

THE PUBLIC SECTOR

Official Publication of The Civil Service Employees Association, Local 1000,
American Federation of State, County and Municipal Employees AFL-CIO.

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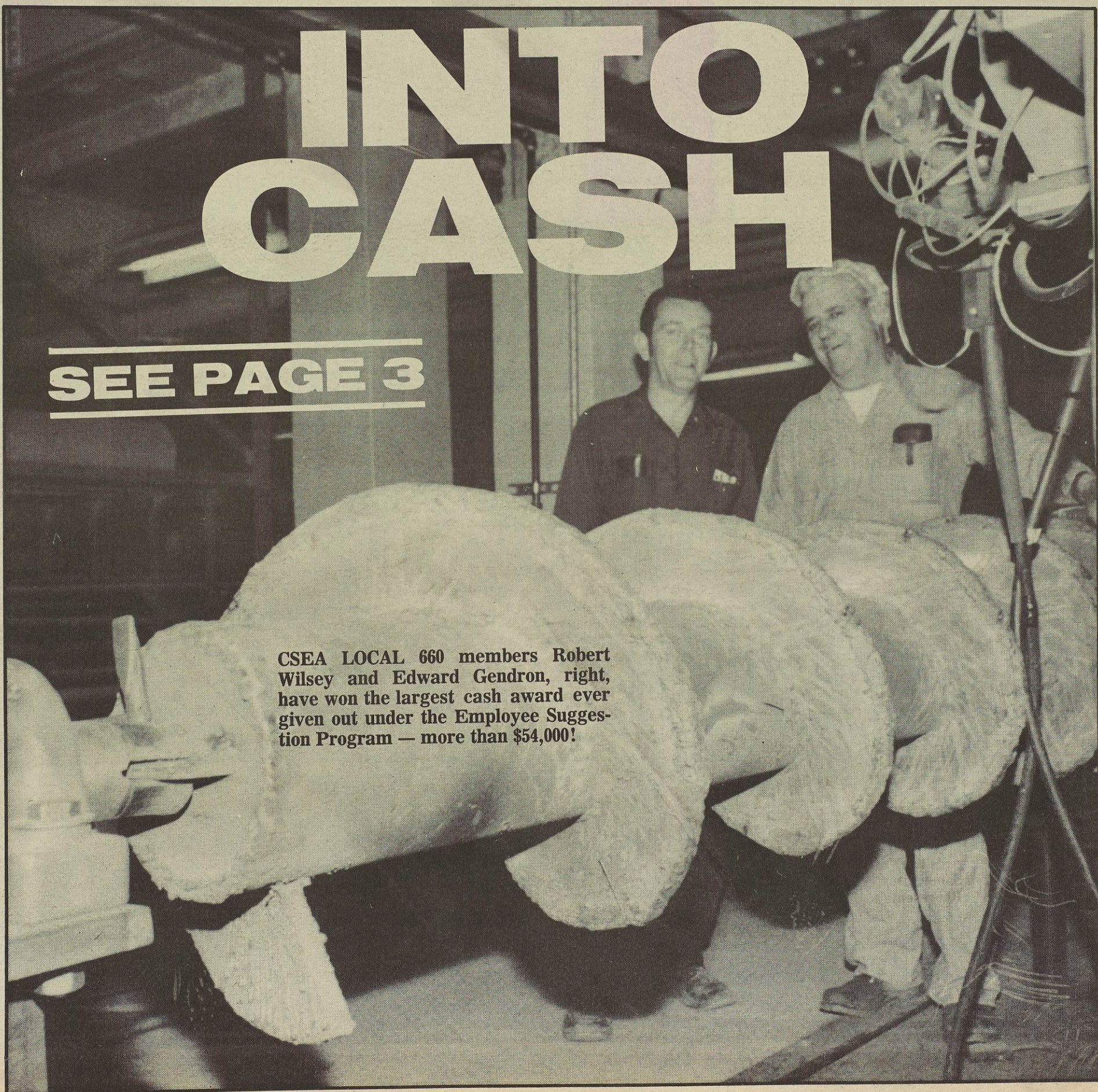
Vol. 9, No. 22
Monday, November 3, 1986

TURNING TRASH

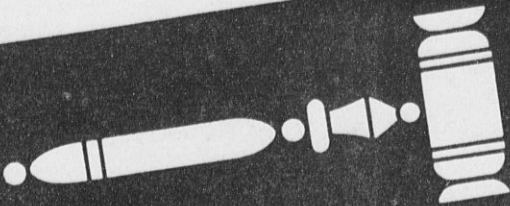
INTO CASH

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CSEA LOCAL 660 members Robert Wilsey and Edward Gendron, right, have won the largest cash award ever given out under the Employee Suggestion Program — more than \$54,000!



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It's a zoo in Syracuse, but no one's complaining

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Public SECTOR

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THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.



Local 1000, American Federation of State, County and Municipal Employees, AFL-CIO
BOX 1125, CAPITOL STATION, ALBANY, NEW YORK 12224 (518) 434-0191

WILLIAM L. MCGOWAN, PRESIDENT

October, 1986

Dear Brothers and Sisters:

The New York State Health Insurance Option Transfer Period will take place during the month of November.

During this time, you will be exposed to a great deal of marketing material and media advertising. The decision you must make, as to which option is best for you, is an extremely important one and could result in severe financial hardship for you if the option you select does not provide the protection you and your family may need.

You have a choice between a Health Maintenance Organization (HMO) or The Empire Plan. The decision is yours, but before you choose an option, please make sure that you understand what benefits are provided or excluded by each option.

I can't tell you if an HMO or The Empire Plan is best for you and your family, but I can tell you that no HMO can compare to The Empire Plan in providing as wide a range of benefits, freedom of choice, protection against catastrophic claims, coverage for mental health, alcohol and substance abuse rehabilitation and chiropractic and podiatry care.

If I can offer you one bit of advice, it is that you should never select an option based only upon what your payroll deduction will be. We never plan on having a bad accident or developing a serious medical condition, but we should protect ourselves in the event such an occurrence happens.

Please take advantage of the information being made available to you and make yourself an informed consumer. It is my sincere hope that you and your dependents enjoy good health, but if you need medical care, make sure that you have the best protection available to you.

Fraternally,

WILLIAM L. MCGOWAN
PRESIDENT

NEW YORK STATE'S LARGEST PUBLIC EMPLOYEE UNION

Insurance premiums adjusted this month

CSEA members who participate in the voluntary insurance plans (except Masterplan or Family Protection Plan) are reminded that November is the month when premiums are adjusted because:

- * You may be in a new age bracket;
- * Your insurance coverage has changed.

Payroll deductions reflecting the adjusted premiums will go into effect on the following dates: for Institutional payroll (state), Nov. 6, 1986; for Administrative payroll (state), Nov. 12, 1986; for Political Subdivisions, first payday in November.

Questions regarding Supplemental Life Insurance or Accident and Sickness Insurance should be directed to Jardine Insurance Brokers, Inc., 433 State Street, Schenectady, N.Y. 12301; telephone 1-800-342-6272 or (518) 381-1600.

Questions regarding the Basic Group Life Insurance Plan should be directed to the CSEA Insurance Department, 143 Washington Avenue, Albany, N.Y. 12210; telephone 1-800-342-4146 or (518) 434-0191.

Please be sure to include your Social Security number in any correspondence.

The power of suggestion

By Stephen Madarasz
CSEA Communications Associate

ALBANY — From the very start of operations at the state Refuse Derived Fuel plant in 1981, maintenance specialists Robert Wilsey and Edward Gendron knew there were problems with the garbage feeder equipment.

The plant burns garbage to provide energy for the state buildings in and around the capital. Since Wilsey and Gendron, both members of Office of General Services Local 660, are responsible for keeping the equipment working, they put their minds to finding a better way to get the job done.

The modifications they developed were anything but trashy and to date have saved the state more than a half-million dollars for each year of operation.

Because Wilsey and Gendron submitted their ideas to the Employee Suggestion Program administered by the state, they are today splitting over \$54,000 awarded in appreciation. The sum is the largest ever given out by the program.

“We’d talk about the problems and considering all the operating time lost and all the maintenance work it was causing, we knew we’d have to do something” says Wilsey. Still it took about a year before the two hit in the right solution— one so simple it was ingenious.

The basic problem was that the 34-foot rotating screws used to loosen the garbage before feeding into the fire chamber were constantly getting clogged. This would not only mean shutting down and going on expensive auxiliary power— \$10,000 per day— but also required employees to carry out the tedious and unpleasant task of removing the clogged garbage from the blades.

Additionally, the wear and tear this caused to the blades resulted in a need for regular replacement at \$7,000 apiece.

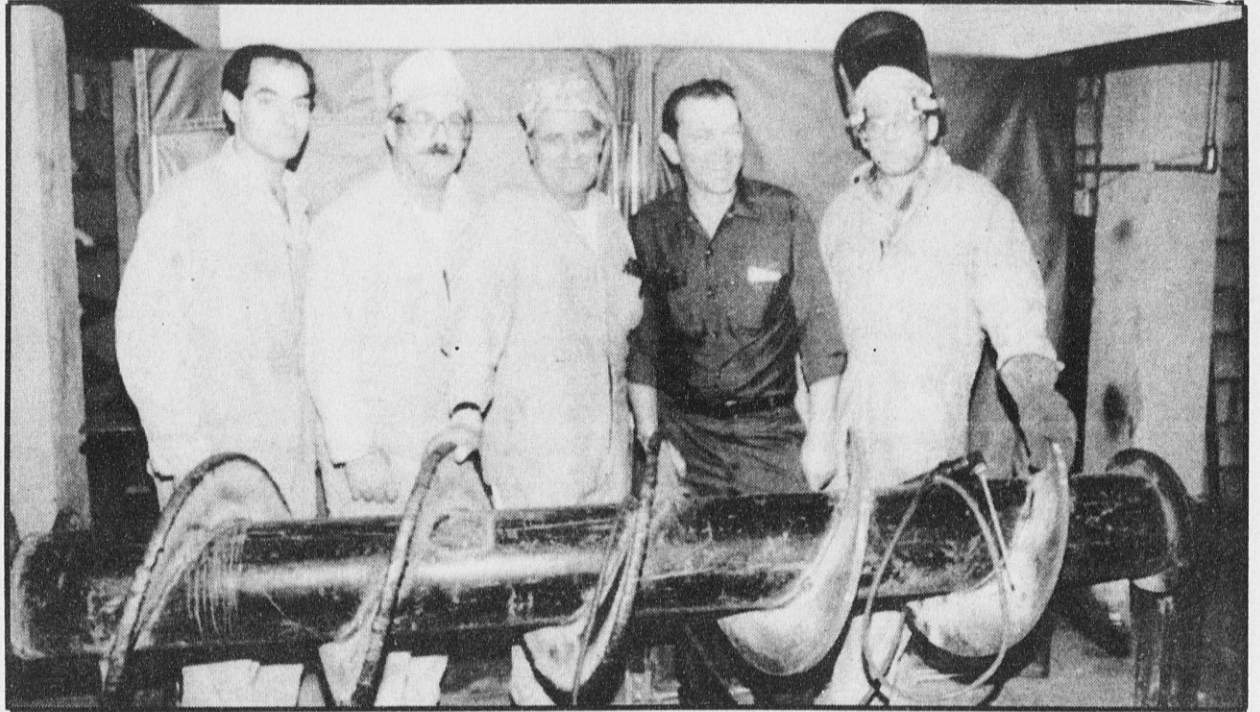
Wilsey and Gendron realized there was a basic design flaw in the long screws attached from wall to wall in the bin: “The design had been tested, but probably with A-1 garbage like paper and light refuse” claims Gendron. “But we were seeing rags and wires and heavier material.”

To solve the hang-up, the two recommended that shorter screws be used to allow the refuse that balled up on the blades to work its way off the ends. With the support of their supervisors, the idea was tried. And it worked.

Along with some other changes and modifications, the savings were immediate. “It used to take a whole day just to change one screw” explains Wilsey. “Now we can change all of them in less than an hour and we only have to do that about once every four months.”

There are more savings that have not even been figured into the state’s accounting yet. The shorter screws are being manufactured in-house at a fraction of what the longer screws cost. Also rather than replacing them altogether, when they wear down they are simply refurbished for further use.

While both men are clearly thrilled over the size of the cash award for their efforts,



they are equally pleased that their ideas were put to good use.

Says Wilsey: “It’s great that the state recognizes that the blue collars can make important contributions. It’s especially satisfying because we saved a lot of men a lot of work too.”

Adds Gendron: “It’s good for the public to realize that we do this kind of work . . . I think most people believe that state employees just work in an office someplace— now maybe they’ll understand that we’re involved in real, hands-on service.”

* * *

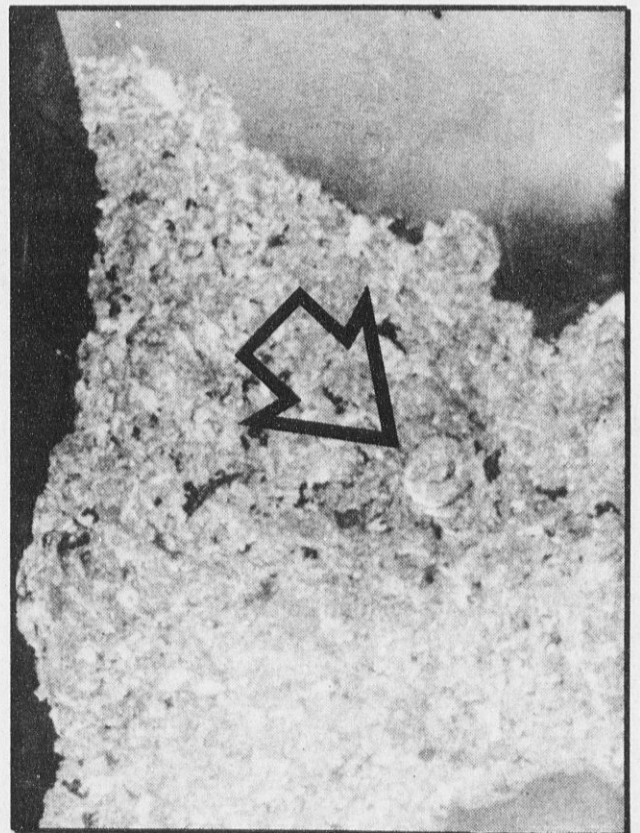
The Employee Suggestion Program is an ongoing process, which encourages state workers to offer ideas on how to make the government work better. Employees may apply through their facility personnel department or directly to the program, administered by the Civil Service Department.

According to Civil Service Commissioner Karen Burstein, employee suggestions have saved taxpayers more than \$2 million this year and over \$13 million since the program began.

Above, Robert Wilsey and Edward Gendron, second and third from right, are all smiles after receiving the largest cash award in the history of the state Employee Suggestion Program. Pictured with the winners and the modified screws they developed for better operations at the Refuse Derived Fuel plant in Albany are co-workers, from left, Gary Kramm, John Biggar, and John Chesbro.

The plant burns garbage to provide power for state offices, but the original screws— which loosen refuse— kept getting clogged like the photo at left.

Wilsey and Gendron’s idea for shorter screws— pictured at work below, “fluffing” garbage— has worked like a charm, saving the state more than a half million dollars for each year of operation.



SIMONI vs. CSEA

Court rules on powers, limitations of CSEA's directors, delegates

State Supreme Court Justice Harold J. Hughes recently issued a legal decision which outlines the power and authority of CSEA's two primary governing bodies — the statewide Board of Directors and the delegate body — in the operation of the union. The ruling is printed verbatim here.

HUGHES, J.:

Plaintiffs move for a preliminary injunction, and request partial summary judgment, in this declaratory judgment action.

This case involves a power struggle for control of the State's largest public employee union (CSEA), pitting the union president (McGowan) and delegates against the vice-president (McDermott) and the board of directors. At stake is command of a union that wields influence at the highest levels of State and local governments through political endorsements and contributions and the size and nature of its membership. The court enters the fray reluctantly, well aware that in the ordinary case the judiciary will not interfere with the internal affairs of a not-for-profit corporation, including a labor union, absent a showing of fraud or substantial wrongdoing (*Matter of Gilheany v Civil Serv. Employees Assn.*, 59 AD 2d 834). However, this is not the ordinary case in that this controversy could paralyze the operation of a 200,000 member public employee union, to the detriment of the general public. Consequently, declaratory relief is appropriate.

CSEA is a 75-year old labor union organized as a not-for-profit corporation. From its incorporation in 1941 until March of 1976, CSEA's counsel was the DeGraff firm. The enactment of the Public Employees Fair Employment Act (L 1967, ch 392), commonly called the Taylor Law, greatly expanded the duties and powers of all public employee unions through the enactment of agency shops, exclusive representation, and the granting of the statutory right to public employees to collective bargaining over the terms and conditions of employment. CSEA grew in size and influence. During 1976 it broke its long relationship with the DeGraff firm and retained the Roemer firm as its counsel. In the present action each firm claims to be the attorneys of record for CSEA.

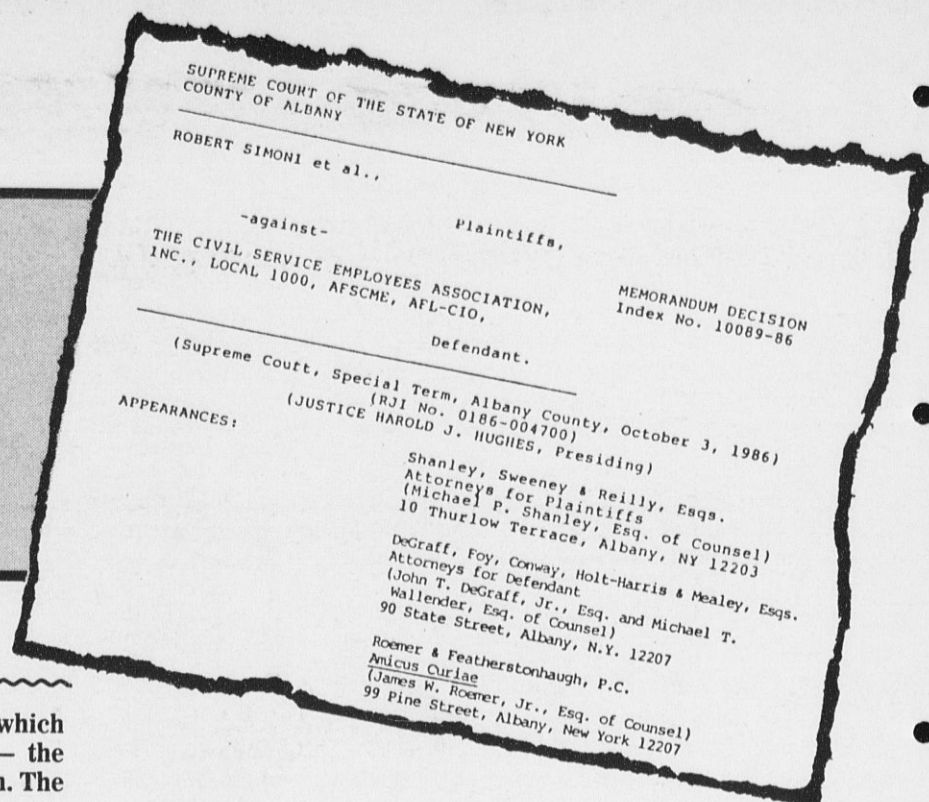
This controversy stems from resolutions adopted by the board of directors of CSEA on February 27, 1986 and May 6, 1986. CSEA's board of directors consists of 115 members elected by the general membership. Section 2 of article IV of CSEA's constitution provides that the "power and authority to transact all business of the Association shall, subject to the power and authority of the Delegates at meetings of the Association, be vested in a Board of Directors". Section 1 of article I of the by-laws states that the "President shall be responsible for the organization and direction of the staff of the Association".

Prior to the adoption of the February 27, 1986 resolution, the board of directors concluded that there existed many problems in the internal organization of CSEA's staff, and through the implementation of the two resolutions, attempted to redress the perceived deficiencies (paragraphs 24 through 30 of the affidavit of C. Allen Mead, sworn to September 4, 1986). The board's reorganization plan created 13 new positions and provided that the persons holding these positions report directly to Vice-President McDermott, rather than to President McGowan. The May 6, 1986 resolution further implemented the reorganization plan by directing all professional and management staff responsible for field operations to report in accordance with the new chain of command, and providing that all appointments and dismissals of management confidential staff above grade 14 not be effective without the prior approval of the personnel committee of the board of directors.

President McGowan was of the opinion that the board of directors was attempting to usurp his authority to organize and direct the staff, and commenced an action to set aside the board's resolutions. Simultaneously, during August of 1986, a number of presidents of CSEA locals petitioned President McGowan to call a special meeting of the delegates with an agenda to review: (1) "the power and authority of the elected President of CSEA to carry out his constitutional duties including his responsibility to organize and direct the staff of the Association; and (2) the delivery of legal services to CSEA" (Exhibit B to the order to show cause dated September 25, 1986).

Subdivision (d) of section 603 of the Not-for-Profit Corporation Law states that a corporation may provide that its members elect representatives or delegates who when assembled exercise all of the powers, rights and privileges of members of the corporation. Since more than 200,000 people belong to CSEA, it would be impractical to have members' meetings. Therefore, the union's constitution provides that each local elect delegates. In effect, the delegates are the representatives of the union rank and file.

Three actions were taken at the September 9, 1986 special delegates meeting.



The first action was the passage of a resolution reaffirming the by-law directing the president to be responsible for the organization and direction of the staff and providing "the Board of Directors of the Association has no power to interfere with the chain of command between the President and the staff of the Association or to interfere with the directives of the President to the staff". The resolution went on to rescind the February 27 and May 6 resolutions of the board. The second action was to pass a resolution directing President McGowan to appoint a committee of members to review the delivery of legal services to CSEA and to report its findings and recommendations to the delegate body at the annual meeting commencing October 25, 1986. Finally, the delegates, acting upon an item not listed on the agenda of the special meeting, adopted a resolution naming John Francisco as treasurer to replace the retiring treasurer.

President McGowan determined that the actions taken at the special meeting removed the basis for his lawsuit to undo the board's resolutions and his motion to discontinue his action was granted. Vice-President McDermott then commenced an action against CSEA and Francisco challenging Francisco's appointment upon the ground that it was not listed on the agenda to be discussed at the special meeting of delegates, and upon the further ground that the union's by-laws provide that "Vacancies in the office of Secretary and Treasurer may be filled for the remainder of the term by the Board of Directors". This court has granted a preliminary injunction in the McDermott action restraining Francisco from taking office upon the reasoning that McDermott will be likely to succeed on the merits due to the lack of notice to the delegates that filling the vacancy in the treasurer's position would be addressed at the special meeting, and upon the ground that no emergency existed permitting the delegates present at the meeting to add the issue to the agenda. Thereafter, the plaintiffs in this action, presidents of four CSEA locals plus delegate Robert Simoni, commenced this action to declare all resolutions passed at the September 9, 1986 special meeting void upon the grounds that: (1) delegates were not given proper notice of the meeting; (2) the credentials committee improperly determined voting strength based upon paid membership in the association as of June 1, 1985 rather than June 6, 1985, the date required by the union's constitution; and (3) CSEA's constitution and the Not-for-Profit corporation Law direct that a not-for-profit corporation is to be managed by its board of directors and the resolutions adopted by the delegates improperly attempt to limit the authority of the CSEA board of directors to manage the union.

Plaintiffs in this action made the present motion for a preliminary injunction restraining CSEA from implementing the resolutions of the delegates adopted at the September 9, 1986 special meeting. President McGowan retained the DeGraff firm to represent CSEA in both the McDermott and the Simoni actions. The board of directors instructed the Roemer firm to appear for CSEA in both actions. Thus, before the merits can be reached, a determination must be made as to which law firm will represent CSEA in this lawsuit.²

The representation question is determined by the practical consideration that a declaratory judgment action can be maintained only when there is an actual controversy between the parties to the litigation (*DeMilia v State of New York*, 72 AD3d 536, cert den 447 US 922). This court is constitutionally prohibited from rendering an advisory opinion in a friendly lawsuit (*New York Public Interest Research Group v Carey*, 42 NY2d 527). Here, after being directed to appear by the board, the Roemer firm made a motion for summary judgment "declaring that, pursuant to the Not-for-Profit Corporation Law of New York, the Certificate of Incorporation of CSEA, Inc. and the constitution and by-laws of CSEA, Inc., the CSEA board of directors is vested with plenary authority to manage the affairs and organization of CSEA, Inc., and, accordingly, the action taken by CSEA delegates with respect to Resolution No. 1, at a Special Meeting on September 9, 1986 is null and void" (order to show cause of HUGHES, J., dated September 19, 1986). In bringing the motion, Mr. Roemer candidly states that his law firm is "in the unusual position of substantially agreeing with the allegations and legal conclusions submitted by the plaintiffs herein" (paragraph 3 of the affidavit of James W. Roemer, Jr., sworn to September 29, 1986). Plaintiffs' attorneys immediately

(Continued on Page 5)

Ruling defines authority

(Continued from Page 4)

rejected the answering papers that the DeGraff firm served on CSEA's behalf and joined in the Roemer motion for summary judgment (affidavit of John L. Allen sworn to October 2, 1986). As a result, if the Roemer firm is allowed to represent CSEA in this action, this court will have before it plaintiffs and a defendant in a request for a judgment declaring that plaintiffs' position is correct, i.e., a friendly lawsuit requesting an advisory opinion. The court cannot render an advisory opinion and if the Roemer firm is allowed to represent CSEA here, this declaratory judgment action would have to be dismissed as not presenting a justiciable controversy. Therefore, the order to be entered hereon will direct the DeGraff firm to represent CSEA in this lawsuit.

Since plaintiffs joined in the Roemer motion for partial summary judgment, this court can search the record and grant summary judgment where appropriate, even if not requested (CPLR 3212, subd[b]; *Fertico Belgium, S.A. v Phosphate Chems. Export Assn.*, 100 AD2d 165, 171). Likewise, as this is a declaratory judgment action, the court is free to declare the rights and legal relationships of the parties as established by the record and is not bound by the relief requested by the parties (*Cahill v Regan*, 5 NY2d 292; see also CPLR 3017[a]; *Crane v Axelrod*, 86 AD2d 923).

The first issue is whether notice of the September 9, 1986 special meeting was given to all CSEA delegates. Subdivision (a) of section 7 of article II of the union's by-laws provides that "Notice of all meetings of the Association . . . shall be given in the official publication or by mailing or by telegram to each delegate or committee member at least three days before the date of such meeting". Section 605 of the Not-for-Profit Corporation Law provides that notice to the members of a corporation (which the delegates are) of a special meeting "shall state the place, date and hour of the meeting". A delegate or member who attends the meeting without notice, and without protesting that lack of notice, waives defective notice (Not-for-Profit Corporation Law, §606). "In the absence of waiver or estoppel, the failure to give the required notice of a . . . meeting is a substantial omission of an essential requirement which cannot be disregarded, but will be considered as rendering void the action taken at the meeting" (14 NY Jur2d, Business Relationships, §674, p 483; *Matter of Goldfield Corp. v General Host Corp.*, 29 NY2d 264, 269; *Matter of Janaug v Szlapka*, 6 Misc2d 84).

In this case there was no notice of the special meeting given in the union newspaper. President McGowan gave notice of the meeting by a memorandum to all officers, dated August 26, 1986, which set forth the time, place and date of the meeting. Additionally, by letter dated August 27, 1986, all officers, local presidents, and directors were given notice of the special meeting setting forth the agenda and the time, date and place of the meeting. Unfortunately, some of the union delegates are not officers, local presidents or directors, and did not receive the August 26 or August 27 communications. The only purported notice that was sent by President McGowan to all delegates was memorandum dated September 4, 1986 which failed to set forth the time or place of the special meeting (paragraph 12 of the affidavit of William McGowan sworn to October 1, 1986, and Exhibit E thereto). On its face, the purported notice to delegates is defective and not in conformance with the statute by failing to set forth the time and place of the special meeting. Plaintiff Simoni has submitted an affidavit stating that he did not attend the meeting because of a lack of notice. As he did not attend, there can be no waiver of notice under section 606 of the Not-for-Profit Business Corporations Law. Defendant has not produced any evidence that Simoni did receive proper notice, so there is no factual dispute on that issue. Proper notice to all delegates not having been given, the meeting of September 9, 1986 is a nullity and all actions taken thereat are void.

The next issue ripe for declaration is the respective roles and powers of the board of directors vis vis the delegates. At the special meeting of September 9, 1986 President McGowan distributed a memo authored by the DeGraff firm which stated that delegates of CSEA are its supreme body and can, on an individual basis, review and make final determinations regarding any actions of the board of directors. Defendant's position is based upon that portion of section 2 of article IV of CSEA's constitution (quoted above) which provides the board's authority to transact all business of the association shall be "subject to the power and authority of the delegates at meetings of the Association". The plaintiffs' position is that CSEA is a corporation and must abide by the provisions of the Not-for-Profit Corporation Law. Plaintiffs cite subdivision (a) of section 701 of that statute which provides: "Except as otherwise provided in the certificate of incorporation, a corporation shall be managed by its board of directors". Plaintiffs point out that CSEA's certificate of incorporation places no restriction upon the management prerogatives of the board of directors and does not contain any language giving management responsibilities to the delegates. Plaintiffs argue that under the mandate of section 701 which requires the board of directors to manage the affairs of CSEA, the appropriate interpretation of section 2, article IV of CSEA's constitution is that the board is in charge of the general management of the union's business subject to the powers specifically reserved for the delegates at their annual or special meetings by CSEA's constitution or by-laws or by the provisions of the Not-for-Profit Corporation Law. The court agrees with plaintiff's interpretation.

Many unions operate as unincorporated associations under which President McGowan's view of CSEA's structure could prevail. However, the law has long been settled that once a union decides to incorporate it is subject to New York State's statutes controlling corporate activity irrespective of any countervailing union policy (*Kunze v Weber*, 197 AD 319). Section 701 of the Not-for-Profit Corporation Law clearly and unequivocally states that a corporation, such as CSEA, is to be managed by its board of directors unless the certificate of incorporation otherwise provides, which is not the case here. The view expressed in the memorandum entitled "The Power and Authority of the Delegates of the Civil Service Employees Association", prepared by the DeGraff firm, that the delegates can overturn any board decision on an individual basis is impractical and would wreak havoc with

any third party attempting to do business with CSEA. CSEA's board of directors has the power and duty to manage the general affairs of the corporation, and any attempt by the delegates to place general management responsibility in another person without so specifying in the certificate of incorporation would be a violation of section 701 (*Polchinski Co. v Cemetary Floral Co.*, 79 AD2d 648, *supra*; *Weiss v Opportunities for Cortland County*, 40 AD2d 45). On the other hand, the board of directors must conduct its management within the framework of the union's constitution and by-laws, which constitute a contract between it and the general membership (*Ballas v McKiernan*, 41 AD2d 131, *affd* 35 NY2d 14; *Republic Corp. v Carter*, 22 AD2d 29, *affd* 15 NY2d 661). Failure of a board member or officer to comply with CSEA's constitution and by-laws could be a ground for removal for cause.

While CSEA's delegates do not sit as a super board of directors managing the daily activities of the union, they do have significant duties and powers. Delegates have the power, among others, to: (1) adopt, amend or repeal the corporate constitution and by-laws (Not-for-Profit Corporation Law, §602; article XI of CSEA's constitution; article VII of CSEA's by-laws); (2) elect members of the board of directors (Not-for-Profit Corporation Law, §§706, 714); and, (4) amend the certificate of incorporation (Not-for-Profit Corporation Law, §802). If the delegates want to limit the management authority of the board of directors by amending the certificate of incorporation, they can, after proper notice, vote to do so at a general or special meeting. If the delegates believe the board of directors either individually or as a group failed to abide by the union's constitution and by-laws, they can, after proper notice, vote to remove the board of directors in whole or in part.

The final issue requiring a declaration is the respective power of the board of directors versus the president with respect to the organization and direction of CSEA's staff. The board of directors contend that section 701 of the statute gives them full control of the management of the union, including the organizational plan for the staff. They argue that since the language in section 1 of article I of the by-laws stating that the "President shall be responsible for the organization and direction of the staff of the Association" is not set forth in the certificate of incorporation, it cannot serve to limit their power to do what they see fit with respect to the staff. Under plaintiffs' and the board's interpretation, the above-quoted language from section 1 of article I of the by-laws is meaningless.

Plaintiffs' interpretation overlooks subdivision (e) of section 713 of the Not-for-Profit Corporation Law which provides "all officers as between themselves and the corporation shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws or, to the extent not so provided, by the board." Subdivision (a) of section 701 and subdivision (e) of section 713 must be construed in harmony. Section 701 is designed to protect the public and corporate members by placing responsibility for corporate management with the board of directors unless the certificate of incorporation states otherwise. Subdivision (e) of section 713 provides that, with respect to internal management, shareholders of the corporation through the enactment of a by-law can assign specific authority and duties to an individual officer. That is precisely what section 1 of article I of the by-laws does by directing the president to be responsible for the organization and direction of the staff. Such a specific direction does not remove or conflict with the general managerial function of a corporate board of directors as they can take the appropriate steps to suspend or remove a corporate officer who performs his assigned task in an incompetent manner (Not-for-Profit Corporation Law, §714 CSEA By-Laws, art V). Indeed, in this court's experience, the organization and direction of staff in large corporations is left to the corporation's officers, not controlled on a daily basis by the board of directors. The resolutions of the board of directors of February 27, 1986 and May 6, 1986 reorganizing CSEA's staff in a manner inconsistent with President McGowan's organizational plan conflict with section 1 of article I of CSEA's by-laws and are an attempt to usurp authority given by the members to the president. As such, the resolutions must be annulled.

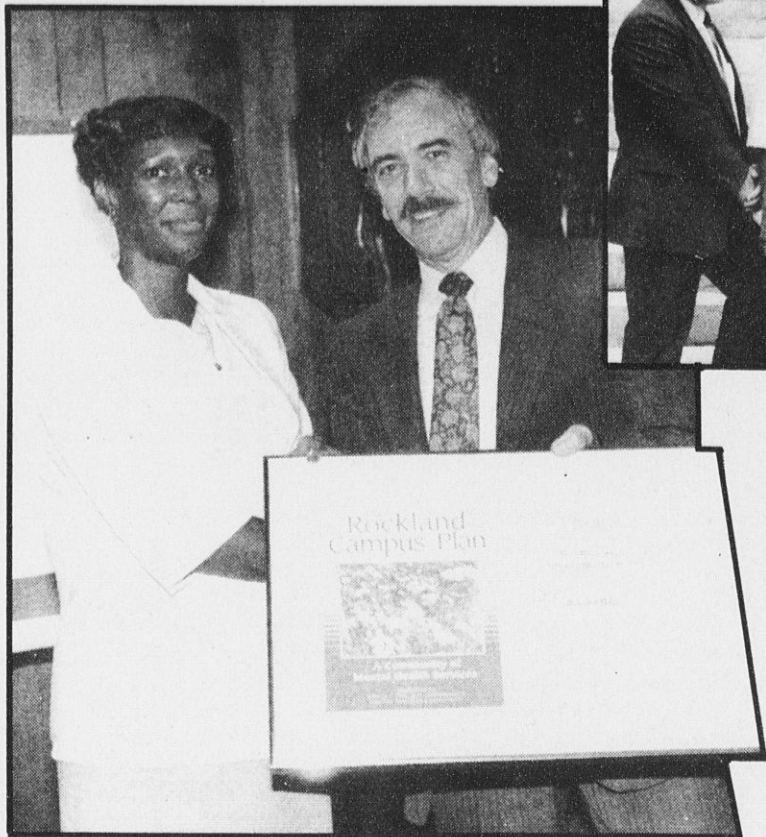
This decision finally resolves all issues raised by the pleadings and renders the motion for a preliminary injunction moot. Hence, the motion for a preliminary injunction will be denied, without costs.

The court will grant summary judgment, without costs, declaring that: (1) the Civil Service Employees Association, Inc. failed to give proper notice to its delegates of the special meeting of September 9, 1986, rendering that meeting and all resolutions therefrom null, void, and of no effect; (2) the resolutions of the board of directors of the Civil Service Employees Association, Inc. issued on February 7, 1986 and May 6, 1986 which purport to reorganize the staff of the association in conflict with President McGowan's organizational plan are in conflict with section 1 of article I of the union's by-laws; were enacted without authorization, and, are null, void, and of no effect; (3) pursuant to section 701 of the Not-for-Profit Corporation Law and the certificate of incorporation of CSEA, Inc. and its constitution and by-laws, the board of directors of the Civil Service Employees Association, Inc. is vested with full authority to manage the affairs of CSEA, subject to the specific guidelines set forth in the constitution and by-laws and their decisions are not subject to individual review by the delegates; (4) the delegates of the Civil Service Employees Association, Inc. have the powers, among others, to amend the certificate of incorporation, constitution, and the by-laws, and to vote board members or officers out of office for cause.

DATED: October 20, 1986

¹ The founding partners of the Roemer firm were employed at the DeGraff firm handling the CSEA account prior to the union's change of counsel.

² CSEA's board of directors, not the president or delegates, has the authority to hire the corporation's counsel (Anno., Authority to Employ Attorney for Corporation, 130 ALR 894; but see apparent authority of president to hire counsel in the absence of specific by-law or board action, *West View Hills v Lizau Realty Corp.*, 6 NY2d 344) in the absence of a specific provision in the certificate of incorporation shifting this managerial prerogative into the hands of the delegates or president (*Polchinski Co. v Cemetery Floral Co.*, 79 AD2d 648, 649).



SPECIAL THANKS — Glenda Davis, President of Local 421, receives plaque recognizing her participation in Rockland Campus Plan task force. Presenting award is William Morris, regional director of Hudson River Regional Office of Mental Health.



RIBBON CUTTING — At ceremony announcing the Rockland campus renovation were, from left: Marty Langer, former Local 421 president; Glenda Davis, current president; Bessie Slournoy, PEF; Charlotte Oliver, campus director; Dr. Stephen Katz, Mental Health commissioner; and Sam Coleman, Rockland County assemblyman.

Rockland PC gets \$60M for expansion

By Anita Manley

CSEA Communications Associate

ORANGEBURGH — A new \$60 million capital construction plan for the campus of Rockland County Psychiatric Center will mean more jobs for public employees and better care for clients, state and union officials say.

Especially pleased with the recent announcement of the first phase of construction is Rockland PC Local 421 President Glenda Davis. Nearly three years ago, she was asked to serve on the task force which formulated the plan for the revamping of the huge campus which once housed thousands of mental patients from Westchester and Rockland Counties.

Davis says the commitment from the Governor's office will bring additional jobs, improve educating programs, and expand residential community care for adults.

Former local president Marty Langer, who now serves as public policy specialist for CSEA, says the infusion of state funds will mean an improved quality of care for patients who need a continuity of proper care if they are to be released into the community.

He also noted the plan to open up buildings that were closed a few years ago under the state's deinstitutionalization policy, will make room for residential care housing that can be run by state as well as private organizations. In addition, a research facility, which is operated by New York University's Nathan Kline Institute, will be greatly expanded.

"This is a guarantee of a better quality of life for the patients," said Langer. "They'll have a trained workforce along with a greater involvement of volunteers and non-profit organizations."

New York State Mental Health Commissioner Dr. Stephen Katz credited the task force for initiating the campus plan which he said "recognizes the need for intensive mental health care in conjunction with community care, and fills a service gap not provided anywhere else."

William Morris, regional director of Mental Health, presented a plaque to Davis to show his appreciation for her contribution to the task force.

"The governor's office has made a definitive commitment," he said. "The key people are totally on board. There's a lot of work to do, but it's all very exciting."

CSEA an early supporter of plan

ORANGEBURGH — Strong CSEA support when the chips were down helped cause a turn of events which has allowed Rockland PC not only to survive, but to improve its quality of mental health services through a multi-million dollar renovation.

The story began a few years ago when Dr. Bertram Pepper, director of the Rockland County Mental Health Center, made some charges that were published in local newspapers here.

"Rockland Psychiatric Center is warehousing and keeping patients against their will," he said. "Patients are being unnecessarily held at the center."

While Pepper's conviction that more funds should be allocated to community care sounded reasonable, his thoughts on reducing funds to state psychiatric centers were

soundly refuted by CSEA statewide President William McGowan.

"Facts show that deinstitutionalization is a dismal failure," said McGowan in a letter to the Gannett newspaper that published Pepper's statements. "We must be realistic, and provide the appropriate humane treatment whether it be to a client who can function in the community or one who's needs require the support of a larger facility."

McGowan emphasized that long-term care is still essential for clients "who have a history of psychotic breaks and extended episodes of delusion and chronic schizophrenia."

RPC Director Charlotte Oliver also recognized the need for long-term care and a

long-range plan for the future use of the campus and asked CSEA Local President Glenda Davis to serve on a task force along with representatives of other unions in the facility. The group would be charged with the responsibility of coming up with a draft proposal for maximum use of the facility.

In his press statement in which he committed \$60 million for the renovation of the campus, Gov. Mario Cuomo said: "This modernization program will culminate a long-term collaborative planning effort by the Office of Mental Health, community mental health leaders, local service providers and consumers. Our goal has been the best use of the Rockland campus in meeting the present and future needs of the mentally ill people in the lower Hudson Valley region."



**WE CARE
ABOUT
DAY CARE!**

DAY CARE DONATION — CSEA Judicial Local 335 President Ralph Hesson, right, presents a \$100 check to Jeanne Petersen, director of the Erie County Day Care Center. Looking on at left is Local 335 Treasurer

Sam Notaro. The Center provides day care services for public employees in downtown Buffalo.

Innovation, creativity, win LaBrie a governor's award

TUPPER LAKE — Philip LaBrie, an electronics mechanic at Sunmount Developmental Center here, has been named winner of a 1986 Governor's Productivity Award.

The 28-year-old Tupper Lake native, a member of Sunmount Developmental Center CSEA Local 431, was recognized for innovative development, building, modifying and maintenance of specialized stimulation equipment at Sunmount. Much of LaBrie's designs are customized to meet individual client needs.

The Governor's Productivity Award carries with it a cash award of up to \$1,000, and is given to state employees to acknowledge innovative, creative and exceptional achievements that increase productivity and improve programs and services.

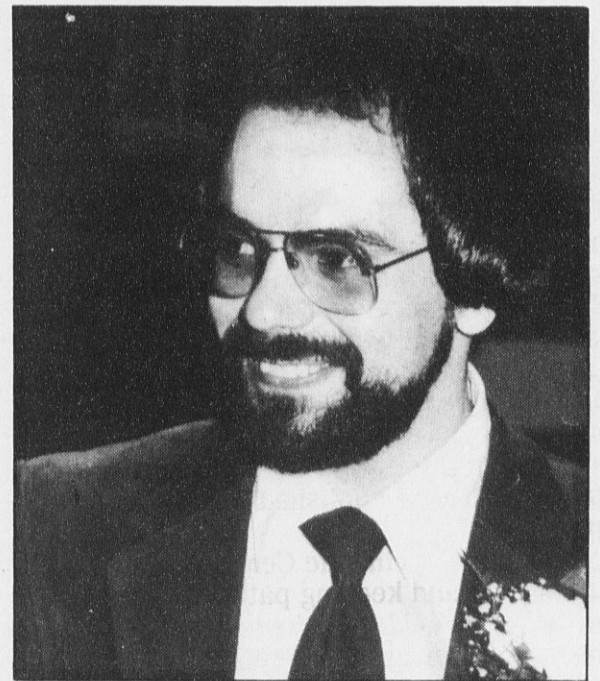
"Phil LaBrie has literally saved Sunmount Center thousands of dollars that would have been spent to buy comparable items on the commercial market," says

Local 431 President Don Hesseltine.

Among the devices created by LaBrie are a TV control unit which permits a client to have control of a TV set or radio, or operate lights and other equipment. LaBrie also designed and built a communications board, similar to those available commercially costing up to \$2,000, at a cost of just \$100. His device permits a client with minimal physical ability to use any motor movement which they can control to communicate 40 different concepts.

He has also invented many custom-made switches and sensory devices for clients.

"Phil LaBrie is very deserving of this award," Hesseltine says. "He has not only earned an honor for himself, but has vividly demonstrated the type of care and dedication shown by many employees at Sunmount Developmental Center. We are proud to call him a fellow member of CSEA."



PHILIP LaBRIE...1986 winner of the Governor's Productivity Award.

More winners

Scholarship pays off!

Approximately four dozen students now attending classes at colleges and universities are doing so with partial financial assistance from CSEA in the form of scholarships.

Eighteen freshmen college students are using the Irving Flaumenbaum Memorial Scholarships awarded by CSEA to help defray their higher education costs. Their names were previously published in The Public Sector. The Flaumenbaum Scholarships are awarded annually to deserving high school graduates planning on attending college.

Six upperclass students each year are also awarded Thomas McDonough Memorial Scholarships for Continuing Studies. Additionally, many CSEA locals and units award scholarships to sons and daughters of their members as well. Over the past few weeks, The Public Sector has published most of the names of scholarship winners for the current school year.

We are pleased to publish information of additional winners of scholarships awarded by CSEA locals.



Sunmount Developmental Center

Local 431 Scholarship winner Daniel Francisco, second from left, is pictured during an informal presentation at Sunmount Developmental Center, where his father Wendell is a motor vehicle operator. Pictured with Francisco is his mother Bonnie, Scholarship Chairman Frank Camelo, left, and former local president Jaime LaBoy. Francisco is pursuing a career in Forestry and Surveying at Paul Smith's College.

St. Lawrence County

Keeping up a 25-year tradition of awarding scholarships to sons and daughters of its members, CSEA Local 845 recently named Karen Rose its 1986 recipient. Rose, now studying business administration at SUNY ATC Canton, is the daughter of St. Lawrence County Social Services member Judy Rose. Pictured with Rose and her mother are her father Ernest and Local Scholarship Committee Chair Linda Todd.

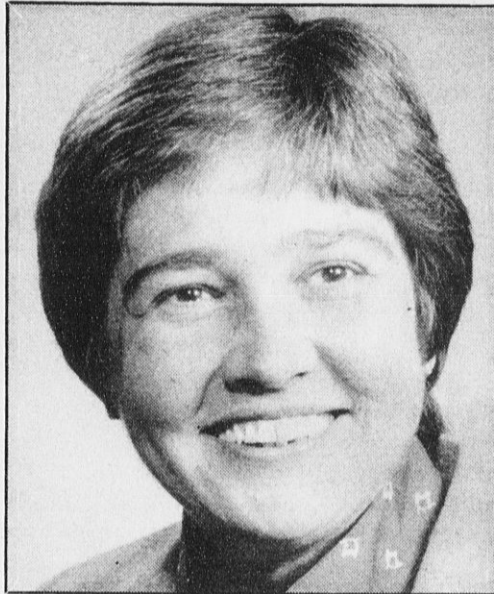


SUNY Potsdam

Mary Lauzon, president of CSEA Local 613 at SUNY Potsdam is all smiles as she delivers scholarship awards to Diane Durant and Scott Barney, while proud parents Lowell Durant and Allen Barney look on. Both fathers work in maintenance at the College. Durant will continue her education at SUNY Potsdam, while Barney is enrolled at SUNY ATC Canton.



Some 1,500 CSEA delegates, staff and guests were continuing the 76th Annual Delegates Meeting in Niagara Falls as this edition of The Public Sector went to press. In a major action on Oct. 29, delegates voted overwhelmingly to amend the union's Certificate of Incorporation to specifically declare the delegates as the union's supreme body. Complete details on this and other delegate decisions will be published in the next edition of The Public Sector. Also, a new statewide CSEA treasurer was appointed by the Board of Directors (see story below). Below are a few photographs taken early in the annual meeting, and cartoonist Ralph Distin's message that you don't need to go over the falls to be in a barrel.



Mary E. Sullivan

Mary Sullivan named new CSEA treasurer

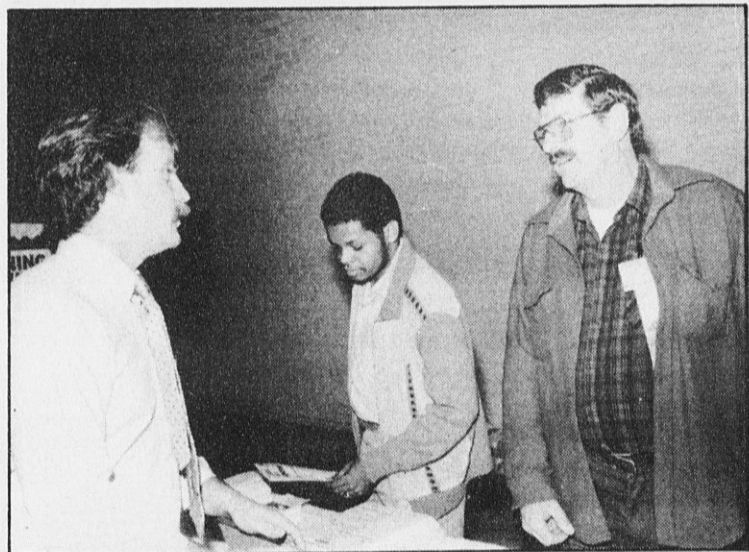
Mary E. Sullivan of Herkimer has been appointed as the new CSEA statewide treasurer by the union's Board of Directors.

Sullivan succeeds Barbara Fauser, who retired from the post recently. Sullivan will fill the unexpired term of Fauser, which ends July 30, 1988. Her appointment came during a Board meeting which opened the union's 76th annual Delegates Meeting in Niagara Falls.

Sullivan is a well-known union activist who is chairwoman of CSEA's Local Government Executive Committee, a member of the statewide Board of Directors representing

Herkimer County, president of Herkimer County CSEA Local 822, and first vice president of CSEA's Central Region.

She was appointed by a majority vote of Board members present, turning back a challenge from John Francisco, another union activist from the Albany area. Francisco had been named statewide treasurer by the union's delegates during a special delegates meeting in early September in Syracuse, but that appointment was later ruled invalid by a state Supreme Court justice. (See pages 4 and 5 of this edition).



It's a real ZOO here...

... and we
love it!

By Charles McGeary
CSEA Communications Associate

• SYRACUSE — After a four-year shutdown and complete restoration reported to cost nearly 13 million dollars, the new Onondaga County Burnet Park Zoo has opened to rave notices from thousands of visitors and enveloped-in a genuine sense of pride from county officials and more than 40 zoo employees represented by Onondaga County CSEA Local 834.

The new zoological showplace, featuring 300 species and more than 1,200 specimens, is nestled attractively among the rolling hills on the city's west side, with easy access to motorists and convenient bus service.

Offering their special brand of care to the zoo's 1,200 specimens, are 30 zookeepers, five senior zoo keepers, an exhibit artist, a curator of education, a curator of animals, a stenographer, a typist, a park labor leader and several cashiers.

Improvement of the 36-acre site began in 1982 after an out-pouring of community support and funding efforts to replace the antiquated "eye-sore" that housed former exhibits.

Under the professional supervision of Zoo Director David Raboy, who answers to County Parks & Recreation Commissioner Gary MacLachlan and County Executive John Mulroy, the revitalized plant, dubbed a "21st Century Zoo" will have an annual budget of \$1.3 million.

Friends of Burnet Park Zoo, a not-for-profit support organization, points out that additional operating income will come from visitor admissions 12 months a year, rather than six, plus a share in profits from a gift shop and fast food restaurant on the grounds.

Director Raboy takes accolades for the new zoo in stride by deflecting credit to zoo volunteers, county parks management officials, community businesses, regional foundations, private foundations, school children and especially to his fellow



THIS PLACE IS DEFINITELY A ZOO — Some of the zoo employees represented by Onondaga County CSEA Local 834 pose for a group photo in the zoo center courtyard. From left, front row, are Alfonzo Hammonds, Bernie Feldman, Robin O'Connell and Nancy Porter. Second row; Kate Woodle, Sue Margulis, Liz Hile, Martha E. Jenkins, Nancy Oberliesen and Krista Larrow. Third row; Mick Case, David Brown, Deb Ziegler, Terri Kepes, Kitty Lynn, Brenda McCabe, Karen Pechin and Mary Read. Fourth row; Alan Baker, Thomas Wood and Laina Matheson.

employees he calls "the finest zoo staff in the country".

Designed to take maximum advantage of natural surroundings within the confines of zoo acreage, the Burnet Park facility offers a wide range of indoor and outdoor exhibits to match the interests of every age group.

Future plans call for additional, as well as expansion of present exhibits. Since the grand opening in August, the zoo has already welcomed the arrival of grizzly bear cubs from the Dallas Zoo.

A visitor quickly senses the strong feeling of pride and accomplishment in zoo employees. Most seem genuinely excited by the transformation from the former delapidated buildings and grounds to a new, state-of-the-art facility that is attracting thousands of visitors. Talking to zookeepers, exhibit artists

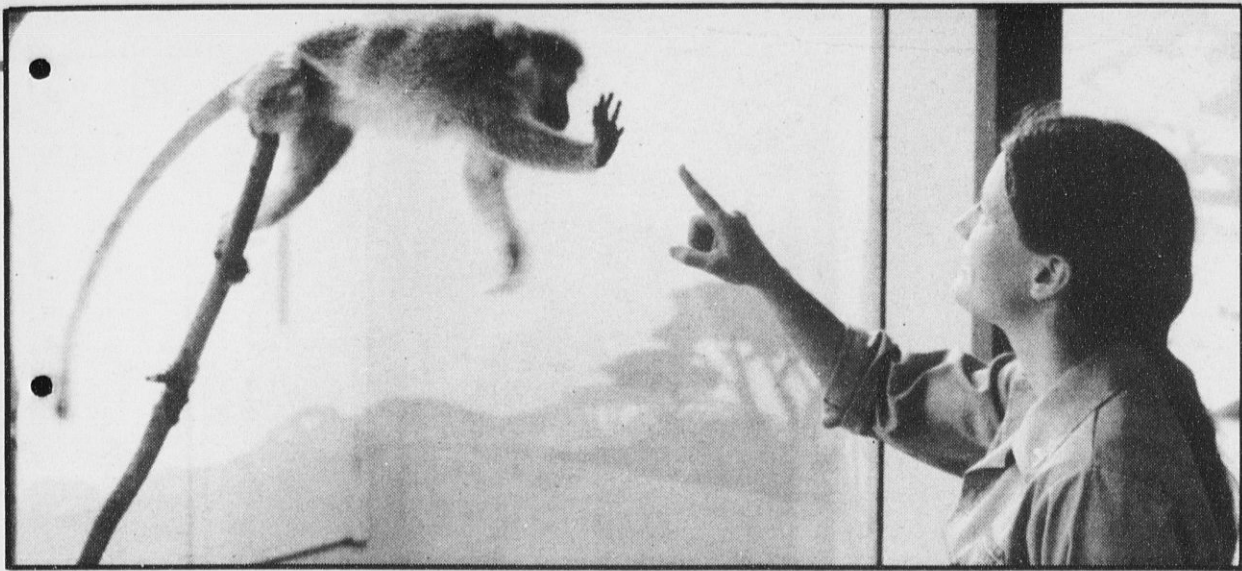
and other personnel, it is very apparent they are dedicated and thoroughly enjoy their work.

"I could live and work any place in the country," one zookeeper said, "but I choose to be here in Syracuse with my animal 'family'. I really enjoy coming to work every day, and I guess that says it all."

For CSEA members and their families interested in visiting the new Burnet Park Zoo, complete information concerning zoo hours, admission rates for individuals and groups is available by calling area code (315) 425-3774.



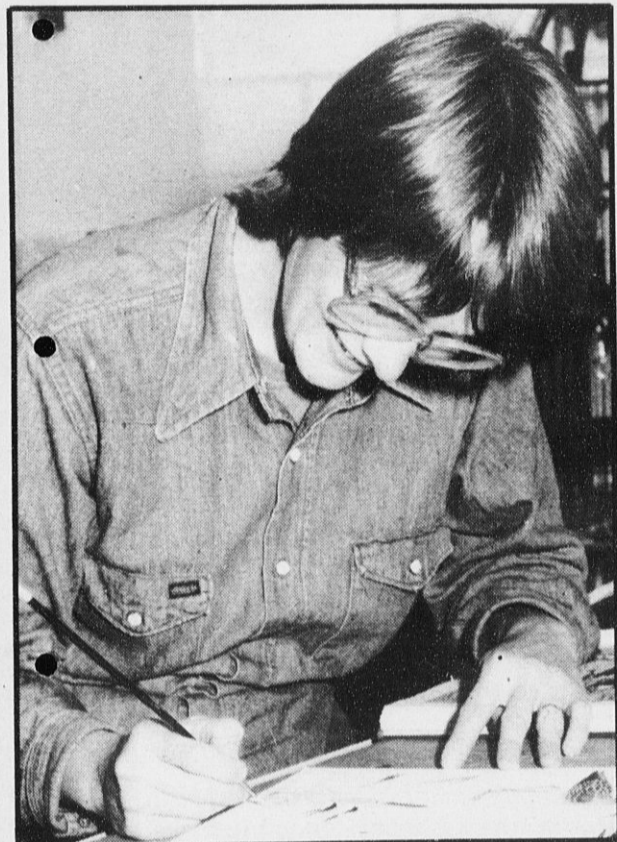
READING BETWEEN THE LIONS — Zoo Cashier Brenda McCabe uses break time to catch up on stories in an edition of The Public Sector. Her two companions just padded in from the adjoining gift shop.



A TOUCH OF GLASS — Zookeeper Nancy Porter gets the undivided attention of a vervet monkey, which appears to balance in mid-air.



WELL, WALLABY! Zookeeper Krista Larrow tidies up the wallaby exhibit while a curious "friend" poses at the glass window.



ARTIST AT WORK — Exhibit Artist Kate Woodle works on bird paintings.

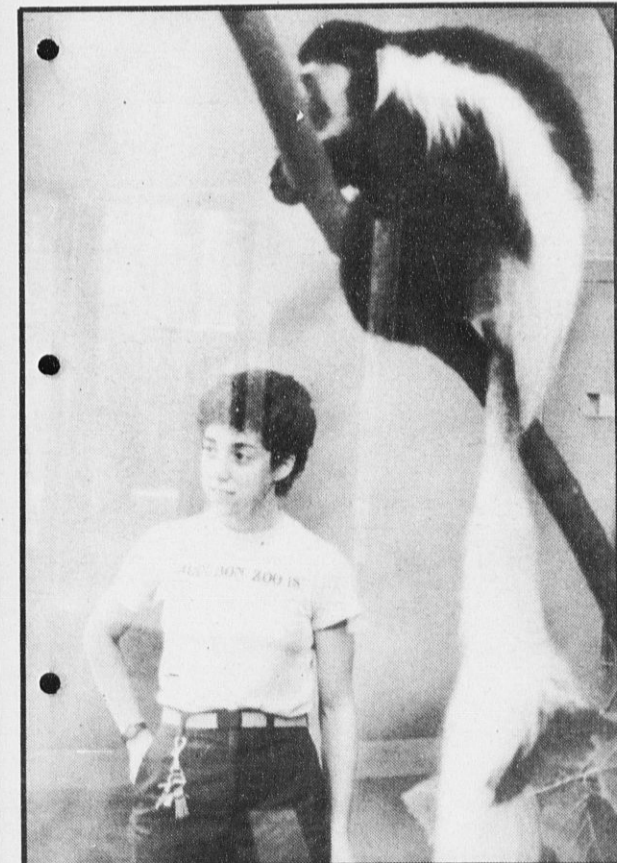


FRIENDLY PERCH — Exhibit Artist Terri Kepes offers a hand and comforting words to a feathery chatterbox.

“I could live and work any place in the country, but I choose to be here in Syracuse with my animal family...”



GETTING HER GOAT(S) — Zookeeper Nancy Oberliesen gives special attention to goats in an area of the zoo where youngsters can get "hands on" lessons in animal love and care.

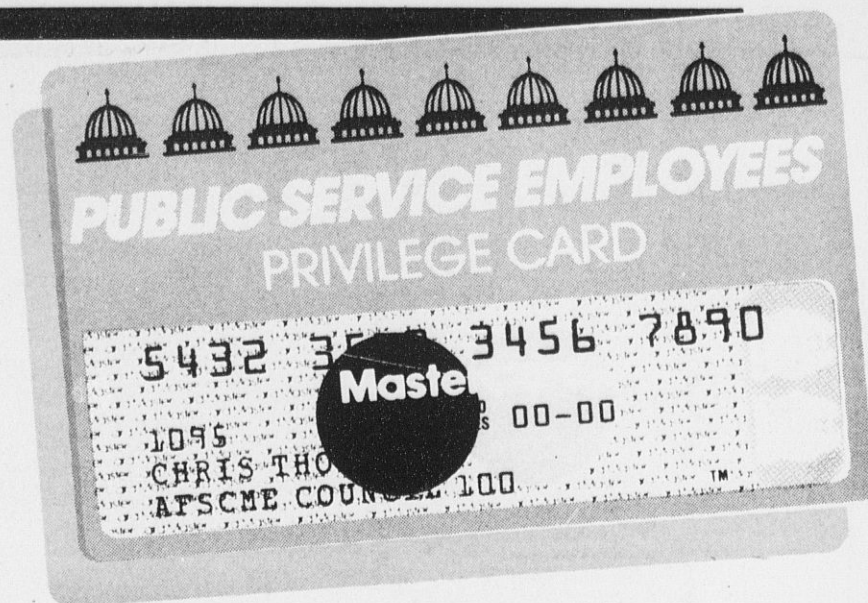


MORNIN', MONKEY! — Zookeeper Sue Margulis greets one of the long-tailed colobus monkeys in its glass enclosure.



SIT UPS — Zookeeper Mick Case puts 10-year-old Romani through her morning sit up exercises. The enlarged elephant area now accommodates four pachyderms.

Questions and Answers about that new MasterCard®



The announcement in the Oct. 6 issue of The Public Sector that arrangements have been made by AFSCME with The Bank of New York to mail application forms for a "Public Service Employees Privilege Card MasterCard" to all AFSCME members, including CSEA, has resulted in a tremendous number of inquiries about the program from rank-and-file members.

Additional details about the MasterCard application forms are contained in the following questions and answers.

One very important detail involves the approximate time CSEA members can expect to receive their individual application form at their home mailing address. According to The Bank of New York, members should receive their application form by Thanksgiving. Members who have not received an application by Thanksgiving should contact their local union office, where extra application forms will be available AFTER Thanksgiving. This is a change from the original announcement, which projected applications would be received by the end of October.

QUESTIONS AND ANSWERS ABOUT THE PUBLIC SERVICE EMPLOYEES PRIVILEGE CARD MASTERCARD

Q. A CO-WORKER RECEIVED A MAILING. I DID NOT. WHY?

A. It is expected that members will receive the mailing over a five-week period, with many receiving the material about mid-November. However, wait until Thanksgiving and if you have not received your mailing package by Thanksgiving, contact your local CSEA union office, where extra applications will be available AFTER Thanksgiving.

Q. HOW LONG WILL IT TAKE TO GET THE CARD AFTER I'VE APPLIED?

A. You should allow two to three weeks, to account for processing and postal time.

Q. WHO CAN GET THIS MASTERCARD?

A. All AFSCME members and retirees in good standing may apply. Free additional cards are also available for other family members on each account.

Q. WHAT IF MY CREDIT IS DENIED?

A. The union has absolutely no involvement in the personal credit review process. That is a confidential matter handled entirely between the bank and the member. However, if you think there may have been an error, the letter you received

from the bank explains your rights and how you can check your credit file. Remember, your union arranged for this card, but all credit and servicing decisions are made by The Bank of New York (Delaware).

Q. DO FINANCE CHARGES APPLY ON ALL CARD USAGE?

A. Yes. Many other cards charge you finance charges on all usage except when you pay your balance in full each month. Then, finance charges do not apply on new purchases. Most of those cards, however, charge an annual fee and higher rates.

This MasterCard's method of applying finance charges is different. It's called "True Credit" — a fair and easy-to-understand program. No annual fee and a lower rate. This MasterCard applies a finance charge from the moment of purchase. It takes about \$1,700 in yearly purchases to accumulate \$20 in finance charges...equal to the average fee elsewhere.

Q. DOES AFSCME MAKE ANY MONEY ON THIS?

A. No! The entire program was created as a benefit for union members — overseen by the AFL-CIO on a non-profit basis, with no dues funds used to support the program.

Q. CAN I SWITCH THE BALANCE FROM MY PRESENT CARD?

A. Yes! It makes a lot of sense to use your Check-N-Charge checks under this program to pay off other high rate cards, store cards, and loans. Just write a check payable to your other card companies for the full amount of the balance and the amount will be applied to your new MasterCard account.

Q. ARE THERE OTHER CREDIT CARDS WITH LOWER RATES?

A. In some rare instances, usually at smaller local banks, you can find a "sale" rate on a particular benefit. You should compare all the benefits and costs of this AFSCME MasterCard, which includes no annual fee, immediate cash, free additional cards, and a skip payment option. Other offers usually contain "fine print" requiring high income or the need to maintain another account at that bank.

Q. WHAT IF I LEAVE THE UNION?

A. This MasterCard is only available to members and retirees in good standing. Once the bank is notified that you are no longer an AFSCME member, the bank may not reissue your card at expiration time.

Binghamton office building opening delayed again following inspection

BINGHAMTON — The planned reopening of the Binghamton state office building in October, 1987, will probably be delayed after recent tests showed that the three lowest levels of the structure did not meet minimum acceptable health and safety standards, necessitating additional decontamination work.

CSEA President William L. McGowan said the union concurs with state plans to postpone the planned October, 1987, reopening of the building, which has been closed since 1981 when a toxic

transformer fire contaminated the facility. "CSEA has said all along that we will not allow our members to reenter the Binghamton state office building until we are satisfied it is absolutely safe for them to do so. That is why we have had our own safety experts monitoring the cleanup for years now. There are obviously still some problems with the lower levels of the building, and we are pleased that the state is showing caution and is not prematurely reopening the structure."

November 1986
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EVER READY® E717 by Keith Clark

*Reminder!
 Today is
 filing
 deadline
 for LEAP
 Spring
 semester!*

October 1986
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December 1986
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329 Tuesday, November 25 036

Questions concerning any phase of the LEAP tuition-free program may be directed to:

CSEA/LEAP
 143 Washington Avenue
 Albany, N.Y. 12210
 (518) 434-0191 Ext. 226 or 228

LEAP

Application deadline Nov. 25

NOVEMBER 25, 1986. It's a deadline date, and a very important one if you're planning to participate in CSEA's Labor Education Action Program (LEAP) Spring '87 Semester.

November 25 is the deadline for applying for a tuition-free course in LEAP's Spring Semester. LEAP course announcements are available from state agency training and/or personnel offices or from CSEA state division Local presidents.

SO REMEMBER — if you're an eligible state employee and you're planning to enroll for one of the tuition-free courses, YOUR application must be received in the LEAP office by **November 25** for the Spring '87 Semester.

LEAP will notify all applicants by mail at their home address whether

or not they have been accepted for a Spring '87 Semester course.

What is LEAP?

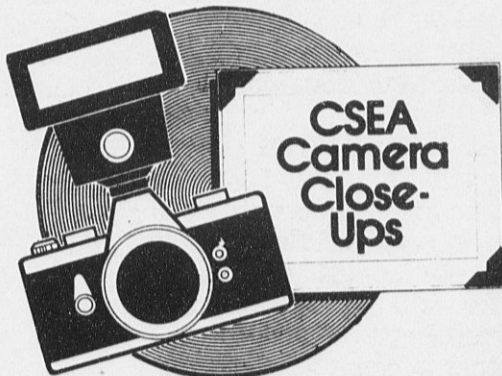
CSEA's Labor Education Action Program (LEAP) offers tuition-free courses at two and four-year public and private colleges, BOCES and various state facilities across New York state.

LEAP is available only to CSEA-represented state employee in the Operational Services, Administrative Services and Institutional Services Units, Health Research Inc., SUNY Construction Fund and Division of Military and Naval Affairs.

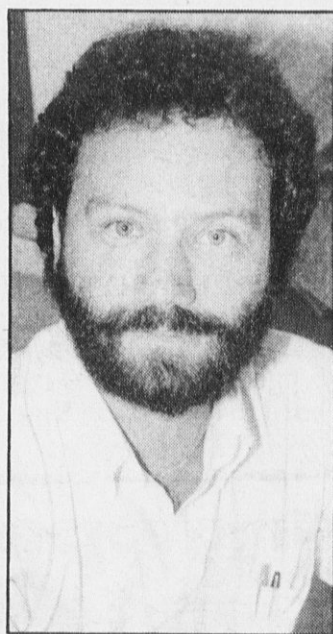
The program is designed to help increase upward career mobility in state service, and to generally improve the participant's quality of life on and off the job.

Requirements

Once you have obtained a LEAP course announcement and application form, read them carefully. As an applicant, you will have a number of requirements to fulfill, all of which are clearly spelled out in the LEAP course announcement.



Area psychiatric and developmental centers are horrendously understaffed. What problems have resulted from these understaffed conditions?



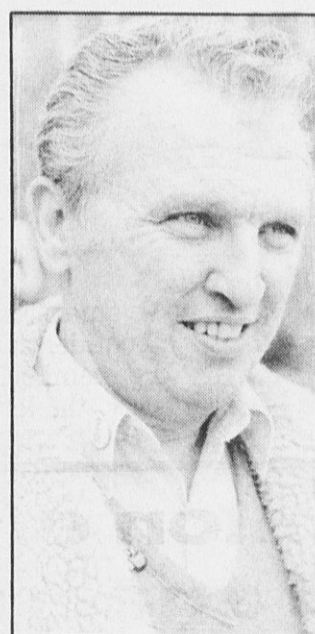
PATRICK HAHN
 President, Local 418
 Pilgrim PC

"The compensation cases have increased immensely. We have 60 to 80 direct care employees out on compensation each month due to on-the-job injuries."



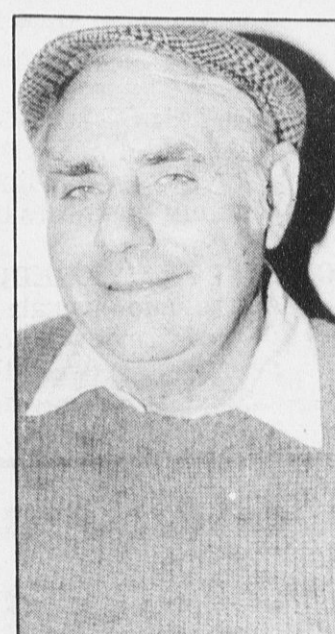
JOE LAVALLE
 President, Local 430
 Long Island DC

"The understaffed conditions have resulted in diminished patient care. It has also meant lower employee morale."



TONY BENTIVEGNA
 President, Local 411
 Kings Park PC

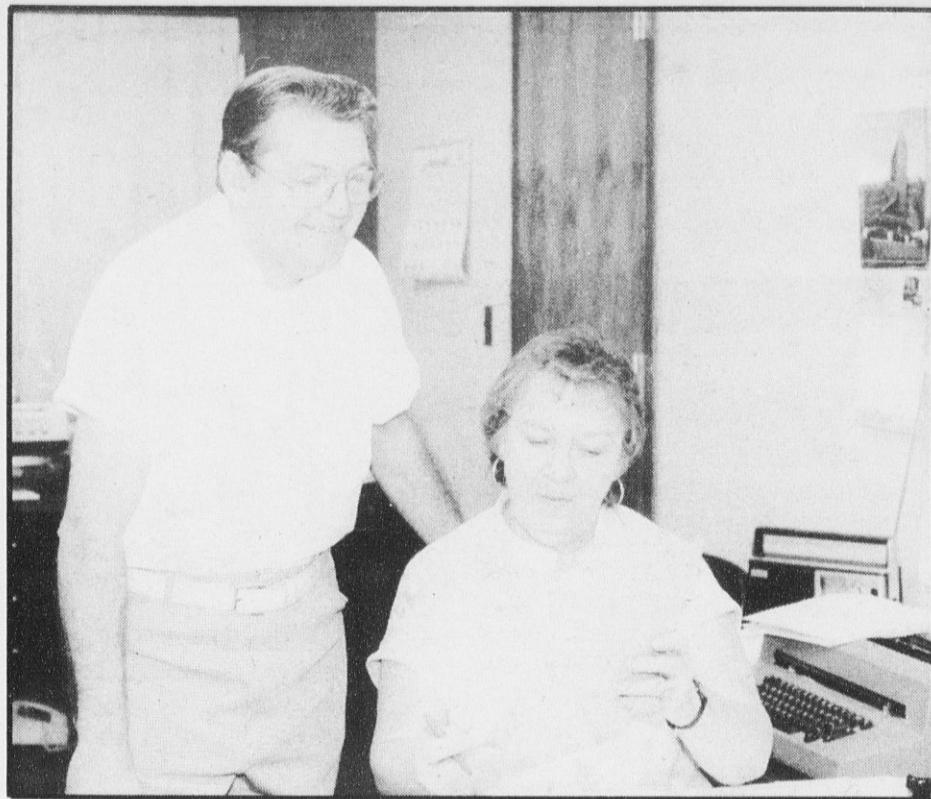
"I think redeployment is one of the biggest problems. Moving employees from one area to another presents a dangerous situation for our employees..."



AL HENNEBORN
 President, Local 404
 Central Islip PC

"Our members have been denied requested leave time and are constantly mandated to work overtime. It's a terrible situation and it has to change."

Where asked: Long Island Region I



Breaking barriers

CSEA members help ease Yonkers desegregation

YONKERS — Court-ordered desegregation of an 8,000-student school system, which necessitated reorganization of school buildings, could spell tremendous problems. But nearly two months into the new school year, the Yonkers School District is running smoothly, and district officials credit CSEA members with playing a big part in the successful transition.

Assistant Superintendent Robert Dodson credits CSEA members with "keeping it all together." Adds Dodson, "They're on the front lines." And CSEA Unit President Ray Moniz agrees, noting district employees have been going all out to assure that students are bused to the proper schools, and fed on time, and helping coordinate teacher assignments.

The cafeteria staff was not exempt from all the confusion. Margaret Cicchetti, assistant school lunch superintendent, pointed out that there is a considerable increase in lunch program participation this year. "My staff has been very cooperative and reliable," she said. "They've really extended themselves."

Moniz says that a number of clerical workers came in during the summer to help out with the extra workload.

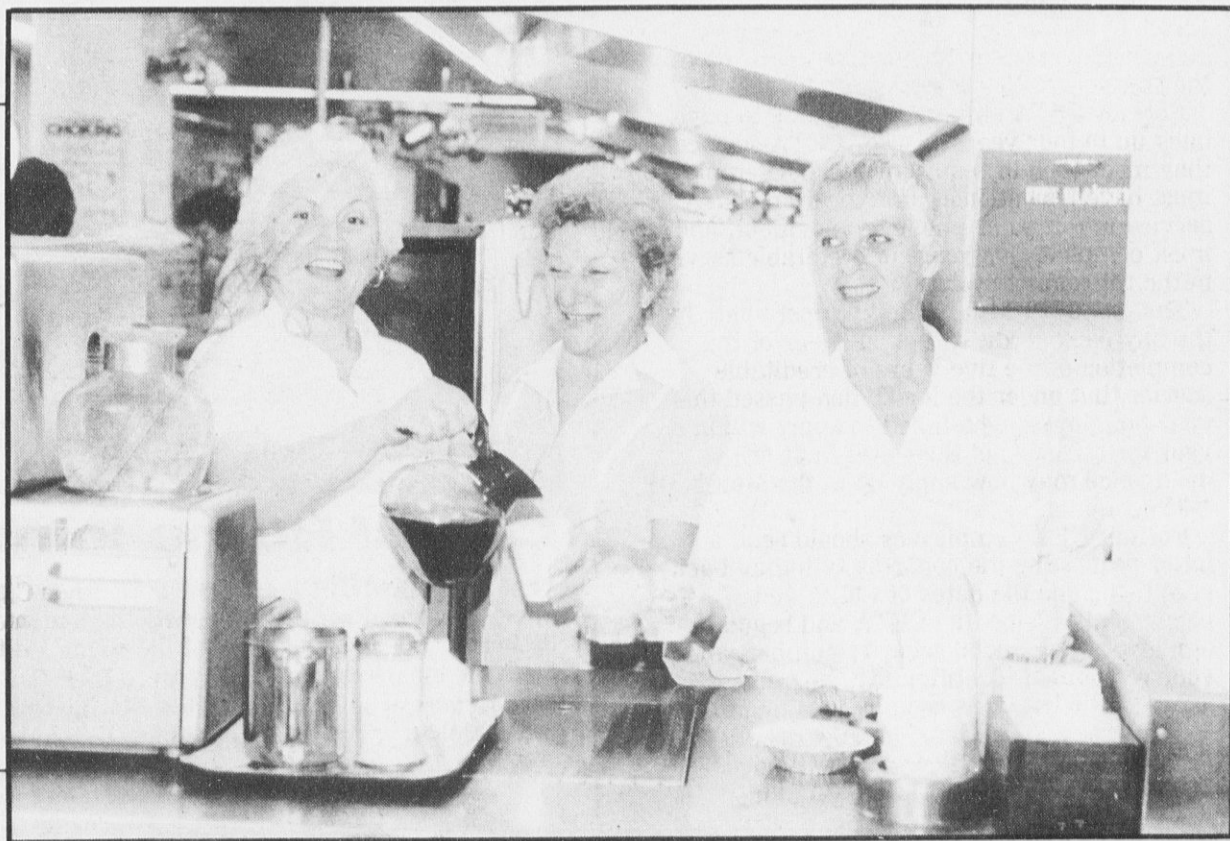
"CSEA has done everything they can to be cooperative with the court order," said Director of Personnel Joseph Guernsey.

Major renovations of school buildings kept the custodial staff extra busy in the final weeks before school opened this year. Head Custodian Bill DeCiucis explained that one school was changed to a junior high school from a high school, which meant moving supplies, materials and furniture from one building to another.

"The key is communication," Guernsey remarked. "We've always had good support from CSEA."



HELPING TO MAKE THE YONKERS SCHOOL DISTRICT WORK . . . ARE CSEA MEMBERS . . . Top photo, Yonkers School District Unit Treasurer Angela DiStefano shows Unit President Ray Moniz some of the work she did this summer after the district was ordered to bus 8,000 students to schools in the district to achieve the court's plan for desegregation. This is the first time the district has ever bused students to school with the exception of handicapped youngsters. Photo above, school district employee Jerina Kowalyk serves up a yummy lunch of pizza to youngsters at John Burroughs Junior High School. At right, Cafeteria staffers Lucy Russo, Olga Attanasio, and Fay Vellucci get ready for the lunchtime rush of students.



Region IV hosts candidates

SARATOGA SPRINGS — CSEA Capital Region leaders hosted candidates the union has endorsed in the November general election at a meeting here recently.

"This concept of bringing the candidates to meet and mix with local presidents was well received by everyone involved," noted Region IV Political Action Committee Chairman William Burdick.

"So many of the candidates pointed out the importance of the CSEA endorsement to their campaign that even our hard-to-impress leaders were pleased by the candidates' sincere expressions of appreciation," said CSEA PAC Coordinator Edward LaPlante.

Region IV President C. Allen Mead noted, "Our leaders and our endorsed candidates had an opportunity to exchange views and ideas about government. That's very important."



POLITICIANS AND PETITIONS — CSEA Region IV endorsed candidates and CSEA officials add their signatures to a CSEA-sponsored petition calling for the release of U.S. hostages held captive. From left to right, back row, are PAC Chairman William Burdick, Region IV President C. Allen Mead, Assemblyman Paul Tonko, Assemblyman Glenn Harris, Region IV Second Vice President Barbara Skelly, Senator Howard Nolan, Assemblyman Richard Connors, and congressional candidate Ed Bloch. In front row are Region Third Vice President Lou Altieri, Region Treasurer Barbara Stack, Region Secretary Judy Remington, Region First Vice President Joan Tobin, Assemblyman Jim Tedisco, and Assembly candidate John Faso.

Reminder on CETA buy back deadline

Time is beginning to run out on former Comprehensive Employment and Training Act (CETA) employees who may be eligible to buy back CETA service time under legislation passed during the 1986 state legislative session.

CSEA is encouraging all former CETA employees who failed to apply previously to buy back credit to do so as soon as possible. Under terms of the legislation passed this session, the deadline for making application to the state controller is March 31, 1987.

Former CETA employees are able to buy back up to four years of prior CETA service if they meet certain requirements. The employee must have transitioned directly from CETA service into regular public employment, and must complete five years of creditable service in the retirement system.

The employee also normally must apply for the buy back credit within one year of the completion of the five years of creditable service, but under the legislation passed this year, employees who failed to apply within one year for reasons not their own fault or negligence may now apply up to the March 31, 1987 deadline.

Former CETA employees should send a letter requesting the opportunity to buy back credit. Include the dates of CETA and permanent service, the CETA and regular employer, your social security number, and your retirement identification number.

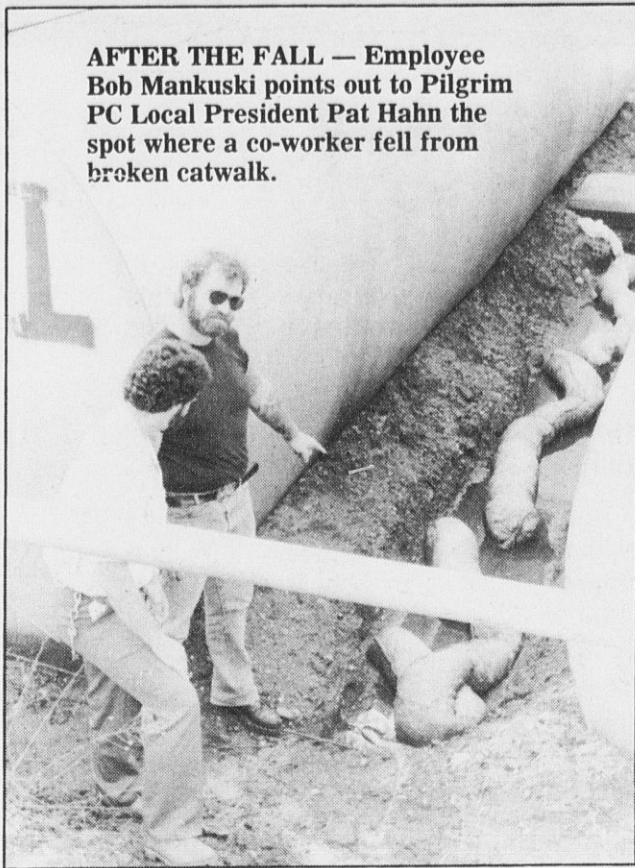
Send your letter, as soon as possible, to:
The New York State Employees
Retirement System Membership Services
Alfred E. Smith State Office Building
Albany, New York 12244



City of Rome joins EAP bandwagon

IT WAS A BANNER DAY FOR EAP when City of Rome Mayor Carl J. Eilenberg, seated, offered a signed copy of the newly implemented Employee Assistance Program, (EAP) to Joseph B. DeFina, president of the Rome Unit of Oneida County CSEA Local 833. Also on hand for the document signing were EAP Coordinators Paul Marcellus, representing Rome Fire Department employees; Pat Sterling, representing Rome City Hospital employees, and Adele Delaney, representing employees at Rome City Hall.

AFTER THE FALL — Employee Bob Mankuski points out to Pilgrim PC Local President Pat Hahn the spot where a co-worker fell from broken catwalk.



Union hisses over catwalk mishap

MELVILLE — A CSEA member at the Pilgrim State Psychiatric Center suffered cracked ribs recently when he fell from a rotted catwalk while taking a reading from the oil tank outside of the powerhouse at the facility.

“The worst thing about it is that a work order was written up to have that catwalk replaced, but because they’re so short-staffed here, the repairs weren’t made in time,” explained Pat Hahn, president of

Pilgrim PC Local 418.

Joe Ward, head stationary engineer and CSEA delegate, explained that problems with the catwalk have been ongoing since it was put up “temporarily” in 1976.

According to CSEA OSH Specialist Kenneth Brotherton: “We’d like to see the administration have gauges connected so that the readings can be taken from inside the building. This way no one has to risk his life climbing onto an unsafe structure.”

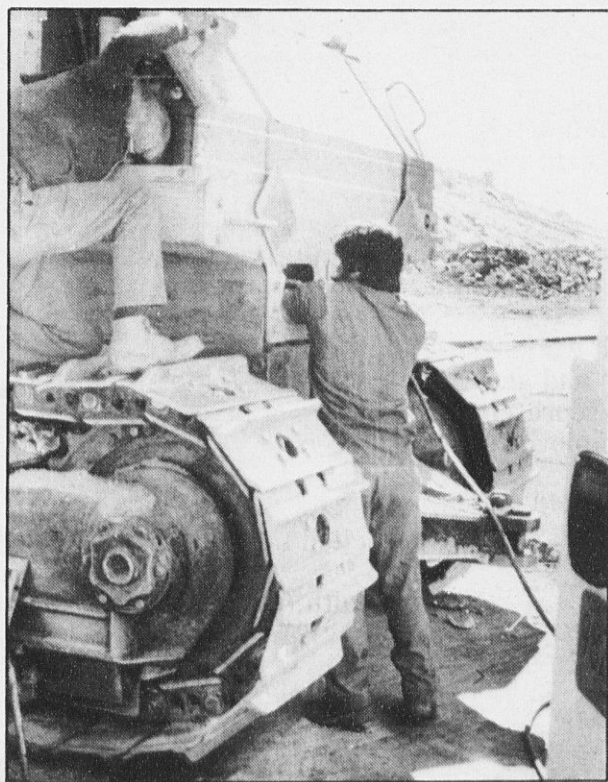
HEALTH & SAFETY

Grappling with problems in the workplace

Stories and photos by
CSEA Communication Associates
Sheryl Carlin and Anita Manley



Hempstead mechanics left in cold



HEMPSTEAD — As the cold weather moves in, the mechanics at the Town of Hempstead landfill in Oceanside are being forced to move out.

“We’ve regressed to a period of 20 years ago,” exclaimed Unit President Peter Ellison. The problem began last month when the Department of Sanitation dismantled the vehicle repair building where the mechanics had been working.

According to Ellison, “The current administration must have been looking to add more dumping space because that’s what the area is being used for now.”

The mechanics are now working outside, exposed to every kind of inclement weather.

BABY, IT’S COLD OUTSIDE — Town of Hempstead mechanics work on vehicle, exposed to every kind of inclement weather.

They have been using cardboard scraps to protect themselves from the oil, grease and sewage on the ground.

“These mechanics are working near gas pumps, out in the elements. If it rains, they have to contend with mud puddles and runoff from the dump. It’s primitive,” Ellison declared.

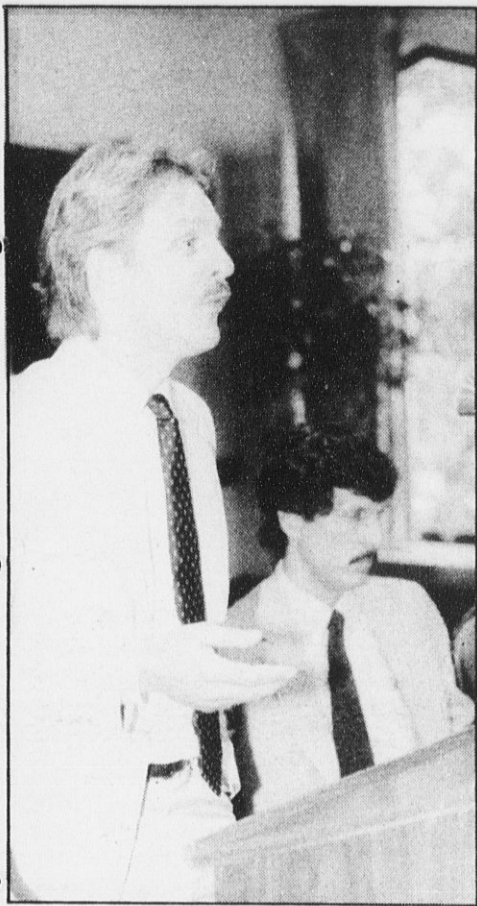
The sanitation department never discussed the problem with the union and has yet to come up with a workable solution.

One possibility offered by management was to put the mechanics in the old “tipping” room where raw sewage used to be dumped.

“I want to know how safe it is in there. Sure, they poured cement, but what about odor and fumes?” Ellison said.

CSEA OSH Specialist Kenneth Brotherton will inspect the proposed site and secure a noxious fume report from the Department of Health, if needed.

Avoiding accidents



PAUL MCDONALD, left, of joint Safety and Health Maintenance Committee and CSEA Safety and Health Director James Corcoran.

WEST POINT — When was the last time your health and safety committee surveyed your worksite for hazards?

According to Dr. David Kotelchuck, Director of the Environmental Health Service Program at Hunter College, most accidents and injuries can be prevented with a minimum of vigilance.

Kotelchuck told a group of participants at a recent statewide labor/management conference here that injuries are classified into 6 categories:

1. Chemical Hazards. Do you know the ingredients of the chemicals used in your facility? Cleaning agents? Even rug cleaners can leave a hazardous residue. Does your facility have a print shop? What chemicals are used there? Are they stored properly. Are solvents carcinogenic? Do you have PCBs in your facility?

Use the Right-To-Know Law to get information if necessary. Make sure safety data sheets are accessible.

2. Physical Hazards. Noise, radiation.

3. Biological Hazards. Hepatitis is a widespread problem, even more so than AIDS. Kotelchuck says there are over 100,000 cases a year. Chronic active hepatitis is carried by a number of people.

4. Fire Safety. Does your facility have a fire evacuation plan in place? Are sources of potential fires checked? Do you have smoke detectors?

5. Ergonomic Hazards. VDTs, proper chairs,

proper illumination, rest breaks, back injuries. Are there training programs in your facility for lifting patients? Do you have lifts in your facility? Are they accessible?

6. Stress. Burnout. Are there facilities for exercise? Discussion groups? Seminars on handling and coping with stress?

“Health and safety isn’t just dealing with accidents,” said Kotelchuck. “You need a comprehensive approach. Develop a long-term action plan. Use a systems approach,” he advised. “Involve labor and management.”

Kotelchuck also emphasized the need for a good data system for keeping records.

“With a preventive approach, with interest and will, you can do a good job for your agency.”

Funds are available for safety and health programs, according to Paul McDonald of the New York State/CSEA Safety and Health Maintenance Committee. McDonald says there are grants available for pilot programs and seed money for projects.

Some of the programs that have been held include training in CPR, video tapes on back injuries, and fire safety. One program currently available to state employees is a video tape on lifting. It includes a manual explaining the film. Anyone seeking more information should contact McDonald at (518) 474-8904.

Signing up safety reps

ALBANY — A new state directive will allow public employee organizations like CSEA more input into worksite safety inspections than ever before.

The New York State Department of Labor’s Division of Safety and Health (DOSH) has authorized public employee groups at its worksites throughout the state to select representatives who would accompany state inspectors on their visits. The action puts the state’s Public Employee Safety and Health (PESH) program in line with federal requirements and qualifications for funding.

CSEA local presidents are now in the process of designating a minimum of two employees per worksite who could participate in inspections as “walkaround representatives.” DOSH has sent to employee organizations special forms for recording information about the representatives selected at each worksite. This information will be kept on file at the Department of Labor and at CSEA headquarters, and prior to a safety inspection an authorized representative will be notified to take part.

Under the PESH Act, an employee accompanying an inspector has specific rights and protections. A walkaround rep will not suffer any reduction in wages and will not have accrual time charged. He or she may also request inspection of areas other than those cited in the complaint for having suspected violations.

CSEA Director of Occupational Safety and Health (OSH) James Corcoran said that so far the response of local presidents in returning the DOSH forms has been favorable. He encourages those who have not completed and returned them to their regional OSH specialist to do so as soon as possible.

“In order to ensure that our members are properly represented in safety inspections, it is essential that the forms are completed accurately and updated as necessary,” said Corcoran.

STATE OF NEW YORK - DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Public Employee Safety and Health Bureau
ONE MAIN STREET
BROOKLYN, N.Y. 11201

WALKAROUND REPRESENTATIVES - EMPLOYEE ORGANIZATIONS

The following employee organization representative(s) will be available to participate in the Safety and Health inspection at the work location listed below.

1. EMPLOYER NAME (e.g. NYC Department of Social Services, Town of Westimer, Orange Co.)

2. WORKSITE NAME (e.g. Windsor Social Services Center, Lathrop High School, Highway Garage #2)

3. WORKSITE ADDRESS (e.g. 1401 York Ave., 1000 1st Ave., 1000 1st Ave.)

4. EMPLOYEE ORGANIZATION REPRESENTATIVE(S) (List all)

| a. Name of Representative | b. Name of Organization | c. Job Title | d. Telephone |
|---------------------------|-------------------------|--------------|--------------|
| | | | |
| | | | |
| | | | |

5. The above information was provided by:

| a. Name | b. Title | c. Telephone No. | d. Signature |
|---------|----------|------------------|--------------|
| | | | |
| | | | |

DOSH 903 (4-86)



New phase for Farmingdale day-care center

Assemblyman Patrick Halpin holds one of the toys at the recent opening of expanded day care operations at the State University of New York at Farmingdale. The facility, in existence for three years, can now care for over 100 children. Joining with Halpin are from left, CSEA Local 604 President Jeanne Angiulo, center director Anna Fontana, and CSEA statewide Secretary Irene Carr. State assistance under the CSEA contract helped the center to install four pre-fabricated structures to expand day-care services for employees and students.



CSEA Committee profile

Union women growing in strength and numbers

ALBANY — When the CSEA statewide Women's Committee opens its annual workshop in Saratoga Springs on November 14, it will be just the latest step in the committee's growth. That growth reflects CSEA's recognition of the committee's importance.

Originally created as a temporary committee to address some pressing concerns of women members, it has become a permanent standing committee with a broad agenda.

There are many reasons for the changes, not the least of which is that women are a growing force in the workplace and make up more than half of CSEA's membership.

But additionally, says the committee's new chair Helen Zocco, "women's issues" should not be seen as having limited impact: "a lot of men are facing some of the same problems, such as day care, single parenting, and improving career opportunities."

Zocco adds that in addressing many inequalities, women need men to understand the difficulties they face and be supportive to bring about change.

While Zocco indicates it is important for CSEA to be responsive to the needs of its members at home as well as on the job, often these areas are not directly union-related. For example, some of the sessions scheduled for the Women's Workshop include: Domestic Violence, the Aging Parent Dilemma, and Challenges Facing Single Parents.

To help address these broader concerns, the committee is making plans for greater participation in the political and legislative arenas to see its goals realized. In addition to reviewing legislation of



Above, members of the CSEA statewide Women's Committee meet during the recent Niagra Falls delegates' meeting. At right, Committee Chairwoman Helen Zocco offers some words of advice.



interest, the committee is working on ways to follow up and act on concerns. Sharing information is a priority.

The committee sponsored a legislative breakfast at CSEA's recent convention featuring former New York City Council President Carol Bellamey (see the next edition of the Public Sector for coverage). This program is expected to become an annual event.

"We're also setting up a networking system across the state to keep activists informed about all kinds of news" says

Zocco. But she comments that an effective committee requires two-way communication. To that end the committee is distributing a brochure which includes a survey on issues of importance. Plans are also moving forward for a regular newsletter about committee activities.

"We can't be all over the state, so we have to look to our members for feedback . . . unless we're made aware of questions or problems we can't do anything to resolve them."



TOWN OF RAMAPO employee Claude Coe shows former Unit President Betty Schreur, seated, and President Pauline Goldin the checks he received after he won his grievance against the town. Coe says he used the \$11,000 to pay bills.

\$11,000 payback

RAMAPO — A town employee here received checks that totalled more than \$11,000 thanks to a grievance filed on his behalf of CSEA.

According to Unit President **Pauline Goldin**, Claude Coe had worked for the town for 8 years when he sustained a back injury and was out of work for 3 years. When he returned to his job, town officials classified him as a new employee, so Coe asked for a new seniority date which would include consideration for the previous 8 years of employment.

The town complied and gave him a

seniority date of June 4, 1972.

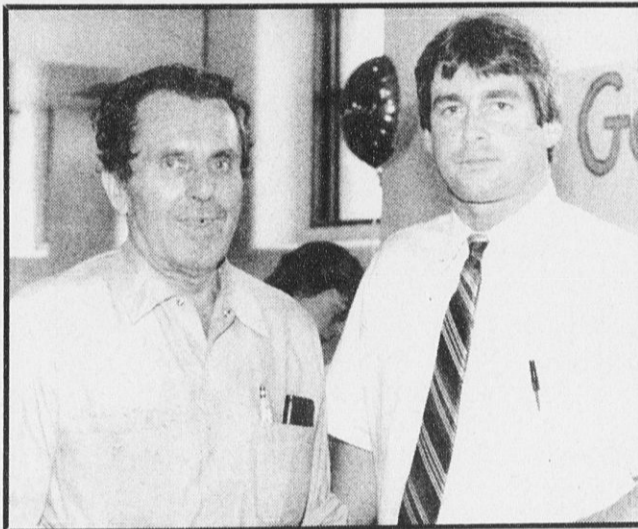
Former Unit President **Betty Schreur** says the trouble began when the town denied Coe his longevity based on the new anniversary date.

The grievance was ruled in Coe's favor. "The basis of the decision was that there was a similar case in 1982, so Claude won his longevity on the strength of a past practice," Schreur explained.

Coe, a laborer with the town, says he's pleased with the decision. "The union really worked with me to solve the problem," he said. "It's a good union."

This, that

AND THE OTHER THING



CSEA people

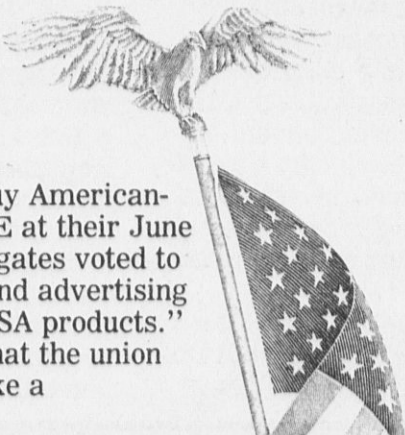
Retiring smile

Teddy Steciuk Sr., left, was honored with a surprise party in recognition of his pending retirement after 27 years of service with the **Hasting School District**. Among those attending the party for the long-time CSEA member was CSEA Collective Bargaining Specialist **Donald Partrick**, right.

For your information

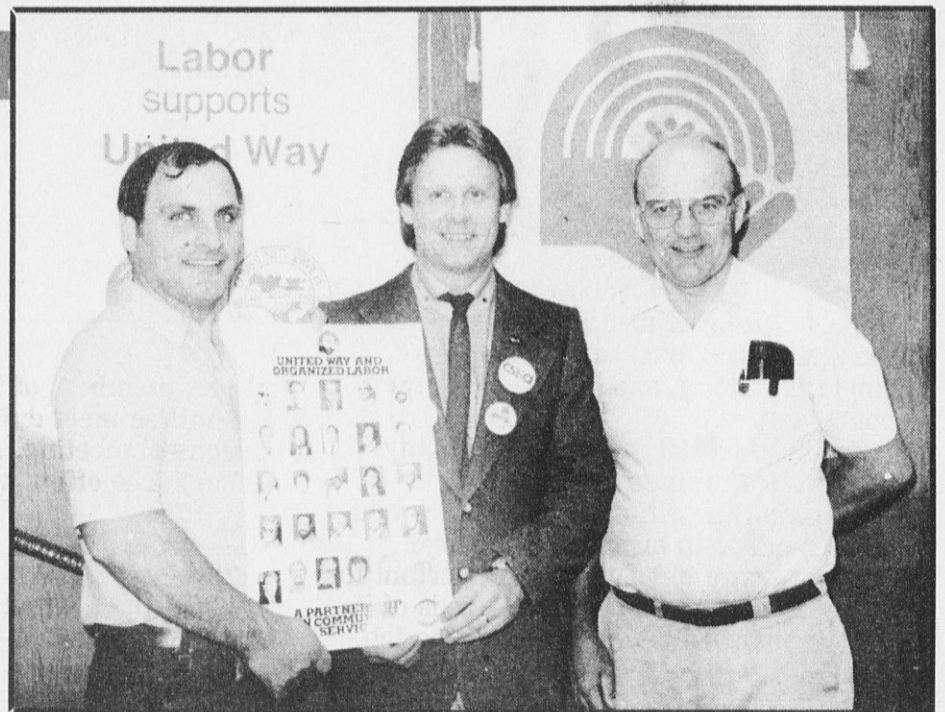
*The writing is
on the wall*

Can you be fired for writing pro-union graffiti on a bathroom wall? Not according to an administrative law judge of the **National Labor Relations Board** who ruled in a case involving the Port East Transfer Company of Rosedale, Maryland. After the company imposed a drug testing program on drivers, one of the workers wrote, "Damn right we need a union" on the bathroom wall. The company took writing samples of its workers and discovered the graffiti writer, who was promptly fired. The judge ruled that the worker had been discharged for the content of the statement rather than for defacing company property.



Made in USA

REMEMBER: A commitment to buy American-made products was made by AFSCME at their June convention in Chicago. AFSCME delegates voted to fervently support "public education and advertising programs to buy union Made-in-the USA products." The resolution was amended to add that the union and its subordinate bodies firmly make a commitment go the American way.



Way to go

Jon Premo, center, president of CSEA Rome Developmental Center, Local 422, is the general campaign manager for the 1986 City of Rome **United Way** campaign. Flanking are **Joseph Rollo**, left, representing Local 310 of the International Brotherhood of Electrical Workers, and **Ron J. Durkee**, right, secretary-treasurer of Communications Workers of America, Local 1126. Both are members of the Rome United Way Board of Directors.

Union spirit rises up at Attica

By Ron Wofford
CSEA Communications Associate

ATTICA — The tall, gray, forboding walls of the maximum-security Attica Correctional Facility have had absolutely no hold on a resurgence of union consciousness among CSEA members there, according to Local 152 leadership.

“Widespread interest in our union was evident by the 75 percent showing of members voting in the last local election,” said Ernie LaWare, newly-elected president. “We’ve had double the normal attendance at meetings, and people are getting involved, serving on committees, and so forth. We are really becoming united.”

LaWare and Jim Hank, first vice president, feel management has taken notice of the increase in union participation. This has helped improve the labor-management picture all around for the local’s 200 members, they said.

Positive results of the improved atmosphere include plans for stress management courses for employees, handicap parking and smoke-eaters to clear away smoke in the offices where windows are limited.

Another atmospheric improvement will be the completion of the employee recreation building, now under construction. It will allow employees to pursue physical exercise, eat their lunches, have visits and meetings, and conduct other activities outside the 30-foot high, eight-feet thick walls that enclose the prison.

Civilian CSEA members will share the new facility with the guards and other professional employees whose unions joined with the state in contributing to its construction through Quality of Work-Life agreements.

LaWare and Hank are joined as elected officers by: Irene Jerge, second vice president and a purchasing account clerk; Secretary Sandra Durfee, supervisor of inmate accounts; and Treasurer George Phelps, a trades trainer in steamfitting. LaWare is an electrician at the facility and Hank is a refrigeration and air conditioning mechanic.

The officers said their main aim is to keep the members aware and involved in CSEA so “they can be informed and enjoy the benefits of being in the union family.”

NO HOLDS BARRED on the release of union spirit at Attica Correctional Facility these days as CSEA Officers and representatives work to unite members. Pictured, from left, are: (standing) Second Vice President Irene Jerge; Secretary Sandra Durfee; Field Representative Bob Young; (kneeling) First Vice President Jim Hank; Treasurer George Phelps; and President Ernie LaWare.

