

Nassau negotiations day-to-day situation

MINEOLA — Contract negotiations between Nassau County CSEA Local 830, representing 14,000 county employees, and the County have moved to fact-finding following the union's rejection of an offer of \$400 across-the-board. The union leadership decided to continue with the negotiations process although the contract expired on December 31, according to Local 830 President Nicholas Abbatiello.

Meanwhile, 432 layoffs ordered by the County and Board of Supervisors have been slowed by CSEA legal action which requires that the County honor seniority and review each layoff with a CSEA representative while CSEA continues to review alternatives to layoffs.

"We're evaluating the situation on a day-to-day basis deciding what to do at meetings of our unit presidents," said Mr. Abbatiello, who added that the 20 unit presidents in the local ruled out any job action while negotiations continue.

However, the Department of Public Works met on Dec. 28 and voted in favor of a strike to be called at the discretion of Unit President Ralph Spagnola. No action has been taken to date by the unit.

"I understand the frustration and anger of the DPW members and I agree that they have been provoked by the stalling tactics of the county. However, we have decided that before we take any job action it will have to be authorized by the council of unit presidents. It is not the time for an unauthorized wildcat action. If we decide to act we must act in unity," Mr. Abbatiello said.

The Nassau local rejected the county offer for \$400 across-the-board as "totally inadequate" on Dec. 28 and went into fact-finding on Jan. 2. Two other fact-finding sessions for the CSEA were scheduled for last weekend and Jan. 9.

"We're pushing to get the negotiations over with as fast as possible," said Mr. Abbatiello.

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McGowan evaluates Carey talk

An 'encouraging' message

ALBANY — The president of the Civil Service Employees Assn. has classified Gov. Carey's January 3rd "Message to the Legislature" as "generally positive overall, very encouraging in certain areas." CSEA President William L. McGowan said the annual "state of the State" message "indicates that CSEA and the State are going in the same direction in certain, important areas."

Mr. McGowan had praise for Gov. Carey for recognizing the efforts and assistance of organized labor in helping overcome past fiscal difficulties. And the union leader was very pleased that the

governor promised to work with public employees to bring an OSHA program to the public sector. "OSHA for public workers is one of our top priorities in this legislative session," noted Mr. McGowan.

The CSEA leader also said he was "very encouraged" by a pledge of the governor to increase aid to localities and to increase aid to education. Mr. McGowan said his union supports also a promised liberalization of mandatory retirement of state employees. And Mr. McGowan pointed out that the governor in his message promised to address the future needs of employees affected by the

state's deinstitutionalization program.

The CSEA president said some parts of the message were too vague to draw any definite conclusions from, including the governor's references to reevaluating the Taylor Law and pension reform action. "We do commend his statement to create an investment board of the state pension system," Mr. McGowan said.

"And," he said, "we'll do everything we can through our AFSCME connections in Washington to help the governor's pledge to work for a larger, fairer share of Federal aid for New York State."

Hearings resume on unified court system

ALBANY — Public hearings have resumed on the proposed classification plan for employees of the state's unified court system. The Civil Service Employees Assn., which represents 3,000 of the court workers affected by the plan, will have representatives at each hearing being held in six cities between January 8 and 12. Speaking for CSEA will be:

- Nancy Roark, CSEA Board of

Directors member representing judicial employees, at the Jan. 8 hearing, 9 a.m. at the Legislative Chambers of the Onondaga County Courthouse, Montgomery St., Syracuse;

- CSEA Collective Bargaining Specialist Pat Monachino, at the Jan. 9 hearing, 9 a.m. in Courtroom No. 2, Empire State Plaza Judicial Building in Albany;

- CSEA Judiciary Local 332 President Carol Dubovick, at the Jan. 10 hearing, 9 a.m. at the Ceremonial Courtroom, Westchester County Courthouse, 111 Grove St., White Plains;

- Joseph Osman, a member of CSEA's Judiciary Ad Hoc Committee, at the Jan. 11 hearing, 9 a.m. at the Surrogate's Courtroom, County Center, Riverhead;

- Francis Griffin, President of CSEA Judiciary Local 330, at the Jan. 12 hearing, Surrogate's Courtroom, County Court House, Old Country Rd., Mineola;

- and John Casey, Joseph Johnson, Jr., and Ruth Joseph, all of New York City, at the Jan. 9, 10 and 11 hearings, respectively, in the Police Headquarters Auditorium, 1 Police Plaza, New York City. Hearings are at 9 a.m.

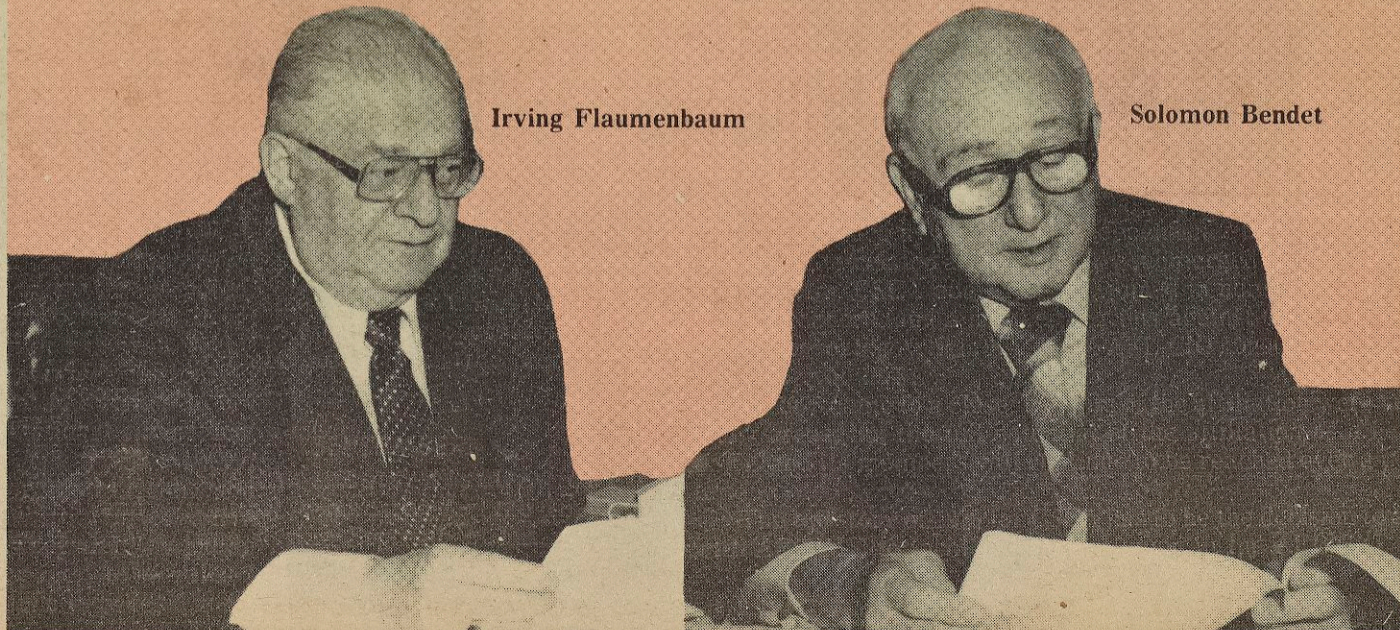
Unions to launch big ad campaign

ALBANY — CSEA and AFSCME, in a cooperative effort, will launch a major media advertising campaign in mid-January designed to create a more positive image of public employees.

The massive campaign, utilizing television, radio and newspapers, will carry the central theme, "Public Employees: Where Would You Be Without Them?"

The object of the program will be to begin correcting the cumulative effect of years of myths of public workers as underworked and overpaid. The campaign will feature the important public services performed by public workers. In addition to being the first institutional advertising campaign by CSEA, it will also be the largest advertising program the union has ever undertaken. For complete details on the program, including stations and newspapers to be utilized in the program, turn to pages 6 and 7 of this issue.

With this first issue of the new year, The Public Sector begins the first in a series of informal interviews with CSEA regional presidents concerning activities within their region. In this issue, Long Island CSEA Region I President Irving Flaumenbaum and Metropolitan CSEA Region II President Solomon Bendet discuss what's happening in their respective areas. You'll find these interesting reports on pages 5 and 8. In subsequent issues, the other four CSEA regional presidents will be afforded the opportunity to discuss their regions as well.



Irving Flaumenbaum

Solomon Bendet

Take-home pay changes

Social Security tax increases

The Associated Press news service reported the other day that many working Americans may find themselves longing for the good old days again, say 1970, for example. Then, the maximum Social Security tax for any worker was just \$374. Effective this January 1, the Social Security tax rates jumped and the maximum tax now is \$1,404, a big increase of \$333 from 1978. By 1987, the maximum will soar to \$3,003.

But if that \$374 maximum in 1970 looks good, you have to keep in mind also that the maximum monthly Social Security pension payment for a 65-year-old worker retiring that year was only \$190. This year the maximum will be \$490, and continue to rise to about \$800 by 1987.

For most workers, the 1979 tax increase will be nowhere near the \$333 maximum, which will be paid only by those with incomes of at least \$22,900. Also, an income-tax cut that took effect Jan. 1 will, in most cases, cancel out the sting of the Social Security tax increase.

Here are examples of how the Social Security tax increases and the estimated income-tax cuts will work at various income levels:

- A worker earning \$8,000 in 1979 will pay Social Security taxes totaling \$490 — \$6, or 12 cents a week, more than in 1978. If that worker is single and has deductions of about 23 percent of income, he or she will get an income-tax cut of about \$23; if the worker is married and has one child, the cut is \$49.

- At \$10,000 income, the Social Security tax will total \$613, up \$8, or 15 cents a week. The income-tax cut would be \$22 for a single person; \$86 for the family of three.

- The \$15,000 worker will pay \$920 to Social Security, an increase of \$12, or 23 cents a week. If single, the worker's income-tax cut would be \$79; the family of three would get \$72.

- At \$20,000, the tax totals of \$1,226, up \$155, or \$2.98 a week. The single worker will pay \$117 less in income tax; the worker in a three-member family will get \$145. That is \$333, or \$6.40 a week, above the 1978 Social Security tax. The

income-tax cut will offset at least a part of the increase. However, the \$1,404 figure would be doubled to \$2,808 for a married couple in which the husband and wife each earns \$22,900 or more.

At \$25,000, for example, a single worker will get a \$146 reduction in income taxes; the three-member family will get a \$219 reduction. Persons or families with incomes of \$40,000 or more will get a tax cut of \$350 or more — completely wiping out the Social Security tax increase.

The maximum Social Security tax increase of \$6.40 a week will seem greater to those who have to pay it because of the way the tax is withheld.

The 1978 tax was 6.05 percent of the first \$17,700 earned. More than 85 percent of workers covered by Social Security earned less than \$17,700 and, thus, had Social Security taxes withheld from every paycheck they received throughout the year.

A worker who earned more than \$17,700 received one or more

checks near the end of the year from which little or no Social Security tax was deducted.

For example, a \$20,000 earner had about \$22.79 deducted from each weekly paycheck. After 47 weeks, the full maximum tax of \$1,071 had been paid. Each of the worker's last five paychecks of the year was \$22.79 fatter because the deduction had stopped.

But starting with the first check in January, the deduction will resume — and it will be larger than in 1978. In 1979, the tax will be 6.13 percent and will be collected on the first \$22,900 of earnings — rather than on the first \$17,700.

The \$20,000 worker will pay \$23.60 a week — every week of the year. There'll be no "tax holiday" at the end of the year.

The \$25,000 earner paid roughly \$29.10 for each of the first 37 weeks of 1978 and then paid no Social Security tax for the next 15 weeks.

Starting with the first check in January, that worker will pay about \$29.49 for each of the first 48 weeks. The "tax holiday" in 1979 will be only four weeks.

Lower federal income taxes take effect

WASHINGTON — Effective as of January 1, the federal income tax withholding total should decrease slightly for working people. But, at the same time the Social Security tax levels increased, partially offsetting gains from the decreased income tax.

Using typical taxpayers with deductible personal expenses of 23 percent of their income, the following

table shows how the average wage earner has been affected by the income tax cut and the Social Security tax increase. The first column is the income level, the second and third, the amount of income tax paid in 1978 and due in 1979, respectively; while the fourth and fifth columns show the 1978 and 1979 Social Security tax levels for the income levels shown.

Income	SINGLE PERSON		SS Tax	
	1978	1979	1978	1979
\$2,000	\$ 0	\$ 0	\$ 182	\$ 184
5,000	279	250	302	306
6,000	449	422	363	368
8,000	810	787	484	490
10,000	1,199	1,177	605	613
12,500	1,631	1,585	756	766
15,000	2,126	2,047	907	919
17,500	2,660	2,546	1,059	1,073
20,000	3,232	3,115	1,071	1,226
25,000	4,510	4,364	1,071	1,404
30,000	5,950	5,718	1,071	1,404
35,000	7,500	7,219	1,071	1,404
40,000	9,233	8,886	1,071	1,404

Income	MARRIED COUPLE		SS Tax	
	1978	1979	1978	1979
\$3,000	\$ 0	\$ 0	\$ 182	\$ 184
5,000	0	0	302	306
6,000	115	84	363	368
8,000	431	374	484	490
10,000	761	702	605	613
12,500	1,186	1,152	756	766
15,000	1,651	1,624	907	919
17,500	2,075	2,029	1,059	1,073
20,000	2,555	2,457	1,071	1,226
25,000	3,570	3,399	1,071	1,404
30,000	4,712	4,477	1,071	1,404
35,000	6,002	5,705	1,071	1,404
40,000	7,427	7,052	1,071	1,404

Income	FAMILY OF FOUR		SS Tax	
	1978	1979	1978	1979
\$3,000	\$ 0	\$ 0	\$ 182	\$ 184
5,000	0	-100	302	306
6,000	0	-100	363	368
8,000	120	84	484	490
10,000	446	374	605	613
12,500	917	792	756	766
15,000	1,330	1,233	907	919
17,500	1,745	1,609	1,059	1,073
20,000	2,180	1,071	1,226	1,226
25,000	3,150	2,901	1,071	1,404
30,000	4,232	3,917	1,071	1,404
35,000	5,464	5,065	1,071	1,404
40,000	6,848	6,312	1,071	1,404

SOCIAL SECURITY			
Earnings	1978	1979	Increase
\$8,000	\$484	\$490	\$6
\$10,000	605	613	8
\$15,000	907	919	12
\$20,000	1,071	1,226	155
\$22,900	1,071	1,404	333

FOR SOCIAL SECURITY AND TAX PURPOSES—NOT FOR IDENTIFICATION

JANUARY JUMP — Income scale and the rate of increase for the 1978-79 period which took effect on Jan. 1 are charted. Maximum tax for 1979 will be \$1,404, up \$333 from 1978. Only people with incomes of at least \$22,900 will have to pay the \$333 maximum increase over 1978's Social Security rate.

Region III holds meeting



Above, CSEA ATTORNEY PAULINE ROGERS addresses Region III officers and members attending a recent regional meeting. Others shown are, from left, CSEA staffers John Deyo, Regional Director Thomas Luposello, Flip Amodio; Region III President James Lennon and Region Third Vice President Stan Boguski.



Left, LEONARD GERARDI, right, President of the SUNY at Purchase CSEA Local 637, discussed union activities with Laura Woolis of the CSEA field staff.

Right, OSSINING CORRECTIONAL FACILITY LOCAL 161 representatives attending the recent region meeting were Dennis Manwaring, Local 161 President, and Stephen Wyley, CSEA Grievance Chairman of Local 161.

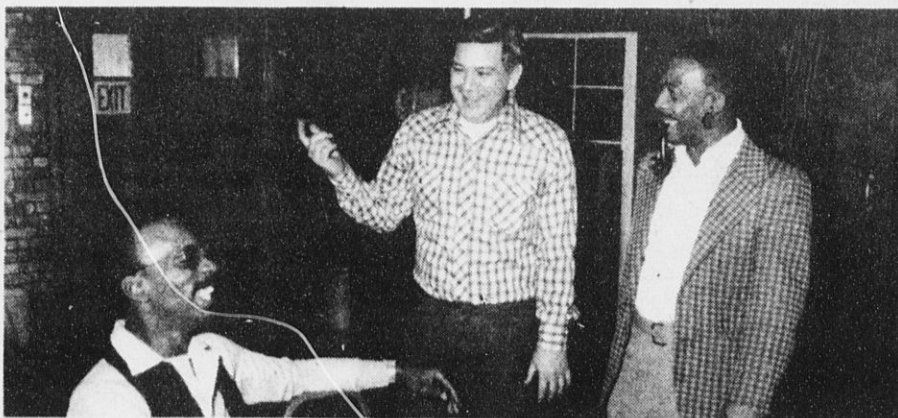


Left, MID-HUDSON CITY LOCAL 009 REPRESENTATIVES Cy Katz, left, and Harold Herbert.

Right, TOM McMAHON of the Unemployment Insurance Claims department in Newburgh speaks out during the recent region meeting. Photos by Ted Kaplan



Left, SHARING A LIGHTER MOMENT ARE Howard Poe, Vice President of Highland Training School CSEA Local 550; Mike Torres, President of Local 550, and Frank Mann, President of the CSEA Goshen Annex unit.



45 new jobs opening soon at Gowanda

GOWANDA — Forty-five jobs will be created and present Gowanda Psychiatric Center workers will get first crack at them, as well as the necessary training, when a new forensic treatment unit is established at the Center this Spring.

Those are the major guarantees of interest to Gowanda staff made by A. Stephen DuBois, Gowanda Director, to CSEA Local 408 President Maye A. Bull, during a meeting of the Western Regional Forensic Unit Task Force. Miss Bull has been a member of the task force since its inception.

With a current appropriation of \$300,000 and additional funds forthcoming for outfitting a wing of an existing building at the center, Mr. DuBois expects full operation of the 30 bed unit some time in May or June of 1979.

Modeled after the Hutchings Forensic unit in Central New York, the Gowanda unit will care for psychiatric patients who are unfit for trial, become disabled while jailed or are found not guilty by reason of insanity.

A core staff of half a dozen persons should be hired by the end of January or early February, according to GPC Deputy Director David Glazer, and the new unit should be completely staffed by the end of March.

Training will begin coincident with the hiring and will involve some instruction at other forensic units around the state, according to Mr. Glazer.

The core staff will include a psychiatrist (grade 38 — \$40,374.00) as Unit chief; a treatment team leader (grade 25 — \$20,366.00) to take over responsibilities for inpatient and outpatient programs; a MH Staff Development specialist (grade 18 — \$14,075.00) to develop and plan initial and on-going training; a psychologist (grade 23 — \$18,301.00) to assist in program development and the training program; a Community MH Nurse (grade 19 — \$14,850.00) or psychiatric social worker (grade 17 — \$13,304.00) to begin liaison with referring agencies, etc., and a senior stenographer (grade 9 — \$8,454.00).

When recruitment for the full staff is begun there will be a need for 15 mental health therapy aides (grade 9 — \$8,454.00), six nurses (grade 13 — \$10,624.00), five safety officers (grade 9 — \$9,002.00) and a gamut of other titles ranging in grade from 4-19.

Assisting Miss Bull in monitoring the task force's staffing was Western Region 6 Research Assistant Mark Higgins.

Local 850 elects officers

WATERLOO — Members of Seneca County Local 850 of the Civil Service Employees Association recently elected the following officers:

Rino Piagentini, Seneca County Highway Department, President; Merlin Brignall, Seneca County Sheriff's Department, First Vice President; Sharon Irland, Skoi-Yase School, Corresponding Secretary; Joan Swarthout, Motor Vehicle Bureau, Treasurer; Brian Dombrowski, Seneca County Health Department, Representative.

Creedmoor staff praised

NEW YORK CITY — Most public employees of the Creedmoor Psychiatric Center received praise for their work in "CBS Reports — Any Place But Here," a nationally televised program by CBS News on Dec. 26, 1978.

The interviews by Bill Moyers with the administration of Creedmoor and with parents of some of the patients did include complaints of not enough staff and a tight budget.

Region II President Solomon Bendet, who watched the program on television, said: "Mental Hygiene people work under very difficult conditions, are understaffed and overworked.

"I am totally opposed to dumping patients into single-occupancy rooms and into communities without having properly qualified state employees to take care of them."

LOOKS LIKE SOME REPAIRS ARE NEEDED BEFORE I CAN GET OFF THE GROUND



REGION 1 — Long Island Region
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

Public employee image at stake

There is no doubt but that the image of public employees has slipped over a period of many years, mostly due to circumstances that have little or nothing to do directly with the employees themselves. At one point, public employees were held in generally high esteem by their peers. In this country then, and in many European nations still, public employment was looked upon as an honorable profession.

Certain myths about public workers in general have developed over a period of many years. And today, as a result, the general view of public workers is somewhat less than flattering, certainly less than factual.

The decision by CSEA, working in conjunction with AFSCME, to mount a major institutional advertising campaign to address the issue of how public workers are viewed by the public itself is most commendable. On the surface, it may appear to be an insurmountable task, but in fact it is a necessary, timely and at least partially obtainable objective.

Coincidental with the continuous rise in inflation and taxes has been a growing disdain, fueled by misunderstanding, of public employees. In the fervor to hold the line on increasing taxes, most of

the general public has lost the connection between essential public services and the public employees who provide them. The misconception that firing masses of workers will resolve fiscal ills of a

community, state or nation has to be corrected.

Money spent to help restore respect for and understanding of public workers is money well spent. (R.A.C.)

Beware 'reform' plan

New York City Mayor Edward Koch's Civil Service reform proposals should be billed as a Civil Service deform.

Region II President Solomon Bendet may be too mild when he likens the proposals to a return to the spoils system.

Beyond the cronyism and patronage aspects of the proposals are the seeds of union busting.

Not only would the politicians have greater control over who would or would not be a public employee, the proposals also reduce the number of union members and weaken the ability of public employee unions to protect their members.

We are confident that CSEA will let the State Legislature know what to do with Koch's proposals. (G.A.)

in our Opinion



Strikes are a great evil fr th' wurrakin' man, but so are picnics an' he acts th' same at both.

Finley Peter Dunne
Mr. Dooley Says, 1910

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Drive underway for membership

NORTH AMITYVILLE — When one gets into a discussion about union activities with Long Island CSEA Region I President Irving Flaumenbaum and Regional Director Edwin J. Cleary, it quickly becomes apparent that those activities are many and of a wide variety. For instance, both touched upon many activities during a recent informal, rambling discussion, including:

- The membership drive, which started Dec. 2, 1978, and which ends March 31, 1979, recruited more than 300 new CSEA members in December. By the time the campaign is over, more than 1,000 new members are expected.

The drive is being conducted by the 11 members of the regional field staff, who are working through unit officers.

Many of the new members had been unaware of how to join CSEA. Also CSEA is sending representatives to new-employee orientation sessions.

- There is happiness about Gov. Hugh L. Carey's plans to send more mental patients into the communities under the supervision of State employees.

It is what we fought for for years," Flaumenbaum said.

- The union is preparing to negotiate contracts in approximately 100 school districts in Nassau and Suffolk counties.

At least six full-time negotiators will be needed to represent the more than 10,000 CSEA members under those contracts. In some school districts there are as many as five individual bargaining units, including custodial, cafeteria, clerical and bus drivers.

Financial problems and layoff threats make these negotiations extremely important.

- A Tax Reform Committee, to gather information on tax reform, on Proposition 13 and on initiative and referendum; and to speak to local groups about the effects of such proposals is being organized by Region I.

"People have to know about Proposition 13. It is the biggest farce. As soon as services are lost, people scream," Flaumenbaum said.

He reported many library closings, reductions in the number of police and a deterioration of roads because of inadequate repair funds.

"A hoax was perpetrated on the public. There are other ways to cut taxes. Government, labor and the public need to sit down," he said.

Flaumenbaum also said in California many people are now being assessed for services which had been free, including garbage, recreation and educational facilities.

"Proposition 13 is hurting the middle class and the poor class. Only the wealthy gained," he said.

Those asked to be on the Tax Reform Committee (all responses are not in yet) were:

Frank Bratby, chairman, Nassau County Chapter; Arthur Loring, Long Island State Parks Chapter; Robert Conlon, Suffolk Educational Chapter; John Johanson, Kings Park Chapter; Mildred Just, SUNY Stony Brook Chapter; Joseph Cleoter, Hauppauge State Office Building Chapter; Terri Hall, Nassau Educational Chapter; Philip Schneider, Long Island



THE HUB OF CSEA ACTIVITY IN LONG ISLAND REGION I is the regional headquarters at 740 Broadway in North Amityville. From the two-story building which proudly displays the letters CSEA, the union's activities in Nassau and Suffolk counties are directed.

Courts Chapter; and Charles DiMartino, Suffolk County Chapter.

- The region also has appointed a Special Dues Restructuring Committee to prepare information for the region's delegates to the March CSEA convention in Albany.

Flaumenbaum said he expects to call a meeting of the Long Island Region delegates prior to the convention.

Members of the committee are: William Lewis, chairman, Suffolk County Chapter; Al Varacchi, SUNY Stony Brook Chapter; Walter Weeks, Suffolk Educational Chapter; Greg Szurnicki, Kings Park Chapter; Arthur Loving, Long Island State Parks Chapter; and Edward Perrott, Nassau Educational Chapter.

- Seven Training, Information and Education (TIE) Committee workshops were held by the region in September, October and November 1979. More than 500 people attended the TIE workshops. The workshops included:

Administrative Workshop, Sept. 6, 1978; Institutional Workshop, Sept. 20; Shop Stewards Workshop, Sept. 27; Operational Workshop,

Oct. 4; PS&T Workshop, Oct. 18; Non-instructional School District Employees Workshop, Nov. 15; and Election Procedures Workshop, Nov. 29.

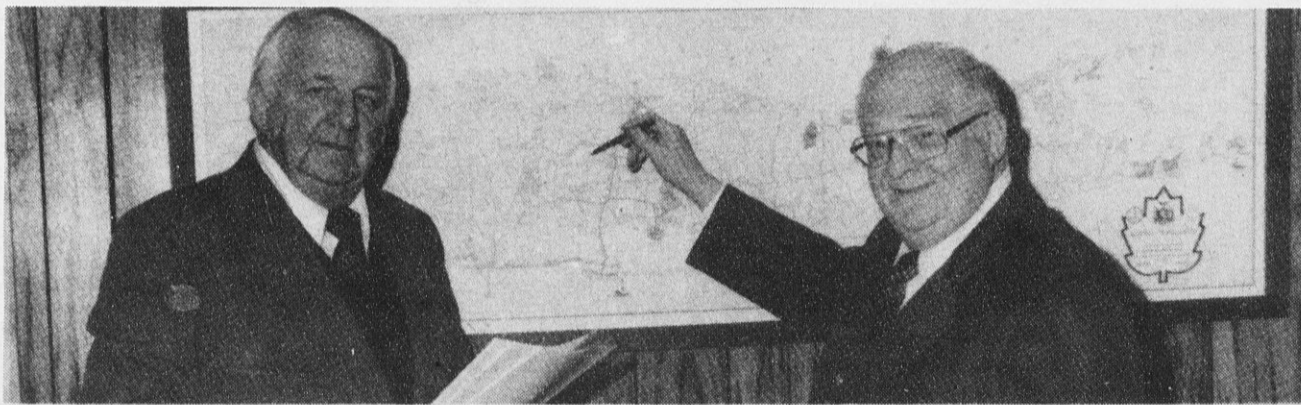
- CSEA is challenging Teamsters Local 237 for representation of the non-instructional employees of the Plainview School District. A hearing to schedule the representation election is set for Tuesday at the New York City office of the Public Employment Relations Board (PERB).

The union also is in the process of acquiring signatures to present to PERB for challenging the Teamsters in the Town of Islip.

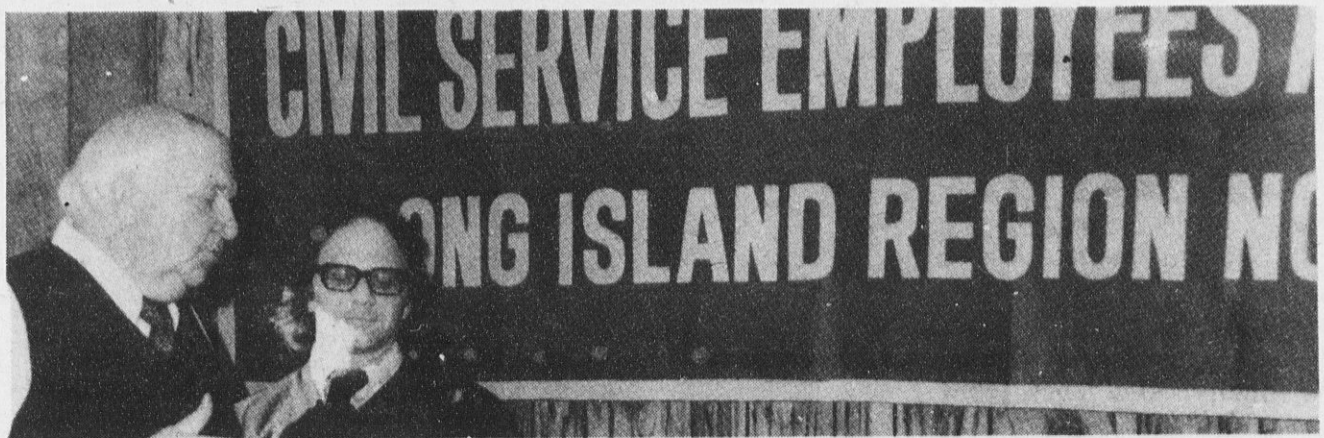
Another representation challenge is in the works in South Huntington School District No. 13, where another public employee union represents the employees.

- Flaumenbaum said: "CSEA is still a strong and viable union with more political clout than we ever had. This only happens with the full cooperation of its members.

"Here in Region I we work together on all of our problems, state or county. We work closely together."



DISCUSSING THE NASSAU COUNTY BUDGET are Region I Field Director Edwin J. Cleary (left) and Research Analyst Frank Abbey at the regional headquarters in North Amityville.



A REPRESENTATION CHALLENGE BY CSEA against the Teamsters in the Plainview School District is discussed by Region I Field Director Edwin J. Cleary and Region I President Irving Flaumenbaum. Flaumenbaum points to where the district is located.

CSEA prepares to launch campaign

ALBANY — "We can't keep walking away from the lies and myths about our members," CSEA President William L. McGowan said in announcing the start on January 17 of a joint CSEA and AFSCME advertising campaign that will be the first-ever "institutional" campaign by CSEA, as well as the largest advertising program the union has ever undertaken.

"We have seen public resentment toward public employees turn to persecution in the voting booths across this nation and across this state and we can't let it continue," Mr. McGowan said. "It's time to set the public straight about public workers, who they really are and the important role they play in this state."

Through statewide television, radio and newspaper advertising jointly sponsored by two giant public employee unions, New York voters will be hearing a simple but important message throughout the year: public employees are working to make life better for all New Yorkers.

Beginning January 17 in newspapers and on radio stations in New York City, Albany, Syracuse, Rochester and Buffalo, the campaign's message will reach out to more than 90 percent of the state's eligible voters, the ultimate target of

the campaign. Early in February television commercials will appear in those same five major media markets and around which the vast majority of the state's population is located.

The newspaper and radio advertising will continue for approximately three months with the television commercials running for about six weeks during that period. Then sometime in the summer another five weeks of television, newspaper and radio advertising will occur followed by another six weeks of television, newspaper and radio advertising later in the year.

The union's Board of Directors authorized a CSEA advertising program at its November 16 meeting at the request of President McGowan. The continuing decline of the public perception of public employees and the increasing wave of tax "revolts" were cited by Gary Fryer, CSEA Assistant Director of Public Relations, in a presentation to the Board urging its approval of an advertising program to improve the image of public employees.

At that meeting, President McGowan told the Board that he would approach AFSCME concerning the possibility of an expanded program. What resulted was a cooperative effort by AFSCME and CSEA to create a massive statewide

campaign using television commercials made by AFSCME and an expansion of CSEA's newspaper and radio campaign authorized by the Board.

"After the November Board meeting we were going to have our own three month program in newspaper and radio advertising and AFSCME was going to have its own television advertising program. Now we have a joint program built around the CSEA newspaper and radio advertising but adding television and an expanded period in newspaper and

radio," President McGowan said.

"Instead of each of us spending a lot of money telling different things to different people, we will be merging our efforts as an example of how cooperation through affiliation can have a direct and tangible benefit for our membership," Mr. McGowan said. "We took the seed planted by the Board and with the help and assistance of AFSCME made it grow into a massive campaign that will ultimately benefit CSEA members in every state and political subdivision work site throughout New York."

Public employee image needs public relations

ALBANY — Why should a labor union worry about improving the "image" of public employees? According to CSEA's Public Relations Department, the reason can be found in the unique nature of public employment and the increasingly direct control that the public has in setting funding levels for government.

Gary Fryer, Assistant Director of the union's Public Relations efforts, puts the case succinctly: "With Proposition 13 winning by such an overwhelming margin on the West Coast and the increasing number of public referendums in New York that impact on public employees, we can no longer afford the luxury of ignoring public opinion."

CSEA and the American Federation of State, County and Municipal Employees (AFSCME) are embarking next week on a unique program of institutional advertising designed to show the public that public employees are there to do important jobs that make the lives of all state residents better. The theme of the campaign is, "Public Employees: Where Would You Be Without Them?"

Starting with newspaper and radio advertising then spreading into television commercials, the campaign will reach into the homes of millions of New York State voters throughout 1979.

"What we're confronted with," Mr. Fryer said, "is a situation where through countless unanswered assaults on public employees, voters

have grown accustomed to thinking of public employees as overpaid bureaucrats who shuffle papers throughout their careers then retire on inflated pensions.

"For too many years we have failed to address this growing problem. We know the thousands of important jobs public employees do and the difficult conditions under which they work. We also know how much "bull" it is to say public employees are overpaid and retire on "fat" pensions. But we haven't been telling our story to the public. We haven't been countering the lies," Mr. Fryer said.

The potential effect of these years of neglect became apparent in June of last year when by a nearly two-thirds margin, the voters of California threw caution to the wind and slashed their property taxes without regard to its impact on public employees and the services they provide. Polls showed that in voting for Proposition 13 most voters were convinced no service cuts would result because there was so much "fat" and waste in the system.

Through attacks on local budgets in Suffolk, Nassau and Westchester County and with continued tax slashing talk spreading statewide, it became abundantly clear that something had to be done to educate New York voters on the role of public employees in the state's life style.

"When we went to the Board of Directors with our program," Mr. Fryer said, "it was evident that they shared our concerns over this increasingly threatening problem and its impact not only in a "tax revolt" but in legislative areas and "contracting out". It was agreed that immediate action was needed.

"After consultation with Mike Dowling, AFSCME's Director of Public Affairs, it became apparent that by combining our efforts with AFSCME's plans for a state institutional advertising program as part of its national advertising program, that we could achieve an enormous impact within the state. The result of our efforts is a massive statewide advertising program to begin to correct the years of neglect of this situation and let the public know just how important public employees really are."

PUBLIC EMPLOYEES, Where Would You Be Without Them?

Program in 5 major areas

Five major areas of the state have been targeted for the CSEA/AFSCME media blitz starting January 17. More than 91 per cent of the state's eligible voters reside in the five key media market areas; New York City, Albany, Syracuse, Rochester and Buffalo.

Beginning January 17, newspaper advertisement will appear in major newspapers in each of the

five areas, and a total of seven ads will appear in each market by March 30. Additional ads will appear later in the year.

Ads will appear in the following newspapers beginning next Wednesday, January 17: New York City, Daily News; Albany, Times Union, Knickerbocker News; Syracuse, Herald-Journal and Post Standard; Rochester, Democrat Chronicle and Times Union; and Buffalo, Evening News.

At the same time, radio commercials will be on the following radio stations: New York City, WOR and WRFM; Albany, WGY and WROW; Syracuse, WHEN and WKFM; Rochester, WHAM and WEZO, and Buffalo, WKBW and WBNY.

A television commercial schedule is not yet complete, but tv commercials are set to begin in early February.

Legislative panel set for Feb. 10

ALBANY — A CSEA Legislative Seminar to inform the union's leadership, both statewide and local, on the CSEA 1979 legislative program will be Feb. 10.

The 9 a.m.-4 p.m. seminar at the Convention Center of the Rockefeller Mall complex in Albany also will include input from the leaders of the State executive and legislative branches, Bernard Ryan, CSEA legislative and political action director, reported.

Ryan, who is coordinating the seminar with Martin Langer, chairman of the CSEA Legislative and Political Action Committee, said the purpose of the seminar is to inform CSEA local and unit presidents and legislative and political action representatives as well as other CSEA members on the union's 1979 legislative program and the strategy for that program.

The program for the seminar is: 9 a.m. — Registration, coffee and Danish.

10 a.m. — Workshops covering the following areas: Taylor Law legislation, Civil Service legislation, retirement legislation, mental hygiene legislation, local government legislation and school district

legislation.

Noon — Lunch and addresses by State government leaders and possibly AFSCME leaders.

2 p.m. — Plenary session on the purpose of the legislative program.

2:45 p.m. — Plenary session on how the legislative program is being conducted.

3:30 p.m. — Question/answer session.

There is no charge for the seminar, including the lunch and morning snack, Ryan said.

However, he said all those wishing to attend must return the accompanying coupon to him by Feb. 2 signed by the local president.

Ryan said letters of information and invitation will be sent to the members of the Board of Directors and to all local presidents. The invitation letter is not required for attendance.

Those who attend the seminar will be supplied with materials to help conduct political action on the local level, including outlines for letters and information on key people to contact, Ryan said.

He also said additional information on the seminar will be released in the coming weeks.

CSEA Legislative Seminar

February 10, 1979

Return to: Bernard Ryan
CSEA Room 2020
99 Washington Avenue
Albany, N.Y. 12210

NAME _____

ADDRESS _____

CITY _____ STATE _____

ZIP _____

POSITION IN UNION _____

LOCAL NO. _____

LOCAL PRESIDENT'S SIGNATURE _____

Return by February 2, 1979

Calendar of EVENTS

JANUARY

- 11 — CSEA statewide Board of Directors monthly meeting, Albany.
- 12-13 — Region 6 workshop, Holiday Inn, Fredonia.
- 17 — Martin Luther King Memorial Ceremonies, Pilgrim Psychiatric Center, West Brentwood, 9 a.m.-4 p.m.
- 17 — Buffalo Local 003, monthly delegates dinner meeting, 5:30 p.m., Plaza Suite, One M&T Plaza, Buffalo.
- 22 — Regular meeting of the Binghamton Area Retirees Chapter No. 902 will be held at Garden Village West, at 2 P.M., 50 Front Street, Binghamton, N.Y. All Retirees in the Counties of Broome, Chenango, Otsego and Delaware are cordially invited to attend.
- 29 — Region V CETA Committee Meeting, 6:30 p.m., Sheraton Motor Inn, Thruway Exit 37 at Electronics Parkway, Syracuse.



CSEA REGION II PRESIDENT SOLOMON BENDET AND AFSCME District Council 37 Executive Director Victor Gotbaum (left) sit down over lunch in a New York City restaurant to discuss mutual problems.

REGION II FIELD DIRECTOR GEORGE BISPHAM (left) and Region II President Solomon Bendet discuss recent developments in the region at a meeting in Bendet's office.



Region II report

Koch's new 'reform' plan worries Bendet

NEW YORK CITY — Metropolitan CSEA Region II President Solomon Bendet says he is concerned about a number of issues impacting upon CSEA members, and the continuous attack upon the Civil Service System is clearly one of his prime concerns.

"The Civil Service System is under severe attack by politicians who ask to return Civil Service jobs to the spoils system. It is all being done in the name of Civil Service Reform," Bendet said.

He said it started with President Carter on the federal level and it has been taken up by New York City Mayor Edward Koch.

Bendet has informed CSEA of Koch's plan, which would rewrite the rules under which public employment is regulated in New York State.

Thirteen of Koch's 19 proposals require action by the State Legislature and would effect CSEA members, not just New York City employees.

Some of the key Koch proposals are:

- Broaden the definition of management confidential to increase the percentage of public employees excluded from union membership.

- Allow the appointment of up to 10 percent of management confidential employees without examination.

- Set specific terms for individuals hired as managers.

- Replace the one-in-three rule, which allows the appointment of any of the top three qualifiers on a Civil Service examination, with allowing the appointment of anyone placing in the top 10 percent on the examination.

- All employees hired during a two-year period would have equal seniority.

- Managers would use new performance-evaluation criteria in choosing which employees to fire.

Koch said his proposals were an outgrowth of President Carter's federal Civil Service reforms.

Bendet, in a letter to Koch, said: "Your alleged 'civil service reform' appears to be nothing more or less than a smoke screen, intended to obscure the inadequacies and failures into the laps of dedicated civil service employees.

"In my humble opinion, your proposed 'civil service reform' is a call to return to the spoils system and supply more patronage jobs. . .

"Perhaps civil service reform which would require that every governmental employee be employed on a merit basis and not a political basis would give government the type of policies and employees which would make it operate efficiently."

Bendet has provided 10 suggestions for legislation to the CSEA Legislative and Political Action Committee, as requested by the committee, including:

- Repeal or substantial revision of the Taylor Law.

- A salary increase sufficient to erase the erosion of inflation.

- Elimination of contracting out of Civil Service work.

- A revised salary schedule to reflect the salary increases won in the last two years.

- The seven-step salary schedule, including longevity increments should be restored.

- The inequities inflicted on employees by the present interpretation of the Workers Compensation Law should be eliminated.

- The Tier I non-contributory pension system must be negotiated for all employees.

- Increments must be made mandatory as provided by the

Feld-Hamilton Law and should not be made part of negotiations.

- An employee who retires should be permanently tied to the salary grade from which he retired. Everytime the salary grade is increased, the pension should be increased accordingly.

- A cost of living escalator for all salary grades and pensions.

He said: "Many new State employees are dismayed and discouraged because they find themselves on a different pay schedule and retirement plan than the person doing the same job next to them.

"All tiers of the pension system should be combined into Tier I and pay schedules should be combined to the most favorable one.

"I would like to eliminate the contributory pension system which new employees are being forced into and which reduces Social Security benefits."

Bendet pointed out the large number of spurious charges made by State departments against CSEA members, which the employee usually proves were unfounded.

He also pointed out that both the State and CSEA waste thousands of dollars on these cases.

Region II Field Director George Bispham, referring to Mental Hygiene employees, said: "There are too many facility directors and personnel officers who suspend and ask for employee termination solely on the basis of hearsay accusations made mostly by patients."

Bendet said: "I am looking forward to a greater, stronger, independent CSEA, which will cooperate with District Council 37 and all other AFSCME units in this area." DC 37 represents the bulk of the municipal employees of New York City.



FIELD REPRESENTATIVE MONA CAPOLLA and Public Relations Specialist Mike Rich discuss a recent grievance problem. The meeting was at the regional headquarters at 11 Park Place in Manhattan.

Employee reinstated at HVPC

HARLEM VALLEY — In a case the union sees as "a matter of principle," CSEA has won reinstatement with full back pay for a Harlem Valley Psychiatric Center employee who was improperly suspended from his job.

On Oct. 11, 1978, Robert Fiero, a Mental Hygiene Therapy Aide, was suspended without pay for refusing to drive a patient to a general hospital in New Milford, Conn. Mr. Fiero made this refusal twice — once on Oct. 10th and once on Oct. 11th.

"The issue here was really a matter of principle," said Irene Cummings, CSEA's Administrative Assistant in its Legal Assistance Program. "We felt that imposing the penalty of suspension prior to a hearing was not only unwarranted by the simple act of refusing an assignment, but that it was also illegal under Article 33.4J of the contract."

That article, which is contained in all four of CSEA's statewide bargaining agreements, states that an employee may be suspended without pay "only if the appointing authority determines that there is probable cause to believe that the employee's continued presence on the job represents a potential danger to persons or property or would severely interfere with operation."

"We included that specific language in all four contracts for a reason," Ms. Cummings said. "Without it, management could just arbitrarily suspend anyone without pay. . . . The contractual language is there to guarantee fair play for the employees."

CSEA Local 409 immediately took Mr. Fiero's case to arbitration. Arbitrator Jonas Silver noted in his decision that the institution did not try to claim that Mr. Fiero's refusal constituted "danger to persons or property, but rather rested its case on the director having determined that his continued presence would severely interfere with facility operations."

Mr. Silver wrote, "Suspension before judgment on the merits is a drastic measure of relief and is therefore limited specifically to actions that 'severely interfere with operations.' Inconvenience is not enough."

This was the point that the union wanted to establish in this arbitration, according to Ms. Cummings, and the arbitrator agreed with the union's point of view.

"There was inconvenience caused by Mr. Fiero's refusal, but not severe interference with operations," Mr. Silver wrote.

Among the reasons Mr. Silver gave for his decision was that the institution could easily have assigned someone else to the job Mr. Fiero refused.

As a result, the arbitrator ordered Mr. Fiero to be paid back for the loss of pay he sustained from Oct. 11 to Nov. 8, 1978, when he was reinstated to his job and resumed work.

Handling the case for CSEA was Paul Eckelman, representing CSEA regional attorney Thomas Mahar.

Report Card

Keeping an eye on 19A

A biweekly column for and about the thousands of non-instructional employees of school districts throughout New York State 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.

Article 19A of the Vehicle and Traffic Law was implemented in 1976. The Law, as stated in Section 6.1, "... was enacted to further highway safety by creating standards for qualifying bus drivers. . ." Meeting the qualifications is in itself somewhat difficult. However, once the initial qualifications are met, each bus driver is subject to annual and biennial reviews.

One such annual review relates to the driving record of each bus driver. The school district is required by law to review driving records for violations (other than parking) of the Vehicle and Traffic Law. Each employee must submit to the school district any violations

which he has been convicted of. Further, the school district shall also obtain an abstract of each employee's driving record from the Department of Motor Vehicles.

The school district shall conduct a personal interview with each employee to check the accuracy of the information provided on the driving record. Although the law does not require termination of an employee based on either a single or a series of incidents, it does permit a school district to apply reasonable standards in making a determination of continued employment.

A bus driver is also subject to disqualification based on failure of the biennial physical examination. If an employee fails an examination, he may receive another physical. If the re-examination conflicts with the original examination he is entitled to a re-examination by either a school physician or one agreed to by the school district and employee. However, the employee remains

unqualified to drive a bus until he passes a re-examination.

Probably the most difficult part of 19A to deal with is Section 6.23 (B). It states as follows: "Nothing in this part prohibits a motor carrier, school district, the Commissioner of Education or other administrative agency from requiring and enforcing more stringent rules and regulations relating to safety of operation." Naturally, CSEA recognizes the need for safeguards in the transportation of children. However, CSEA also recognizes the need to keep a watchful eye on changes in the law and violations of the law from the employee's point of view.

Although I've extracted only a few of the numerous provisions of the law, it is hoped non-instructional employees who are not covered by 19A have a better understanding of this particular law. If you believe a problem involving 19A exists in your unit, your field representative should be contacted to help you to evaluate the situation.

Arbitrator reinstates Local 429 member

NEW YORK CITY — A Staten Island Developmental Center employee who was unfairly terminated in October is back on the job today, thanks to an arbitration victory by CSEA.

Etta Newsome, a member of CSEA Local 429, received on Oct. 10, 1978, notice of termination from her job. The charges: that she had "physically abused a patient by striking him on the head, as observed by a witness."

Her union immediately went to her assistance, bringing the case before arbitrator Herbert L. Marx.

At the arbitration, supervisor Nancy Begley testified that on Oct. 3, she found Ms. Newsome "hitting a

client several times on the side of the head with a sneaker." She also testified that she then called another supervisor, Joann Allen, who was on a lower floor of the building. Ms. Allen testified that she left her office immediately after the call, and ran into Ms. Newsome outside her office. The two then proceeded upstairs to talk with Ms. Begley.

Throughout the proceeding, Ms. Newsome's testimony was that she had never hit a client with a sneaker, and that in fact, she was trying to soothe him by patting him on the head.

The arbitrator found that he could not believe the supervisor's testimony. He added, "Allen testified that she

left her office downstairs as soon as Begley called her. Yet Allen found Newsome already downstairs when Allen left her office. Thus, whatever Newsome was doing, it must have stopped just as Begley went to the telephone. . . . Yet Begley testified that the physical encounter was in progress when she left the ward to use the telephone.

"By an agreement of all, the client was not in tears or in obvious pain, nor was a mark of any kind found on his head or face, immediately after the incident. Also, Newsome has a clear record over eight years of service.

These factors led the arbitrator to find in favor of Ms. Newsome.



A \$600 CHECK has been presented to the Albany County chapter of the New York State Association for Retarded Children by members of CSEA Local 674, State Department of Motor Vehicles. The donation was raised via raffles conducted by the Local. Local 674 President Jean Book is shown making the presentation to Frank Sheridan, President of the Albany Chapter of ARC.

LETTERS to the Editor

We encourage letters from readers pertaining to items which have appeared in THE PUBLIC SECTOR or which are of interest to public employees. Letters must contain the name, address and telephone number of the writer for verification purposes. Telephone numbers will not be printed, and names may be withheld upon request. Send all letters to THE PUBLIC SECTOR, Clarity Publishing Inc., 75 Champlain Street, Albany, N.Y. 12204.

Stony Brook files grievances

STONY BROOK — Al Varacchi, president of CSEA Local 614, filed two grievances on Dec. 29, 1978, against the State University of New York at Stony Brook's imposition of a registration fee for parking and the closing of the administration parking lot.

Varacchi demanded that the University wave the first two steps of the grievance procedure and move to the third step which requires a representative of the University system Chancellor's office be sent from Albany to mediate between the union and the Stony Brook administration.

Varacchi warned if the administration refuses to wave the first two grievance steps, CSEA would

take legal action against the parking fees.

"The parking fees, imposed arbitrarily without consulting the union which would have vehemently opposed them, are a violation of the contract and are illegal. We consider them a provocation by the administration and will not sit idly by while management attempts to subsidize the school's bus routes by taking away money from employees," Varacchi said.

An answer from the administration was expected this week, but Varacchi said CSEA "will not sit on its hands waiting for the President's office to get around to the parking problem. I don't think they realize the seriousness of the situation or how angry we are."

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 _____

Agency No. _____

My social security no. _____

STATE OPEN COMPETITIVE JOB CALENDAR

The following jobs are open. Requirements vary. Apply with the state Civil Service Department, 2 World Trade Center, Manhattan; State Office Building Campus, Albany, or 1 West Genesee St., Buffalo.

FILING ENDS JANUARY 22, 1979

Title	Salary	Exam No.
Forester	\$11,250	No. 24-862
Forester Trainee	\$10,624	No. 24-862
Maintenance Supervisor II	\$11,904	No. 24-895
Maintenance Supervisor III	\$13,304	No. 24-896
Maintenance Supervisor IV	\$14,850	No. 24-897
Photographer I	\$ 7,997	No. 24-899
Photographer II	\$ 9,481	No. 24-900
Plant Superintendent C	\$14,850	No. 24-902
Plant Superintendent B	\$17,365	No. 24-903
Plant Superintendent A	\$20,366	No. 24-904
Senior Photogrammetrist	\$14,850	No. 24-906
Correctional Facility Assistant Food Manager	\$11,250	No. 24-907
Correctional Facility Food Manager	\$13,304	No. 24-908
Coordinator of Uniform Reporting and Accounting Systems	\$25,295	No. 27-835
Assistant Petroleum Engineer	\$14,850	No. 27-854
Senior Petroleum Engineer	\$18,301	No. 27-855
Consultant Nurse (Community Nursing and Home Health Services)	\$19,288	No. 27-867
Photogrammetrist	\$11,904	No. 27-869

FILING ENDS FEBRUARY 5, 1979

Social Worker I	\$13,304	No. 27-852
Social Worker II	\$14,850	No. 27-853
Psychiatric Social Worker I	\$13,304	No. 27-864
Psychiatric Social Worker II	\$14,850	No. 27-865

FILING ENDS FEBRUARY 12, 1979

Psychologist I	\$16,469	No. 27-843
Psychologist II	\$18,301	No. 27-844
Associate Psychologist	\$18,301	No. 27-845

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

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	\$6,148	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	\$10,118	20-888
Dietician	\$10,714	20-887
Supervising Dietician	\$12,670	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.

ARBITRABILITY — PUBLIC POLICY

The Court of Appeals recently handed down two decisions on the same day, each with the same title, which contained significant discussion concerning the much litigated issue of arbitrability in the public sector. The one case involved a consolidated appeal of applications to stay arbitration. The subject matter of the two grievances were: 1) A claimed contract violation by the Board's action in implementing an educational program without first submitting it for an advisory opinion to a joint committee established by the contract, and 2) the superintendent's unilateral action of eliminating certain extra-curricular activities without first referring the matter to the appropriate joint committee. The district contended that arbitrations should be stayed because the relief demanded, if granted, would violate public policy. The court held that even though the relief, in precisely the form demanded by the teachers, if granted by an arbitrator, might ultimately lead to a vacatur of such an award, this consideration did not justify judicial interference with the arbitration process. The court stated that the arbitrator's power to fashion relief should not be presumed in advance to necessarily entail public policy conflicts. The concurring opinion of Chief Judge Breitel notes that only rarely may public policy be invoked to stay arbitration, and that the public policy must be a strong one, amounting to gross illegality or its equivalent.

The other case dealt with an application to vacate an arbitration award. The collective bargaining agreement contained a clause which provided that preference in filling vacancies or new positions would be given to members of the present school staff when qualifications of the applicants were substantially equal. The Board had awarded a position to a person who was not then employed by the district. The arbitrator set aside this choice as being in violation of the contract, and appointed another applicant who was already on the staff. The court of Appeals held that this award did not violate public policy.

Matter of Port Washington Union Free School District v. Port Washington Teachers Association (45 N.Y.2d 411); *Matter of Port Washington Union Free School District v. Port Washington Teachers Association* (45 N.Y.2d 746).

... for reference, Article A, Vol. 3 No. 10

DUTY OF FAIR REPRESENTATION

The petitioner instituted an Article 78 action to contest her layoff on the ground that her seniority rights were superior to those of another teacher who was retained in his position by the Board. The retained teacher intervened in the action and moved to require counsel for the petitioner, who was employed by NYSUT, to withdraw unless NYSUT also provided him with free legal counsel. Special Term granted the motion. The Appellate Division, Second Department, reversed and held that the duty of fair representation had not been breached. The court reviewed the cases in this area, and noted that

conflicts of interest cannot be avoided by a Union when it becomes necessary to support one position, or employee, against another. Such a potential conflict is necessarily inherent in a seniority rights dispute. However, the court stated, such conflict should not work to paralyze the Union. What is required is only that the Union exercise its "business judgment" in good faith when deciding to undertake legal representation of one employee or another.

Matter of Jacobs v. Board of Education, East Meadow Union Free School District (A.D.2d ____, NYLJ, October 11, 1978, page 1).

... for reference, Article D, Vol. 3, No. 10

MATERNITY LEAVE

The petitioner was terminated from her civil service position for failure to return to work after the purported end of her unpaid maternity leave period. The applicable contract rule stated that it was mandatory for the employer to grant the first twelve months of requested maternity leave. However, the respondent employer contended that this twelve month period commenced on the date petitioner left work for the birth of her child. Petitioner and the court disagreed with the employer. The court held that petitioner was entitled to take advantage of all her accrued sick leave prior to using the mandated twelve months of maternity leave, and it ordered her reinstatement with back pay.

Matter of German v. Bartlett (Sup. Ct., N.Y. Co., September 27, 1978).

... for reference, Article E, Vol. 3 No. 10

ABOLISHMENT OF POSITION

The Village Board of Trustees adopted a local law abolishing the position of Chief of Police and established a three member Board of Police Commissioners, two of whom would be trustees and one a law enforcement officer who would serve as Chairman thereof. As a result of this, petitioner, a permanent civil service employee in the competitive class, lost his job and a former subordinate was appointed as Chairman of the new Board. The court determined that this new position entailed substantially the same services as the former Chief of Police position, and, invoking the rule that a municipality may not abolish a civil service position in bad faith for the purposes of subterfuging statutory safeguards afforded to civil servants before discharge, declared the actions of the trustees null and void and reinstated petitioner with back pay.

Matter of Elar v. White (Sup. Ct., Nassau Co., October 23, 1978).

... for reference, Article F, Vol. 3 No. 10

DISCIPLINARY PROCEEDINGS— EXCESSIVE PUNISHMENT

A tenured teacher was dismissed for misconduct on charges that he refused to abide by his agreement to remove a certain objectionable book from his curriculum and that he walked out of a conference with his superior. The court held that even under the broad "shocking to one's sense of fairness" test, the punishment here should be set aside since the conduct involved neither moral delinquency nor predatory motive, nor did it indicate a lack of

capacity as a teacher or involve grave injury to the school district.

Matter of Harris v. Mechanicville Central School District (45 N.Y.2d 279).

... for reference, Article G, Vol. 3 No. 10

PAST PRACTICES

In an improper practice case the facts were that the County had unilaterally terminated its long-standing policy of providing cars to certain employees on a 24-hour basis. PERB held that the privilege of employees to use County cars for driving to and from work was a term and condition of employment not covered by the contract and one which could not be unilaterally altered by the County (citing *County of Cattaraugus*, 8 PERB Par. 4516). The hearing officer further held that the "management rights" clause of the contract did not constitute an explicit waiver of this rule. The County was ordered to reinstate its former practice and to compensate the employees for their expenses in commuting to and from work since February 14, 1977 plus interest at three percent per annum.

Matter of County of Onondaga and Onondaga County Chapter CSEA (PERB case No. U-2737, October 17, 1978).

... for reference, Article H, Vol. 3 No. 10

ARBITRATION—

HOLIDAY PAY

The Union brought a declaratory judgment action seeking an interpretation of the rights of town employees under a collective bargaining agreement as it related to observance of Lincoln's Birthday. Lincoln's Birthday fell on a Sunday, February 12, 1978. The contract contained a provision for leave with pay for Lincoln's Birthday, or if an employee worked on that day then compensatory time off at the rate of time and one-half. The contract was silent as to what the rights of the parties are when a holiday falls on a Sunday. Applying section 24 of the General Construction Law, the court held that Monday the 13th of February should be considered the public holiday in this case, and that all employees who worked on Monday were therefore entitled to one and one-half compensatory days off as per the contract.

Nassau Chapter, CSEA v. Town of Oyster Bay (Sup. Ct., Nassau Co., November 9, 1978).

... for reference, Article I, Vol 3 No. 10

"Legal Briefs" is a periodic column about Civil Service Law and legal matters of interest to public employees. Material is compiled and edited by the Albany law firm of Roeger and Featherstonhaugh, counsel to the Civil Service Employees Association.

EMPLOYEE TERMINATION— CONFIDENTIAL EMPLOYEES

In this Article 78 proceeding, the petitioner sought reinstatement to her position as the secretary to the Rockland County Family Court Judge following her termination without a hearing. The respondent relied on the petitioner's job description to support its contention that petitioner's position was designated confidential, and that therefore a hearing was not required prior to termination. The court held that this job description did not in and of itself support the argument that the position had been designated confidential. A hearing was ordered on whether a proper confidential designation had been made by the employer.

In re Olcerst [Bartlett] (NYLJ, November 8, 1978, pg. 10 [Sup. Ct., N.Y. Co.])

... for reference, Article J, Vol. 3, No. 10

CONTRACTING OUT

The New York City Board of Education awarded contracts to private contractors for custodial care of certain public schools, this action obviously resulting in the abolition of many civil service positions. The action of the Board was upheld by the Appellate Division, Second Department. Employing the test of its own *Westchester County* case, the court held that, under the facts presented, the Board did not exercise such control and supervision of the contracting party's employees so as to amount to a subterfuge of the constitutional requirement of filing civil service positions on the basis of merit and fitness. Whether a particular action is impermissible "contracting out" depends on the degree of control and supervision which the governmental authority has over the questioned employees.

Matter of Conlin v. Aiello (A.D. 2d ____, 408 N.Y.S. 2d 125)

... for reference, article K, Vol. 3, No. 10

Case notes . . .

- An arbitration award directing the reinstatement of district employees was upheld by the Court of Appeals even though the contract under which the dispute arose had expired at the time of the award.

North Syracuse Central School District v. North Syracuse Education Association (45 N.Y. 2d 195)

- The Appellate Division, Second Department held that "termination pay" did not constitute "retirement benefits" within the meaning of section 201(4) of the Taylor Law, and thus was a mandatory subject of negotiation. The village was therefore guilty of an improper practice in unilaterally discontinuing this benefit. However, the court ruled that hospital insurance for families of employees who die after retirement is a "retirement benefit" and that negotiations therefor are prohibited under the Taylor Law.

Matter of Incorporated Village of Lynbrook v. PERB (A.D. 2d ____, 408 N.Y.S. 2d 160)

- Without ruling on the question of whether physical incapacity is a defense to section 75 disciplinary charges, the Supreme Court, New York County held that the hearing officer should have allowed petitioner's offer of medical evidence at the disciplinary hearing.

Hayden v. Codd (NYLJ, October 3, 1978, pg. 6)



AFSCME INTERNATIONAL OFFICIALS William Lucy, left, Secretary-Treasurer, and International President Jerry Wurf came to Albany to join with CSEA President William L. McGowan and Executive Vice President Thomas McDonough to announce historic affiliation of CSEA and AFSCME.

1978, a momentous CSEA year

As 1978 began, there was little to hint that shortly it would become a momentous period in the 68-year history of the Civil Service Employees Assn.

JANUARY

As January rolled around, the Rockland CSEA Unit was engaged in a 10-day strike that began in late December, 1977. William L. McGowan was six months into his term as statewide President of CSEA, but his election the previous June would not be final until September, 1978, when the State Supreme court upheld his election after a series of appeals from former president Theodore C. Wenzl were denied.

FEBRUARY

In February, CSEA launched a massive, \$75,000, advertising campaign statewide denouncing the state's deinstitutionalization plan. Later in 1978 the effects of the heavy advertising was at least partially responsible for major changes in the state's original plans.

MARCH

By March, state officials publicly admitted the state had "dumped" patients out of mental hygiene facilities and into unsuspecting communities, as CSEA had charged. President McGowan appeared before a legislative committee to call for changes in the Taylor Law, and during the month a flextime option for state workers that CSEA worked hard for became reality.

APRIL

April saw Yonkers non-instructional workers go out on strike, and CSEA lobbying efforts credited with saving 1,700 jobs in Mental Hygiene. Then, in mid-April, a disputed representation election saw 45,500 state workers in the PS&T bargaining unit elect a rival union over CSEA. For the rest of 1978, appeals in various forms by CSEA would keep the election results in dispute and representation rights with CSEA pending the outcome of those appeals.

On April 21, 1978, the most dramatic change in the union's 68-year-history occurred. CSEA and AFSCME jointly announced a 3-

year affiliation effective immediately. (see related story).

MAY

Within a month, CSEA and AFSCME were working closely together and members of both unions joined together to picket and protest the announced closing of the Gouverneur Developmental Center in New York City. Also during May, President McGowan and Long Island Regional President Irving Flaumenbaum were elected AFSCME International vice presidents. CSEA efforts to keep the Erie County Hospital and public hospital were successful, and a witness for CSEA in PERB hearings over the PS&T election first charged that forgery of designation cards was committed by the rival union.

JUNE

During June, a special CSEA Presidential Task Force rolled into the Rochester Psychiatric Center to protest management abuse, and stayed for five days around the clock to finally force management to back off. State workers mileage was hiked to 15 cents, and threatened staff cutbacks at the Newark Developmental Center caused employees to picket in protest.

JULY

During July, CSEA-backed legislation removing the probation penalty and loss of tenure portion of the Taylor Law was signed by the governor. Broome Developmental Center was the site of protest picketing over funding problems, and CSEA filed for decertification of the Teamsters at Cairo-Durham School.

AUGUST

CSEA efforts to have leave credits restored to those state workers affected by the January 1977 blizzard and July 1977 blackout in New York City finally paid off during August; and the Montgomery County CSEA Local 829 launched major opposition to proposed changes in the county charter.

SEPTEMBER

CSEA endorsed statewide political candidates for the first time during September, but still

could not agree on endorsing a candidate for governor. The 1977 election of Mr. McGowan as CSEA statewide president was finally upheld, and during the month CSEA pickets appeared at White Plains city hall to protest an impasse in negotiations.

OCTOBER

As the Fall rolled around, CSEA negotiators and representatives of the State sat down to formally open contract talks for state workers, a process that has continued into 1979. It was announced that a proposition 13 type law, the first of its kind in the state, would be on the November ballot in Suffolk County. CSEA sought and was granted a State Supreme Court order continuing the union's representation rights for PS&T workers as election appeals continued. As the November elections approached, it was announced that the union had contributed some \$400,000 to a variety of candidates.

NOVEMBER

In November, CSEA's Westchester Unit began gearing up for what was to be a highly successful fight to prevent large scale layoffs there. A large demonstration was held in Oyster Bay by disgruntled workers angry over proposed subcontracting of their jobs. CSEA announced major support of the 1979 Special Olympics, and also announced plans for

the most extensive advertising campaign in its history in the near future. CSEA joined forces with other groups to demand the expansion of advancement opportunities for clerical employees. And on November 30, CSEA led a series of anti-J.P. Stevens Company rallies across the State.

DECEMBER

CSEA mounted a major protest against plans to institute a parking fee in Albany, while down in Stony Brook the employees joined by students and faculty, threatened to strike and boycott the state university over a proposed parking fee. Also during December the State Investigation Commission was revealed to be conducting an investigation over charges first levied by CSEA that "no show" employees were maintained in some state agencies. Two top New York City CSEA officials charged the state Offices of Mental Health and Retardation with indiscriminate suspension and firing of employees. A 1976 class action grievance resulted in a settlement of \$500,000 affecting some 800 DOT workers the union had charged were illegally laid off. As 1978 came to a close, negotiations for new state contracts continued, and CSEA said it would appeal a decision not to make non-instructional school employees eligible for unemployment insurance benefits during summer months.

Affiliation top 1978 story

ALBANY — There were many major stories and events involving CSEA during 1978. But none were any bigger, certainly, than the one occurring on April 21 when it was announced that CSEA, after 68 years of independence, had affiliated with AFSCME.

CSEA became Local 1000, AFSCME, and in doing so pushed AFSCME from third place to the top as the largest of all labor unions within the AFL-CIO.

CSEA, which by virtue of its independence had actually isolated itself to state-related affairs, quickly submerged itself into national-level affairs. CSEA and AFSCME joined in numerous activities of mutual concern, and a number of raids against CSEA were turned back by invoking Article XX of the AFL-CIO constitution during the remainder of 1978.

As 1978 came to a close, benefits of the affiliation were visible in many areas, but the full potential of the affiliation as a benefit to CSEA and its members will continue to be reached over a period of time.

The top story of 1978 for CSEA has to be the decision to affiliate with AFSCME to form the biggest union in the AFL-CIO.