Association." REST OF SECTION REMAINS THE SAME.

("Section 4 (a) PLATFORM COMMITTEE. All resolutions proposed for consideration at an annual meeting shall first be submitted in writing to the Platform Committee. All resolutions submitted on or before the twentieth day of July shall be reviewed, edited and consolidated by the committee, which shall, on or before the tenth day of August, report to all locals of the Association the disposition of such resolutions.")

**Explanation: The Committee recommends adoption of this amendment on the basis that the functions of the Platform Committee as outlined in Section 4 (a) no longer apply. All resolutions and motions are now to be pre-filed with the Secretary, and the Committee to Report on the Disposition of Convention Motions is charged with the necessary followup action. In addition, according to CSEA records, the Platform Committee has met five times within the last three years. Miscellaneous**

At the October, 1978 Delegates Meeting, a motion was jointly submitted to this Committee by James Goodison, Local 002, and Shirley A. Brown, Local 670, requesting an amendment to reflect the Association's commitment to equal rights and opportunities by omitting the exclusive use of male pronouns in the Constitution and By-Laws and substituting non-definitive terms where applicable. The Committee has considered this motion and proposes that the following paragraph be inserted at the end of the Table of Contents to the Constitution and By-Laws:

"All relative words herein making reference to the male pronoun shall be read as if also written in the female gender."

The Committee requests the approval of the Delegates to make this overall change. Respectfully submitted,

COMMITTEE ON REVISION OF  
CONSTITUTION AND BY-LAWS

Kenneth Cadieux, Chairman  
William DeMartino  
Mary Ann Bentham  
Nicholas Cimino  
Earl Mayfield  
Jon Schermerhorn  
Peter Blaauboer



# COMPETITIVE PROMOTIONAL EXAMS

(State Employees Only)

Title	Salary	Exam No.
<b>FILING ENDS MARCH 12, 1979</b>		
Associate Accountant (State Accounts)	\$18,301	No. 36-651
Associate Accountant (State Systems)	\$18,301	No. 36-653
Senior Accountant (State Accounts)	\$14,075	No. 36-650
Senior Accountant (State Systems)	\$14,075	No. 36-652
Cartographic Technician I	\$ 7,997	No. 36-695
Cartographic Technician II	\$ 9,481	No. 36-696
Cartographic Technician III	\$11,904	No. 36-697
Highway Reports and Inventory Assistant	\$ 7,152	No. 36-700
Assistant Director of Engineering Research and Development	\$25,095	No. 39-340
Director of Engineering Research and Development	\$30,945	No. 39-341
Senior Pharmacy Inspector	\$15,624	No. 36-702
Senior Budget Examiner	\$18,301	No. 36-710
Senior Budget Examiner (Employees Relation)	\$18,301	No. 36-711
Senior Budget Examiner (Management)	\$18,301	No. 36-712
Senior Budget Examiner (Public Finance)	\$18,301	No. 36-713
Assistant Director of Housing Management Bureau	\$25,095	No. 39-347
Supervisor of Office Services	\$14,075	No. 36-694
Senior Narcotics Investigator	\$16,469	No. 36-701
License Investigator II	\$14,075	No. 36-693
Senior Excise Tax Investigator	\$14,075	No. 90-044

For more information about these and other state jobs, contact the state Civil Service Department, Albany State Office Building Campus; 1 Genesee St., Buffalo, or 2 World Trade Center, New York City.

# OPEN CONTINUOUS STATE JOB CALENDAR

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

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

# STATE OPEN COMPETITIVE JOB CALENDAR

Title	Salary	Exam No.
<b>FILING ENDS FEBRUARY 26, 1979</b>		
Associate Economist	\$18,301	No. 24-934
Education Director I	\$17,365	No. 24-930
Education Director II	\$19,288	No. 24-930
Education Supervisor (General)	\$14,850	No. 24-931
Education Supervisor (Developmental Disabilities)	\$14,850	No. 24-932
Leasing Agent	\$12,583	No. 24-922
Senior Leasing Agent	\$16,469	No. 24-933
Rehabilitation Coordinator (Division of Youth)	\$17,365	No. 24-926
Research Analyst (Transportation)	\$14,075	No. 24-850
Transportation Analyst	\$14,075	No. 24-923
Senior Youth Division Counselor	\$16,469	No. 24-939
Supervising Youth Division Counselor	\$18,301	No. 24-940
<b>FILING ENDS MARCH 5, 1979</b>		
Public Management Intern	\$12,250	No. 27-890
Standards Compliance Analyst III	\$22,623	No. 27-885
Standards Compliance Analyst III (Alcoholism)	\$22,623	No. 27-886
Standards Compliance Analyst IV	\$25,095	No. 27-887
Standards Compliance Analyst IV (Alcoholism)	\$25,095	No. 27-888
<b>FILING ENDS MARCH 19, 1979</b>		
Cartographic Technician I	\$7,997	No. 24-944
Cartographic Technician II	\$9,481	No. 24-945
Cartographic Technician III	\$11,904	No. 24-946
Health Department Investigator I	\$13,304	No. 24-954
Highway Reports and Inventory Assistant	\$13,304	No. 24-950
License Investigator I	\$11,250	No. 24-943
License Investigator I (Spanish Speaking)	\$11,250	No. 24-943
Narcotics Investigator	\$14,850	No. 24-951
Pharmacy Inspector	\$14,075	No. 24-957
Senior Budget Examiner	\$18,301	No. 24-960
Senior Budget Examiner (Employee Relations)	\$18,301	No. 24-961
Senior Budget Examiner (Management)	\$18,301	No. 24-962
Senior Budget Examiner (Public Finance)	\$18,301	No. 24-963
Youth Education Coordinator	\$14,075	No. 27-880
<b>FILING ENDS MARCH 25, 1979</b>		
Standards Compliance Analyst I	\$14,075	No. 24-746
Standards Compliance Analyst II	\$18,301	No. 24-748
Standards Compliance Analyst I (Alcoholism)	\$14,075	No. 24-747
Standards Compliance Analyst II (Alcoholism)	\$18,301	No. 24-749
<b>FILING ENDS MARCH 26, 1979</b>		
Beginning Office Worker (Capital District Only)	\$6,165	No. 20-998

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



# Report Card

A biweekly column for and about the thousands of non-instructional employees of school districts throughout New York represented by the Civil Service Employees Association. Comments and/or questions concerning non-instructional school district employees should be directed to Ms. Arne Wipfler, Coordinator of School Affairs, CSEA, 33 Elk Street, Albany, New York 12224.

## Agency shop very important

On Saturday, February 10th, I had the opportunity to attend the CSEA Legislative Seminar in Albany. I attended the workshop on school district legislation, along with approximately twenty non-instructional employees. At the workshop, the moderator apprised us of several pieces of legislation applying to school district employees.

Probably one of the most important bills deals with agency shop. As you know, the current bill expires in September and provides for a mandatory agency fee for state employees. Only political subdivisions, such as school districts, may negotiate an agency fee. The new bill, if passed will make agency shop permanent and mandatory for state employees and political subdivisions. It was pointed out that various groups are already lobbying against such a

bill. I imagine we will receive strong opposition from the New York State School Boards Association.

Another legislative proposal of interest to school employees would repeal the "two-for-one" penalty under the Taylor Law. As the Taylor Law reads now, individuals who engage in a strike may be fined, imprisoned, and lose two days of pay for each day of the strike. Employee organizations may be required to pay large fines and may lose dues deduction privileges. This legislation would remove from the Taylor Law the penalty of losing a second day of pay for each day of the strike.

Public employees, both in the employ of the state and its political subdivisions, are not covered by any occupational safety and health standards. CSEA believes public employees deserve

the same coverage as private sector employees, who are either covered by the Federal Occupational and Safety Act or the New York Labor Law.

As we discussed this particular piece of legislation, the participants were able to point out a number of work areas in school districts which can be considered either unsafe or present hazardous to health working conditions. CSEA will be working towards the passage of OSHA legislation, which will correct work areas that are viewed as unsafe or unhealthy.

Already, bills dealing with transportation parity and unemployment benefits have been filed. Our lobbyists will be monitoring these bills for movement. I will continue to update you on these pieces of legislation, as well as any others dealing with school districts.

## Rules for elections approved

ALBANY — CSEA's Board of Directors has approved several election procedures to be used in the upcoming 1979 Statewide Elections.

This year's elections are for all Statewide, Regional and Local offices in the union. The Board, at its February 8 meeting, set certain guidelines for election procedures on the recommendation of the Standing Election Procedures Committee.

April 1, 1979, was established as the eligibility date for voting rights in the elections. Any persons who are dues paying members in good standing by April 1, will be eligible to vote.

The same provisions for payment of candidate expenses for official candidates in Statewide offices of President, Executive Vice President, Secretary and Treasurer, will be in effect during this election as were used in the last Statewide election. Those candidates are allowed one trip to each Regional area with expenses. Official candidates for Regional Offices are allowed two trips (not exceeding one day each) with expenses within the Region in which they are seeking election.

Official candidates for Statewide office and official candidates for the State Executive Committee will be furnished with a set of mailing labels of Local Presidents and official candidates for the County Executive Committee will be furnished with a set of mailing labels for Unit Presidents. The labels will be provided at CSEA's expense.

All official candidates for Unit, Local, Regional or Statewide offices will be provided at cost with mailing labels for the CSEA members eligible to vote in the respective election in which the official candidate is seeking office.

Nominations for the elections closed on February 20 and the Nominating Committee will convene in Albany on February 22, 23 and 24, to draft the official slate of candidates.

## Local starting flex-time plan

NEW YORK CITY — A new flex-time plan was due to go into effect Thursday, Feb. 15 at the NYC office of the State Insurance Fund. Local 351 President Vincent Rubano, who also is treasurer of CSEA NYC Region II, calls it a "pilot program" in which employees will be able to choose their own daily starting times. Employees may punch in anytime between 7 and 10 a.m. and leave between 3 and 6 p.m.

The flex-time program also allows employee lunch hours ranging in length from one-half to three hours in the mandatory 7½ hour work day. Rubano says that unlike some other flex-time programs, the one at Local 351 allows employees to come in at different times every day without prior notice.

## Gripper running for credit panel

NEW YORK CITY — Jimmy Gripper, President of the Brooklyn Developmental Center CSEA Local and a member of CSEA's statewide Board of Directors, has become the first state employee and CSEA member to be nominated to serve on the Credit Committee of the Municipal Credit Union.

The election will be by machine balloting between 10 a.m. and 8 p.m. on March 2 at Pace University, Williams and Spruce Streets, New York City.

Municipal Credit Union members living 50 or more miles from the Credit Union offices, or otherwise incapacitated and unable to vote in person on March 2, may request a mail ballot by calling (212) 977-2960. Mail ballots must be returned by March 1.



THREE REGIONAL PRESIDENTS discuss union election procedures at the recent CSEA Board of Directors meeting in Albany. Going over the procedures are, from left, Long Island Region President Irving Flaumenbaum, Southern Region President James Lennon (standing), and Central Region President James Moore.

## Calendar of EVENTS

### FEBRUARY

- 20 — Meeting of Local 352, Buffalo Department of Labor, 5:30 p.m. Desiderio's Restaurant, 2790 William Street, Cheektowaga.
- 21 — Buffalo Local 003 monthly delegates dinner meeting, 5:30 p.m., Plaza Suite, One M&T Plaza, Buffalo.
- 23 — Local presidents meeting, Region IV, 5:30 p.m., State Office Building Campus Cafeteria, Building 3.
- 23 — New York City Local 010 membership meeting, 12 noon, State Hearing Room, 44th Floor, World Trade Center 2, New York City.
- 27 — 26th Annual Brotherhood luncheon, Roosevelt Hotel, Madison Avenue and 45th Street, New York City.
- 27 — CSEA Statewide Women's Committee meeting, 5 p.m., Albany Thruway House.

### MARCH

- 2-3 — Region VI Meeting, Holiday Inn, 4600 Genesee Street, Cheektowaga.
- 3 — Region II education and dues discussion meeting, 10 a.m., DC 37, 140 Park Place, New York City.
- 9, 10, 11 — Central Region V Conference, Hotel Syracuse, Syracuse.
- 11-13 — Special CSEA Delegates Meeting, Rockefeller Plaza Convention Center, Albany.

## Women's group meeting Tuesday

ALBANY — Suone Cotner, newly-named Coordinator of Women's Affairs for the American Federation of State, County and Municipal Employees, will meet with the Statewide CSEA Women's Committee next week to discuss the committee's program at this year's CSEA County Workshop.

Joseph Lazarony, chairman of the CSEA County Executive Committee, has allotted the women's group time to present a program during the June 13-15 workshop, set for Kutsher's Country Club in Sullivan County.

Women's Committee Chair Irene Carr, who is statewide secretary of CSEA, has appointed Janice Schaff of the Yonkers Non-Teaching CSEA Unit to head up the efforts to develop the June program.

The meeting will be Tuesday, Feb. 27, at 5 p.m. at the Thruway House in Albany.



# Unions keep watchful eye

By Lou Nayman

On January 11, 1979 the first of the Carter Administration's Civil Service Reforms (Public Law 95-454) for Federal workers went into force. Touted by the White House as "the centerpiece of President Carter's efforts to re-organize the machinery of the Federal government," this law carries implications for public employees on the state, municipal, and school district levels as well.

Within the past two weeks Carter's Civil Service chief, Director of Office of Personnel Management Alan K. Campbell, endorsed New York City's attempts to loosen merit system requirements for certain upper level jobs, and to expand such concepts as broad-banding among rank and file workers. Other "trickle-down effects" resulting from the new Federal legislation may include efforts by states, local governments, and school districts to:

- Dilute existing procedural protections, especially regarding the levels of proof required to discipline workers charged with poor performance or misconduct.

- Introduce new performance appraisal systems which spell out the "critical elements" and specific measurable levels of acceptable performance for each job title.

- Replace salary steps — in part, or totally — with a system in which workers compete for so-called "merit pay raises."

- Remove competitive requirements for certain top level appointments and promotions in favor of direct political appointment.

While state and local public employee unions are expected to keep a close watch on these and other possible implications for their members, Ken Blaylock, President of the 300,000 strong American Federation of Government Employees (AFL-CIO), believes that despite its drawbacks, the Civil Service Reform Act contains significant gains for rank and file workers. Unlike smaller rival unions, AFGE eventually threw its support behind the reforms, but only after lobbying successfully for the inclusion of what became Title VII, the Labor Relations section of the final bill.

Union and Administration spokespersons agree that the bill enacted into law contains much stronger employee protections than the legislation originally proposed by the White House. Office of Personnel Management Director Campbell admits that labor's support was perceived to be crucial to the passage of the entire Civil Service Reform package. Since the only way to obtain AFL-CIO backing was through Blaylock and AFGE, the Administration had to compromise on Title VII.

As sent to Congress, the original bill reorganized the Civil Service and strengthened management's hand while ignoring many longstanding injustices against rank and file workers. Insiders credit the House Post Office

and Civil Service Committee, now chaired by Syracuse area Congressman James M. Hanley, with balancing the scales. "We were in full agreement with the fundamental intent of the legislation," Congressman Hanley told *The Public Sector*, "the promotion of efficiency and productivity in the Federal service. But we also wanted very much to assure that the rights of hardworking employees were not infringed upon either. I believe that the final language assures that workers are going to be treated fairly, and that arbitrary decisions will not be made."

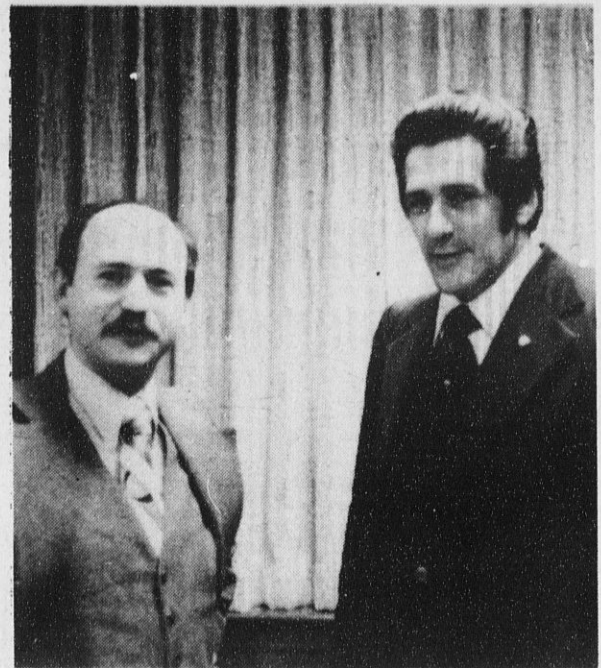
While acknowledging that the final draft did not include everything his union wanted, Blaylock credits Hanley and others in the House with hammering out legislation his people could live with. "They (Hanley's committee) were adamant about employee protections throughout the debate," says another AFGE official.

As signed into law, the Civil Service Reform Act established Federal public sector bargaining rights in statute, expands the scope of negotiations, grants unions free dues checkoffs and paid time and expenses for negotiators, provides for binding arbitration of grievances and discharges, opens the courts to appeals by employees, and spells out punishments for managers found guilty of committing prohibited personnel practices. "I'm a realist," says Blaylock. "I know what can be done now and what can't. It's time unions in the Federal sector grew up and became real unions. This legislation is an important step in that direction." One especially attractive feature of the law, which the AFGE leader promises his union will take advantage of, permits the recovery of legal expenses in cases where employees are cleared of adverse action charges.

Although the reforms were sold on a Proposition 13 type "Get the Bureaucrats" sentiment popular in the press among certain Administration spokespersons, Blaylock believes that the interests of his members were protected. "I'm convinced that when all of these supposed incompetents are found and fired, they'll be policy makers and managers, not rank and file."

One concern shared by Blaylock and Hanley, as well as state and local union leaders, is the change in wording affecting the burden of proof required to sustain adverse actions against employees. In job performance-related cases, management must now support its case with "substantial evidence" rather than with "a preponderance of evidence." Blaylock expects that the exact meaning of this change will be decided in the courts and established in case law.

Hanley agrees, and promises that his committee will keep "a firm finger on the pulse of those charged with implementing the reforms in order to make certain that the legislative intent of fairness is followed." Hanley intends to monitor



LOU NAYMAN, left, discusses the potential impact of the Carter Administration's Civil Service Reform proposals with Ken Blaylock, president of the 300,000-member American Federation of Government Employees (AFGE).



SYRACUSE AREA CONGRESSMAN JAMES M. HANLEY, chairman of the powerful House Post office and Civil Service Committee. He is credited with adding balance to proposed reform, and told *The Public Sector*, "... we also wanted very much to assure that the rights of hardworking employees were not infringed upon..." Photos by L. Richard Mariani

especially closely the activity of the newly created Federal Labor Relations Authority in order to assure that it functions independently, impartially, and with sufficient staff. If serious shortcomings or inequities are discovered, the Syracuse Congressman indicates that he would offer amendments to correct the situation.

For now, the principals involved appear to be satisfied that a workable compromise has been reached. All agree that the places to watch in the next few years will be the courts, where such issues as the scope of negotiability, levels of proof in adverse actions, and the fairness and adequacy of merit pay and performance appraisal systems will be tested. The interpretations and decisions that follow will be of interest not only to those in the Federal sector, but to public workers in state, municipal, and school district jurisdictions as well.

Lou Nayman, the author of articles on this page, should be a familiar name to CSEA members. Lou is president of the Tompkins County CSEA Unit, and is currently on leave of absence while enrolled in two Masters Degree programs at Syracuse University. He wrote the articles following research on the subject while recently attending a Civil Service Reform Seminar in Washington for graduate students in the Maxwell School of Public Administration, Syracuse University.

## What is Civil Service reform?

### Structural

- Civil Service Commission abolished
- Office of Personnel Management created
- Federal Labor Relations Authority established to certify bargaining units in the Federal sector and to investigate and prosecute unfair labor practices
- Merit Systems Protection Board established to resolve employee complaints and appeals, and to investigate and prosecute prohibited personnel practices, unlawful political activity, discrimination, and merit system violations

### Labor Relations in the Federal Sector

- Union rights recognized in law for the first time
- Guaranteed dues checkoff without charge
- Recovery of legal costs in grievances and hearings where employees found to have been wrongfully accused
  - Scope of bargaining expanded
  - Definition of grievance expanded to include discharges and the withholding of step increases
- Appeals system streamlined — one step eliminated
- Judicial review guaranteed — management violations now can be appealed to the courts

- Workers guaranteed the right to union representation at investigatory interviews
- Paid time, travel and other expenses for union negotiators
- Management unfair labor practices defined
- Provision for managers and supervisors found guilty of having committed "prohibited personnel practices" to be reprimanded, fined, discharged, or disbarred from Federal employment for up to five years
- Burden of proof lessened in order to sustain job performance-related adverse actions against employees
- Improved protections for "whistleblowers"

### New Performance Appraisal Systems

- Agencies must develop job descriptions listing all of the "critical elements" for each title
- Agencies must establish objective measurable performance standards for the evaluation of individual employees
- Failure by an employee to perform satisfactorily one or more "critical elements" will be grounds for dismissal. Critics worry that such standards are arbitrary, and invite selective application and political interference
- Performance appraisal systems must be in place, and standards communicated to all employees, by 1981