

CSEA gets milestone agreement

ALBANY — An unprecedented agreement has been reached between the Civil Service Employees Assn. and the State of New York to use "Last Offer Binding Arbitration" (LOBA) to resolve any deadlocks in current contract talks affecting about 107,000 state workers.

Under the milestone agreement announced jointly last week by CSEA President William L. McGowan and Governor Hugh L. Carey, any items that cannot be resolved at the table will be submitted to an impartial panel of three arbitrators for a decision binding upon both parties.

Thus, LOBA has replaced, on an experimental one-year basis, the legislative hearing process which, under the Taylor Law, is the final step in resolving a bargaining dispute. Union members would still vote on ratification of any agreement reached through normal negotiations. The only difference, and it's a major and positive one, under LOBA would be that instead of having management mandate a forced contract under the guise of a legislative hearing, the final determination would now be decided on a fair and equitable basis with equal input from the union.

"LOBA is the fairest way to balance the restriction on the rights of public employees to strike against their rights to a fair settlement of contract disputes," President McGowan said. "This agreement could serve as a model for labor relations in the public sector across this country."

Mr. McGowan, an Executive Vice President of AFSCME, the AFL-CIO's largest union, said the agreement could lead the way to legislated improvements in the Taylor Law to lessen the threat of public employee strikes across the state. It could also lead the way nationally in this area.

"This step by CSEA and Governor Carey," the union leader said, "could mark a milestone in public sector labor relations."



POKER FACES OF CSEA NEGOTIATORS reveal little as they face State of New York negotiators across the table as coalition bargaining began last week. From left are CSEA chief negotiator Atty. James W. Roemer; CSEA President William L. McGowan; CSEA Executive Vice President Thomas McDonough; Denise Futia, a union secretary to one of the teams; Elaine Todd, a member of CSEA's Administrative Unit team; and John Conoby, union collective bargaining specialist assigned to the Administrative Unit team.

Coalition wage talks begin

ALBANY — Contract negotiations between CSEA and the State of New York on behalf of 107,000 state employees in three bargaining units entered another phase last week with the start of coalition bargaining. Since the start of the important negotiations late last Fall, talks had been on a unit basis with discussions concerning contract items particular to each unit individually.

With that phase complete, all three union negotiating teams are now meeting together with state

representatives to discuss contract items applicable to all units, including salary and benefits, as well as universal working rules and conditions, etc.

Meanwhile, CSEA President William L. McGowan labeled as "pure press speculation", media reports in the Albany area that the final salary settlement would be 7% in keeping with President Carter's wage and price guidelines. "Those stories appeared even before the teams had sat down to discuss salary proposals, so ob-

viously they were mere speculation. Our position is that we're determined to get the best salary settlement we can win, and frankly we're after a settlement in excess of the guidelines, especially for our lower paid workers who are being eaten alive by inflation," McGowan said. The negotiations cover state workers in the Administrative Services Unit, Operational Services Unit, and Institutional Services Unit. Contracts for all three units expire March 31, 1979.

Unions put fast end to CETA scheme

ALBANY — Fast action by CSEA and AFSCME has brought a quick end to what likely would have become a major abuse of the federal Comprehensive Employment and Training Act (CETA) program, the latest dramatic demonstration of what the two unions can achieve.

Robert Lattimer, CSEA Region 6 President and Statewide President William McGowan's appointed coordinator of CETA, said CSEA and AFSCME pooled forces to put an early end to a scheme that would have allowed local governments to hire CETA personnel who technically would be private, rather than public, employees.

The unions stopped plans by Nassau County to form a CETA "consortium" as a non-profit, private corporation. Under the federal program,

local governments are allowed to create "consortia" — loose confederations of the local governments — to share the administrative burdens involved in CETA.

CSEA Counsel Marge Karowe, of the union's law firm of Roemer and Featherstonhaugh, learned that Nassau County had plans to incorporate a consortium and make it the legal employer, rather than administrator, for the CETA personnel.

What's more, according to Nicholas Abbatiello, President of CSEA Nassau Local 830, the "private" employees of the consortium could not be touched by the county in the event of layoffs.

Ms. Karowe, Mr. Lattimer and CSEA Collective Bargaining Specialist Paul Burch met in Washington with Wendy L. Kahn of

AFSCME's Office of General Counsel. A meeting with officials of the U.S. Labor Department was quickly arranged.

Within days, the Labor Department — which administers CETA — issued orders to its Regional Administrators that private consortia are violations of CETA regulations and the law.

"We caught them with their pants down," Mr. Abbatiello said. "Now we're staying on top of the situation to make sure this scheme stays dead."

CHIEF NEGOTIATORS in current bargaining between CSEA and the State on behalf of 107,000 State workers listen intently as they field questions from news reporters during an Albany press conference to announce the LOBA agreement. Atty. James W. Roemer, left, is CSEA's chief negotiator, while Meyer Frucher, as Director of the Office of Employee Relations, is the top negotiator for the State.



Board election underway

ALBANY — The CSEA Statewide Election Procedures Committee is conducting an election to fill the vacancy on the Board of Directors that was left by the recent death of G. Geraldine Dickson.

The candidates for the board representative of the Education Department employees are: Harry Tanser of Local 010 (New York City); William C. Plimley of Local 657 (Albany); and Timothy E. Drew of Local 667 (Albany).

Ballots have been mailed out to all CSEA members in the Education Department, and must be returned by 6 p.m. on Feb. 3, 1979. Ballots will be counted at 10 a.m. on Feb. 5 in CSEA headquarters, 33 Elk St., Albany, N.Y.

If a ballot is not received by Jan. 26, or if it has been misplaced, a replacement can be obtained by calling Kathy Barnes in headquarters, (518) 434-0191.

The winner of the election will hold the Board seat for the remainder of Ms. Dickson's term, which expires June 30, 1979.

Candidate filing deadline Feb. 20

ALBANY — The deadline for applying for candidacy for any of the four statewide CSEA offices or membership on the State Executive Committee is Feb. 20, 1979.

Bernard Schmahl, Chairman of the Election Procedures Committee, has announced that only CSEA members in good standing since June 1, 1978, can run. Statewide offices to be filled are President, Executive Vice-President, Secretary and Treasurer. The State Executive Committee is comprised of one or more representatives from each State department, agency, authority or public corporation.

Applications for candidacy should be submitted to: Chairman, State-wide Nominating Committee, CSEA, 33 Elk St., Albany, N.Y. 12207. They must be submitted on special forms, which can be obtained from any CSEA Local president, or from any of the six CSEA regional offices. They can also be obtained from Mr. Schmahl, c/o CSEA at the above address.

The nominating committee has the

task of selecting at least two candidates for each office. The persons elected to the committee are: Ida McDaniel, John Aloisio and Bud Scudder, Sr. of the Long Island Region; Clifton Lewis, Tyrone Daniels and Aureliano David of the Metropolitan Region; Sandra Deyo, Margaret Connors and James McNutt of the Southern Region; Edward LaPlante, Jon Schermerhorn and Richard Weeks of the Capital Region; Robert Greene, Bruce Nolan and Philip Caruso of the Central Region; and Jerry Frieday, James Jayes and Rose Marie Saunders of the Western Region.

Nominations for regional offices are being conducted by regional nominating committees. This year, the regional nominating committees will also handle nominations for county educational representatives on the CSEA statewide Board of Directors.

Cost runs high for Legal Assistance Program

ALBANY — CSEA's Legal Assistance Program provides an invaluable service to the union's membership, but as the Dues Increase Study Committee appointed by President McGowan has learned, this service is not without its costs.

Last year the union spent more than one and one half million dollars to fund the massive program. The Dues Increase Advisory Committee learned that single expenditure — although one of CSEA's largest — accounts for nearly 11 cents of every dues dollar paid to the union.

The program's goal is simple. It

provides a direct service to CSEA represented public employees who are faced with disciplinary charges, bring grievances against their employers, or who must resort to court action to protect their contractual and legal rights. In just the state division alone, there were 2,600 disciplinary charges brought against CSEA represented employees.

While the Program's protections mean the difference between justice and abuse to the employees directly involved in legal actions, the Program plays an even more important role for those who are for-

tunate enough not to need legal assistance themselves. The Program serves as a major deterrent to management abuses of employee rights. A strong and effective Legal Assistance Program makes management think twice before taking action against an employee. Particularly with a Program as effective as CSEA's. Despite the 2,600 proposed disciplinary actions commenced against state employees last year, only 37 individuals were actually terminated due in great measure to the Legal Assistance Program.

But such protections against

management abuses are not without costs. General Counsel retainer fees, Regional Attorney retainer fees and the enormous costs of proceedings in disciplinary, grievances, lawsuits, appeals and PERB matters add up. While CSEA Locals pay some costs under the program, nearly 99 percent of the total program costs are carried by the Statewide organization.

Breaking down the Legal Assistance Program's costs by Region, the Committee learned that Regions One and Two have the highest need for the Program with expenditures of \$197,000 and \$204,000, respectively. The Committee even examined the expenditures broken down on a Local basis. Obviously, the expenditures within a Region or Local are dependent on a number of variable factors such as number of members served, types of member jobs, management attitudes, etc., but taken as a whole, they add up.

The value of a Legal Assistance Program is a great benefit to the membership, but as the advisory committee on dues learned, it also carries financial obligations.

For another look at the program, see story on page 12.

Report Card

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

Unemployment Insurance problems

As you know, Section 590.11 of the Unemployment Insurance law has caused numerous problems for non-instructional employees. Although articles dealing with the law have appeared on several occasions it has become apparent there are still some questions regarding the appeal procedure.

First of all, anyone may apply for benefits. This is a right guaranteed you. However, application for benefits does not mean you will automatically receive them.

If, after you have applied for benefits, you receive notification you are ineligible, the appeal procedure takes effect.

The first step of the appeal procedure involves notifying your local unemployment office of your desire. This can be done either in

person or writing but must be done within 30 days from the date of the decision. The date of the decision is on the form you receive from the unemployment office, not the date you receive the decision.

The first appeal hearing is before an Administrative Law Judge (ALJ). The ALJ will preside at the hearing allowing all sides to present their cases. Since it is a legal procedure, you are under oath to tell the truth. It is suggested you answer questions concisely and to the point, and answer only questions that are asked.

If you receive an unfavorable decision from the ALJ you may appeal to the Unemployment Appeals Board. You have 20 days from the date of decision to file an appeal. The appeals Board will

review your records before rendering a decision. Although you do not appear before the Board, you may submit documents or other information you feel is pertinent.

Directions on how to file an appeal can be found on the letters you receive from the unemployment office. It is imperative you carefully read all the letters you receive. If you have any questions regarding your decision or any communication you receive, call your local unemployment office.

As stated in an earlier article in The Public Sector, CSEA is taking the recent precedent setting cases from the Appeals Board to the Appellate Division. CSEA legal staff will continue to fight this battle until a decision is reached.

Ms. Lowe joins CSEA Board

ALBANY — Jo Ann Lowe of Albany, a member of Local 658, has been elected to the CSEA Statewide Board of Directors representing Public Corporation employees.

The election was ordered to fill the vacancy left by the departure of Richard Helmes, of the same local.

Ms. Lowe, a State Teachers' Retirement System employee, received all but five of the votes cast in the election, which was conducted by the union's Election Procedures Committee.



OFFICE OF GENERAL SERVICES CSEA LOCAL 660 recently contributed \$100 to the State Employees Federated Appeal (SEFA) 1979 campaign. Local 660 President Earl H. Kilmartin and Angie Polimerou, left, treasurer of the Local, beam as the union check is accepted by Pat Hennessey and Kathy McNamara, OGS members of the SEFA technical staff. SEFA conducts a once-a-year fund drive among state employees to provide contributions to 68 human services and health agencies in the greater Albany area.

Ms. Dixon, 44 loss to CSEA

ALBANY — G. Geraldine Dickson, a long-time CSEA member and Board of Directors representative from the Education Department, has died after a long illness.

Ms. Dickson, 44, of 254 2nd St., Troy, was elected to the Statewide Board of Directors as the representative of the State Department of Education in July, 1977. She had been president of CSEA Education Local 657 from April to July, 1977.

She also served as a CSEA delegate from her local for several years.

In addition to her job as research assistant with the Education Department, Ms. Dickson had also been a counselor with the Troy Neighborhood Youth Corps.

She was also elected to the Directors' Budget Committee in 1977.

Memorial contributions may be made to the Catholic High School of Troy Scholarship Fund.



Owen H. Johnson

Johnson named Civil Service panel chairman

ALBANY — State Senator Owen H. Johnson has been named chairman of the Senate Standing Committee on Civil Service and Pensions.

Johnson, whose Senate district spans both Nassau and Suffolk Counties, was just reelected to his fourth term. Prior to this assignment, Johnson had chaired subcommittees on government regulation and the study of small business, as well as being vice chairman of the Senate Higher Education Committee.

"Among the important issues the Civil Service Committee will consider are continuation of binding arbitration for policemen and firemen, agency shop, retirement system legislation, and some changes in the state's civil service stature," Senator Johnson predicted.

Chief staff people appointed to Senator Johnson's committee are Ginny Brown-Waite, committee coordinator, and Henry Zwack, counsel. It is expected that the committee will hold pertinent public hearings on civil service and pension matters throughout the state.

PUBLIC EMPLOYEES... Where Would You Be Without Them?



Larry Jackson - Medicaid Claims Examiner

Something is wrong. Very, very wrong. The payments being made by Medicaid to a certain laboratory are escalating far too fast. Larry Jackson swings into action, analysing reams of claims forms, computer printouts and statements. A pattern of fraud is developing and he notifies the Attorney General's office. More work, more analysis with the end result that an indictment is handed down. A conviction is obtained. Public funds are recovered.

Medicaid fraud has been uncovered and pro-

secuted because of the tireless work of the Larry Jacksons. Unscrupulous doctors and others now think twice before they try to bilk the public.

Larry Jackson, a public employee. Protecting your tax dollars from those who would rip them off.

Public Employees... where would you be without them?

CSI **d** **AFSCME**®
the union that works for you

Calendar of EVENTS

JANUARY

- 23 — Madison County Local 827 Executive Board Meeting, 7:30 p.m., Wampsville Highway Garage.
- 26 — Oneida County Local 833 Party to Honor 1978 Retirees, 7 p.m. Lewis House, Route 233, Westmoreland.
- 29 — Region V CETA Committee Meeting, 6:30 p.m., Sheraton Motor Inn, Thruway Exit 37 at Electronics Parkway, Syracuse.

REGION 1 — Long Island Region

(516) 691-1170

Irving Flaumenbaum, President
Ed Cleary, Regional Director

REGION 2 — Metro Region

(212) 962-3090

Solomon Bendet, President
George Bispham, Regional Director

REGION 3 — Southern Region

(914) 896-8180

James Lennon, President
Thomas Luposello, Regional Director

REGION 4 — Capital Region

(518) 489-5424

Joseph McDermott, President
John Corcoran, Regional Director

REGION 5 — Central Region

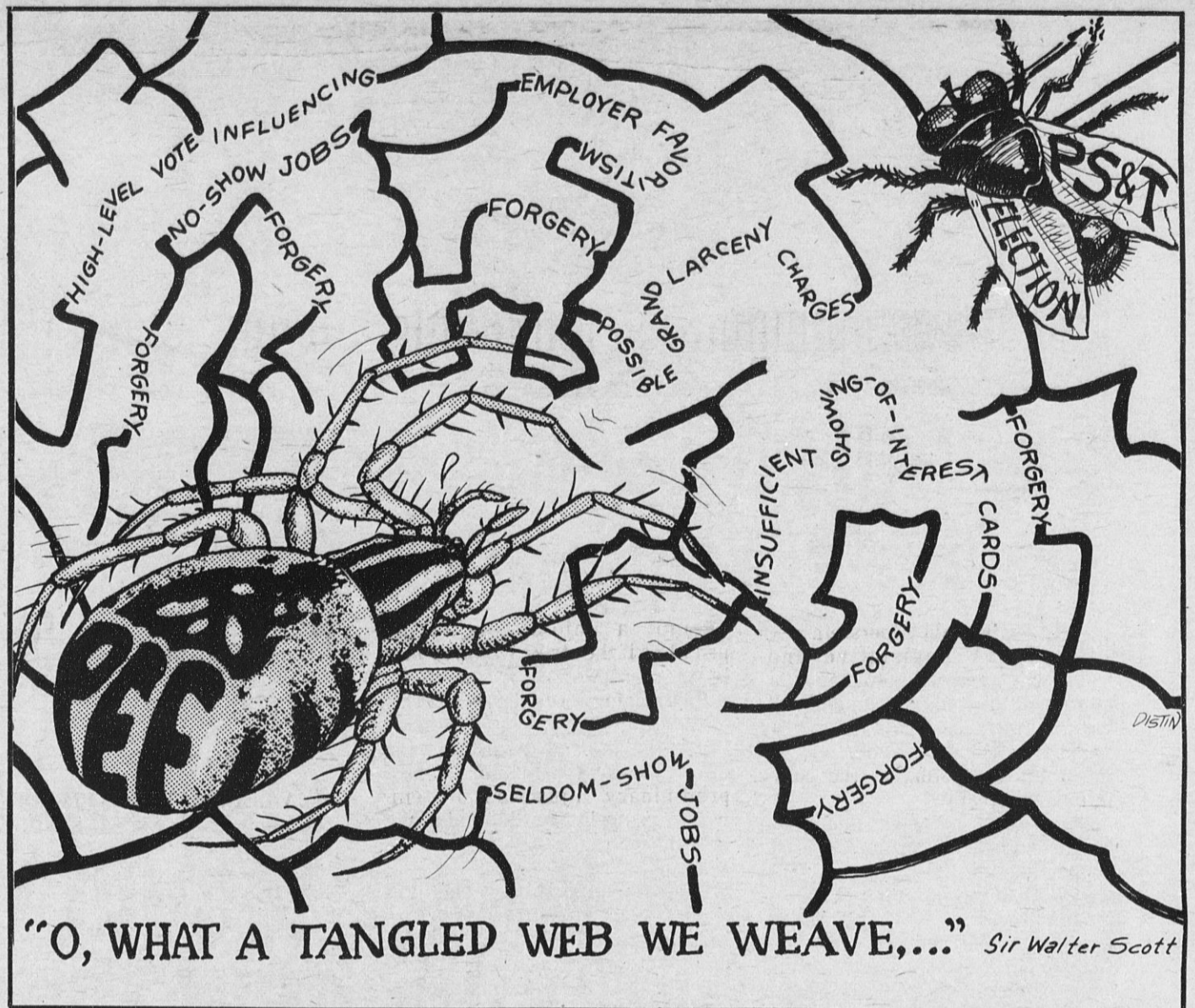
(315) 422-2319

James Moore, President
Frank Martello, Regional Director

REGION 6 — Western Region

(716) 634-3540

Robert Lattimer, President
Lee Frank, Regional Director



"O, WHAT A TANGLED WEB WE WEAVE..." *Sir Walter Scott*

Everybody knows "14" follows "13", but that fact doesn't always take into account the "gremlin" that occasionally creeps in to disrupt a process. It must have been that gremlin that's responsible for the sequential numbering of The Public Sector going from No. 13 to No. 15. In any event, there is no issue No. 14. Blame it on the gremlin, 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. _____

Historical event

The agreement between CSEA and Governor Carey to institute Last Offer Binding Arbitration if an impasse develops in current negotiations over new contracts covering some 107,000 state workers is most significant, and may yet prove to be nothing short of historical in terms of public employee negotiations.

The Associated Press enthusiastically said "The decision appeared to be a coup for the CSEA..."

Even though LOBA is experimental in nature under the agreement, there was plenty of expectation noted in a press conference called to announce the agreement, expectation which if met will certainly elevate the

agreement to historical status. CSEA president Bill McGowan saw the LOBA agreement as paving the way for legislative changes in the Taylor Law to lessen the threat of public employee strikes, and went on to say the agreement could set a national trend. State Director of the Office of Employee Relations Meyer Frucher said he expects the LOBA agreement "will have far reaching implications in public sector labor relations in New York and throughout the country." From such things are historical moments made. (R.A.C.)

in our Opinion

Public SECTOR

Official publication of
The Civil Service
Employees Association
33 Elk Street,
Albany, New York 12224



Published every Wednesday by Clarity Publishing, Inc.
Publication Office, 75 Champlain Street, Albany, N.Y. 12204 (518) 435-4591

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The Public Sector (445010) is published every Wednesday except January 3, July 4, August 8 and November 28, 1979, for \$5 by the Civil Service Employees Association, 33 Elk Street, Albany, New York, 12224.

Second Class Postage paid at Post Office, Albany, New York.
Send address changes to The Public Sector, 33 Elk Street, Albany, New York 12224.

Publication office, 75 Champlain Street, Albany, New York, 12204. Single copy Price 25¢.



THE JANUARY MEETING OF THE CSEA Legislative and Political Action Committee in Albany were (from left) John Lucas, retiree; Stanley Polanski, Region IV; chairman Martin Langer, Region III; and secretary Eileen Carroll.

22 bills receive union's support

By Dr. Gerald Alperstein

The CSEA Legislative and Political Action Committee has approved the bills the union will back in this session of the State Legislature. The approval came at the Jan. 12 meeting of the committee in Albany.

Those bills under consideration by the legislature which CSEA is supporting and bills which CSEA will work to be proposed follow:

Right to strike. This bill would redefine strike and other job actions to permit public employees to strike unless the actions would cause "irreparable injury to health, safety and welfare."

Agency shop. This bill would make the agency shop permanent and mandatory for all public employees in New York State.

Two for one. This bill would remove the penalty of the loss of the second day's pay for each day of a strike. Strikes would still be illegal under this law.

Payment of strike fines. This bill would require public employers be given credit for normal withholding taxes in computing strike fines.

OSHA. This bill would (1) apply the federal safety and health standards to government in New York State; (2) allow a union or an employee to make complaints about the safety or health conditions on the job which would require an OSHA inspection; (3) permit a union to have its representative accompany the OSHA inspector; (4) provide criminal penalties for OSHA violations; and (5) all the tagging of dangerous or unsafe equipment which could then not be used while the tag was in place.

Strike liability. This bill would

exempt a union from strike penalties if the strike was provoked by an improper employer practice.

Restraining order notice. This bill would require a striking union to be notified of a public employer's application for a preliminary injunction or temporary restraining order and would give the union the opportunity to be heard.

Contract grievances. This bill would state the policy of the State Legislature to be in favor of public employers and unions settling contract grievances with final binding arbitration.

Employee indemnification. This bill would provide expanded financial protection to some public employees from law suits resulting from the performance of their jobs.

Negotiating disciplinary procedures. This bill would prevent the public employer other than the State, when imposing a contract at impasse, from changing disciplinary procedures from those specified in the Civil Service Law and would reaffirm the right of those public employers and unions to negotiate disciplinary procedures.

Title classification. This bill would restore to the Civil Service Commission the power to determine which titles should be placed in unclassified service in the State University.

Pension fund investments. This bill would allow public employee unions to veto the investment of pension fund moneys to particular investments.

Institutional teachers. This bill would mandate a permanent school year for teachers in mental hygiene and correctional facilities.



CSEA LEGISLATIVE AND POLITICAL ACTION DIRECTOR Bernard Ryan (left) introduces AFSCME lobbyist William Holtzman to the CSEA Legislative and Political Action Committee at its January meeting. Holtzman works with the new AFSCME Legislative Office in Albany, which Ryan heads.



CSEA ATTORNEY STEPHEN WILEY (left) explains the finer points of legislative positions as Ruth Braverman and William Lewis, both of Region I, listen at the January meeting of the CSEA Legislative and Political Action Committee.

School bus expenses. This bill would allow school districts to receive state funds for bus service based on the same criteria whether the district runs the buses or contracts out. The present law gives the districts a better break with contracting out.

Contract expiration. This bill would keep all terms of an expired contract in effect until a new contract is negotiated, even though the contract may have expired.

Court employee job protection. Employees of the courts which were merged into the State courts be placed into their new

classification without competitive examination if they have held the position for at least one year.

Pension buy-backs. Three bills would permit State pension buy-backs as follows:

— World War II veterans who were New York State residents at the time of enlistment for their time in service during the war.

— Korean War veterans who were New York State residents at the time of enlistment for their time in service during the war.

— University of Buffalo employees, who were employed by the university at the time of it becoming part of the State University.

Sullivan County retirement. This bill would permit some Sullivan County deputy sheriffs to retire after 20 years.

Suffolk County retirement. This bill would implement the retirement plan for Suffolk County district attorney investigators.

Sanitary science. This bill would create the profession of sanitary science and would require professional certification for persons working in certain public health jobs in State and local governments.

CSEA backing three retiree bills

ALBANY — CSEA will support three pieces of retiree legislation during this session of the State Legislature, the union's Legislative and Political Action Committee voted at its December meeting in Albany.

One bill would provide a \$2,000 death benefit for State employees who retired before 1966. The benefit already exists for State employees who retired since 1966.

The other two bills concern additional

supplementation for those public employees and retirees covered by the State Retirement System or the Police and Firemen's Retirement System.

One bill would increase the present supplementation by one percent and extend it to those who retired between April 1, 1969 and Dec. 31, 1971.

The other bill would provide permanent cost-of-living adjustments to supplementation for Tier I and II retirees covered by the two retirement systems.

Forgery to PERB, Kraemer to DA

ALBANY — As reported in last week's issue of The Public Sector the Appellate Division of State Supreme Court has remitted back to the State Public Employment Relations Board the matter of last April's disputed representation election involving the PS&T bargaining unit. The court ruled that PERB did not conduct a reasonable investigation into CSEA charges that the rival union, PEF, utilized forged signatures on designation cards to gain the representation election. And, in an unusual action, the court ordered records turned over to the Albany County District Attorney that pertain to one John Kraemer, currently interim president of PEF, "for . . . examination and such action as he may deem appropriate." The Albany Knickerbocker News highlighted that court position on its page one story, as can be seen in the accompanying copy. Following is the majority Appellate Division opinion, written by Justice T. Paul Kane.

On August 31, 1977, PEF filed a petition for decertification of CSEA as the exclusive bargaining representative for the PS&T unit and certification of PEF as its bargaining agent. In order to file such a petition, PERB required that the petition be supported by a showing of interest of at least 30% of the employees in the unit already in existence (4 NYCRR 201.3 [e]). In compliance therewith, PEF filed signature cards and/or petitions allegedly representing a 30% showing of interest. On October 4, 1977, the assistant director of Public Employment Practices and Representation determined that PEF had made the necessary showing. On October 7, 1977, CSEA formally requested that PERB conduct a signature comparison to determine whether PEF had actually established a 30% showing of interest. This request was denied.

On October 26, 1977, the director of Public Employment Practices and Representation (director) determined that the petition which had been filed by PEF was timely and ordered an election in the PS&T unit. In January of 1978, CSEA sought to stop this election by seeking actual authentication of the signatures comprising the showing of interest. This attempt to gain judicial review was dismissed by Special Term pursuant to section 213 (subd. [b]) of the Civil Service Law. The election, conducted by PERB, was held in April of 1978. PEF won with a vote of 15,062 to CSEA's 12,259.

CSEA promptly filed objections to the election. During the post-election hearing, hearsay evidence of forgery in the showing of interest was elicited. CSEA, therefore, joined complaints of fraud and forgery to its earlier attack on the sufficiency of the showing of interest. After a protracted hearing which resulted in a voluminous record that included the receipt in evidence of numerous exhibits, the director, by decision dated July 20, 1978, overruled all objections filed by CSEA. This decision was affirmed by PERB on September 27, 1978, and it concurrently certified PEF as the representative of the PS&T unit. Certification of PEF as the representative of the PS&T unit has been stayed pending this proceeding and dues deductions are being held in escrow during this period. Consolidated with this appeal are CSEA's challenges to both the ruling of Special Term, which dismissed its petition in March, and the September order of PERB certifying PEF as the representative of the PS&T unit. The issues raised fall into three broad categories: (1) defects in the showing of interest, (2) favoritism on the part of the State towards PEF, and (3) the ineligibility of any union to have challenged CSEA's representation of the PS&T unit at the time PEF filed its certification petition (timeliness of the petition). Considering these issues in their inverse order, we address ourselves first to the effect of subdivision 2 of section 208 of the Civil Service Law on the timeliness of PEF's petition under the facts presented.

CSEA entered into a contract with the State on behalf of the PS&T unit for the period April 1, 1973 through March 31, 1976. The same parties subsequently entered into a new contract for a term beginning April 1, 1976 and ending March 31, 1978. On June 3, 1977, the parties executed a new two-year agreement to cover from April 1, 1977 to March 31, 1979. At issue is the effect of subdivision 2 of section 208 of the Civil Service Law when a two-year contract is revised in its second year so that the agreement will continue in existence for a third year.

Subdivision 2 of section 208 of the Civil Service Law states:

An employee organization certified or recognized * * * shall be entitled to unchallenged representation status until seven months prior to the expiration of a written agreement between the public employer and said employee organization determining terms and conditions of employment. For the purposes of this subdivision, (a) any such agreement for a term covering other than the fiscal year of the public employer shall be deemed to expire with the fiscal year ending immediately prior to the termination date of such agreement, (b) any such agreement having a term in excess of three years shall be treated as an agreement for a term of three years and (c) extensions of any such agreement shall not extend the period of unchallenged representation status.

CSEA submits that the correct interpretation of this subdivision requires that the total three-year period from April 1, 1976 through March 31, 1979 constitutes the measuring period for determining the length of unchallenged representation status provided for in the statute. Therefore, the protected status should continue until seven months prior to the expiration of the third year covered by contract, i.e., until August 31, 1978. This construction would make the instant PEF petition filed on August 31, 1977, untimely and require an annulment of PERB's certification of PEF as the representative of the PS&T unit.

It is CSEA's argument, in which the State joins, that paragraphs (b) and (c) of subdivision 2 of section 208 of the Civil Service Law must be read together. The bar to continuing exclusive representation status would, therefore, be applicable only when a contract extension exceeded the three-year limit.

PERB, on the other hand, characterizes this interpretation of the statute as "strained and contrary to the clear policy of the law." It has, in effect, adopted the position of the National Labor Relations Board (NLRB) on similar questions in the private sector wherein it has held that a premature extension of an employment agreement does not extend the period of unchallenged status beyond that which resulted from the duration of the original contract (*Deluxe Metal Furniture Co.*, 42 LRRM 1470).

While the intent behind subdivision 2 of section 208 of the Civil Service Law is unclear and both sides present what may be considered reasonable interpretations thereof, we adhere to the basic rules that the construction given a statute by the agency responsible for its administration should not be lightly set aside (*Matter of Ward v. Nyquist*, 43 N Y 2d 57; *Matter of Lezette v. Board of Educ.*, 35 N Y 2d 272), and should be upheld if not irrational or unreasonable (*Matter of Howard v. Wyman*, 28 N Y 2d 434; *Matter of Elmsford Transp. Corp. v. Schuler*, 63 A D 2d 1036). Accordingly, we sustain PERB's finding that the petition was timely filed.

The charge of favoritism on the part of the State towards PEF is founded upon the prolonged retention on the State payroll of one John Kraemer as a "no-show employee". For at least six years prior to March 30, 1976, this individual enjoyed a special status at the Department of Labor whereby he devoted his energies to union affairs on behalf of Service Employees International Union (SEIU) and later PEF while being paid by the State. Efforts to cure this impropriety were met with unfulfilled promises or open defiance until March 30, 1976 when steps were taken to eliminate the special treatment being given to Kraemer, then a prominent PEF official. Thereafter, he used accumulated leave credit to pursue his "other interests", but when the available credit was exhausted he still remained among the missing. As a result, his salary was withheld and he received an unsatisfactory work performance rating for the year 1977. At the time of this proceeding, his employee status was unsettled. However, it is clear that disciplinary measures have not been instituted by the Industrial Commissioner because, as he explained at the director's hearing, he felt the disciplining of a prominent PEF official would be inappropriate during a contested election campaign. PERB accepted this decision of the Industrial Commissioner as a reasonable one under all the circumstances, and while we do not pass upon the wisdom of this choice, we cannot say it was unreasonable.

While the record contains hundreds of pages of testimony relative to the status and activities of Kraemer and his various confrontations with his superiors, the director excluded from consideration all activities prior to August 31, 1977, the date on which PEF filed its certification petition. PERB has adopted this position and in our view it is a sound one. Otherwise, investigations of election interference could become history lessons. Moreover, we conclude that there is substantial evidence to support PERB's finding that CSEA has failed to establish any impact on the election arising from the conduct of State officials during the campaign, and John Kraemer in particular. We recognize that his mere presence on the scene coupled with the notoriety of his high-level connections could influence others, but this alone is not enough to overturn the results of an election. However, this pattern of shameless conduct over a period of years strikes at the very heart of the governmental process and mandates close scrutiny by the appropriate prosecutorial authority. We note that the record contains a copy of a letter, dated May 23, 1978, from the District Attorney of Albany County to the counsel for CSEA requesting any information concerning these matters. Accordingly, we direct that the original record herein be made available to the office of the District Attorney of Albany County for his examination and such action as he may deem appropriate.

The Knickerbocker News

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Albany, N.Y., Friday, January 12, 1979

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State Special

Union chief faces DA probe of state job

By JEFF SOMMER

Albany County District Attorney Sol Greenberg is investigating acting Public Employees Federation (PEF) President John Kraemer in connection with

"For at least six years prior to March 30, 1976," Kraemer "enjoyed a special status at the Department of Labor where he

He reportedly is also under investigation in connection with his Labor

In determining the alleged defects in the showing of interest, we are called on to examine a multitude of particularized charges both substantive and procedural in nature. Some of these objections to PERB's determination that F's showing of interest was sufficient raise troublesome questions. At the threshold is CSEA's contention that the 30% showing of interest requirement under PERB's rule (4 NYCRR 201.3) is a jurisdictional prerequisite to obtaining a representative election. In rejecting this argument, PERB relied upon its own rule that the director's determination as to the timeliness and numerical sufficiency of a showing of interest is a ministerial act not reviewable by the board itself (4 NYCRR 201.4[c]). Again, PERB has adopted the reasoning of the NLRB, which has held that the sufficiency of a showing of interest in the private sector is not a jurisdictional prerequisite to the election (NLRB v. Wisconsin Chair, 385 F.2d 922, 926). The process is one of administrative convenience and we reject CSEA's contention on this issue.

We also reject CSEA's constitutional argument that it has a constitutionally-protected interest in continuing as the exclusive bargaining agent for the PS&T unit. The right to organize and bargain collectively belongs to the public employees (Civil Service Law, §§ 202, 203). The union's rights are limited to those specified under section 208 of the Civil Service Law which does not create a property interest of constitutional dimensions (cf. Board of Regents of State Colleges v. Roth, 408 U.S. 564). CSEA also challenges the constitutionality of division (b) of section 213 of the Civil Service Law which prohibits judicial review of any orders made by PERB or its agents until the order of certification is made. While delay in judicial review may create undue burdens on a party, the wisdom of withholding review of questions which may be resolved by an election has been recognized in this State (see New York Public Interest Research Group v. Carey, 42 N.Y.2d 527; Matter of McCabe v. Voorhis, 10 N.Y.2d 401). Since there is a reasonable basis for this provision, its constitutionality must be sustained.

Of greater substance are the issues raised by CSEA's claim of substantial forgeries in PEF's showing of interest and PERB's dismissal of the claim of forgery for lack of evidence. The issue was raised preliminarily, but CSEA's request for investigation by PERB was denied on matters of policy. However, at the post-election hearing CSEA presented testimony from a former member of New York State United Teachers (NYSUT) and co-editor of PEF's campaign publications that he was told the showing of interest contained some 5,000 forged names and another 5,000 names from outside the PS&T unit. The sources of this information were revealed and their testimony was made part of the record. The evidence presented was either hearsay or direct denial of any wrongdoing or knowledge thereof. It was established, however, that PEF's showing of interest did include 5,000 names from outside the PS&T unit, but these names were not counted in arriving at the 30% requirement.

While the "bandwagon" effect of these additional names is questioned by CSEA, it was the claim of forgery that created enough uncertainty in the mind of the director to cause him to conduct his own investigation of the serious charges made (4 NYCRR 201.4[e]). In his report the director had stated that at this point in my investigation there is now sufficient objective and circumstantial evidence to warrant going forward, and I have done so in a manner which preserves the confidentiality of the showing of interest." It is the manner in which that investigation was conducted that arouses a certain uneasiness in reviewing PERB's ultimate determination that the election represented a genuine expression of the free choice of the voters. The director engaged a handwriting expert who was given exemplars of four people involved in the PEF campaign. After reviewing approximately 1,000 signatures in the showing of interest, which were not randomly selected, the expert concluded that there was no evidence of common authorship in the showing of interest. Having made the decision to investigate the question of forgery, the director

was bound to proceed in a manner reasonably related to the result sought to be achieved. He did not do so. The method used by the director's handwriting expert merely disproved a particular method of forgery rather than the presence of forgery.

CSEA had repeatedly urged that the director take a random sampling of the signature cards in the showing of interest and have those signatures checked against known signatures of the employees in order to determine their authenticity. This method would have required the checking of only 450 signatures and would have determined the total number of forgeries in the showing of interest within a 5% margin of error. Quick, simple and inexpensive, this method would have resolved any lingering doubts as to the validity of PEF's showing of interest. The record fails to disclose any reason for the rejection of this seemingly foolproof method of deciding an issue critical to the resolution of the ultimate question presented. Accordingly, we find there is presented for our determination more than a mere review of the choice of the methods selected by the administrative agency (see Civil Service Law, § 213; Matter of Town of Clay v. Helsby, 51 A.D.2d 200, 204-205). When the method available is measured against the one selected, the action taken lacked a reasonable basis upon which to determine the presence of forged signatures. Thus it was arbitrary and capricious. Moreover, we further reject PERB's argument, in which PEF has joined, that the election itself has cured any defects in the showing of interest. This argument is certainly not appropriate when the issue, as here, is the extent to which fraud has poisoned the electoral process. A substantial forgery would, of course, taint the election results and should not go unchallenged (cf. Town of Babylon v. Local 100, Service Employees International Union, AFL-CIO, 6 PERB, Par. 3047, p. 3089).

Finally, we reach the issue of PEF's status as an "employee organization", which is defined as an organization of any kind having as its primary purpose the improvement of terms and conditions of employment of public employees (Civil Service Law, § 201, subd. 5). CSEA makes a strong argument that PEF does not meet this definition because it is not an organization at all since it has no membership, no employees, no bank accounts, no officers, nor any indicia of an organization. It further argues that PEF's only purpose is to supplant CSEA. While PERB has found that PEF was created as a vehicle through which NYSUT and SEIU could jointly supplant CSEA as the representative of State employees, this is not inconsistent with its primary purpose of improving the terms and conditions of employment for public employees. PERB also found that since a substantial number of public employees indicated their desire to become members of PEF, current membership is not controlling. While this reasoning may seem circular, it is reasonable and supports a more liberal construction of the term "employee organization"; one that is preferred by PERB and followed by the NLRB in the private sector (Indiana Metal Products Corp. v. NLRB, 202 F.2d 613). We, therefore, sustain PERB's finding on this issue.

Accordingly, and for the reasons stated, the judgment of Special Term should be affirmed, and the determination of PERB that the procedure used to determine the question of forgery in the showing of interest was reasonable and fairly conducted and that there was no reason to consider CSEA's objections to that procedure is annulled.

In Proceeding No. 1, the judgment should be affirmed, without costs.

In Proceeding No. 2, the determination should be annulled, without costs, and the matter remitted to the Public Employment Relations Board for further proceedings not inconsistent herewith and the stay of certification to be continued.

Heck Local blasts State

SCHENECTADY — Officials of CSEA Local 445, O.D. Heck, Developmental Center, have publicly charged the State Office of Mental Retardation and Developmental Disabilities with renegeing on its responsibilities in the transferring of 100 clients from the Rome and Wilton Developmental Centers to the O.D. Heck Center by the end of this month.

Union members, parents of clients and concerned citizens are scheduled to protest the transfers with a demonstration outside the OMRDD at 44 Holland Avenue, Albany, on January 23rd between noon and 2 p.m.

Meanwhile, in a strongly worded statement, Local 445 officials charged the influx of 100 additional clients "will rapidly erode services for retarded people in the Capital District area"

"CSEA Local No. 445 has long been supportive of community based programs, accomplishing re-settlements and providing quality care for our clients. However, the massive immediate transfers of one hundred clients from Rome and Wilton Developmental Centers to O.D. Heck . . . will rapidly erode services for retarded people in the Capital District area. Conditions at O.D. Heck and in our community programs have been deteriorating for a long time. . . . The Office of Mental Retardation and Developmental Disabilities has renegeed on its responsibility to provide enough staff and resources to do the job.

"It is absurd to assume that this agency can provide services for one hundred additional clients when we cannot adequately serve our present client population. . . . The commissioner is playing political "ping-pong" with the lives of developmentally disabled people. We condemn his actions and demand that he descend from his ivory tower and put a halt to this horrendous situation."

Seminar deadline February 2

ALBANY — February 2 is the deadline for returning the accompanying coupon in order to attend a CSEA Legislative Seminar from 9 a.m. to 4 p.m. on February 10 at the Convention Center of the Rockefeller Mall complex here.

The union's 1979 legislative program and strategy will be spelled out in detail during the seminar.

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



PRESIDENTS AND REPRESENTATIVES from CSEA Region V Mental Hygiene facilities gathered recently in Syracuse to review progress made in 1978 and to discuss plans and objections for 1979. Shown left to right around table are: Roger Pier-sall, President, Utica Psychiatric Center; Audrey Snyder, President, Hutchings Psychiatric Center; Hugh McDonald, President, Willard Psychiatric Center; Eric Laustsen, representing Syracuse Developmental Center; Andy Ellis, Vice-President, Broome Developmental Center; Ray Pritchard, President, Rome Developmental Center.

Local reports staffing 'dangerously low'

UTICA — In a report compiled and submitted by the President of CSEA Local 414 at Marcy Psychiatric Center to union headquarters in Albany, the staffing at Marcy Psychiatric Center and Utica Psychiatric Center is reportedly at a "dangerously low" and, at times caused a "denial of care" of patients.

The report released by Charles Noll, Local 414 President, also called attention to the additional sixty job items which are expected to be lost between the two state facilities. Richard Heath, Director of both facilities, replied to the Noll report by saying those job items were unfilled job slots.

The report also contains an August, 1978, petition signed by employees in the Geriatric Medical Surgical Unit which states "immediate attention must be given to the staffing of our unit if adequate patient care is to be maintained." The petition further states "Our census per ward averages 28-30 patients with staffing usually ranging from 3-4 employees. Many weekends have been covered with only two employees." The work pace "is physically and mentally exhausting," the employees wrote.

The report also included an October 28 letter from the former

president of the Marcy Board of Visitors, which supported the charge of understaffing by the report. In her letter Mrs. Jean Devisser said the staffing situation at Marcy has caused "a very serious deficiency" in the operation. Mrs. DeVisser cited situations where one nurse and one aide were caring for 20 to 24 patients, "a physical impossibility and a denial of adequacy of patient care," she said.

Noll indicated that he and other CSEA officials familiar with mental hygiene facility operations were planning to meet with Governor Carey to discuss staffing at the facilities.

Dunlop worker wins reinstatement

ALBANY — A CSEA member has won three and a half months of full back pay and benefits as a result of legal action taken by the union.

Helen Winslow, a psychiatric social worker at Dunlop Manhattan

Psychiatric Center, was placed on leave without pay even though her doctor judged her fit to return to work due to the state's failure to schedule its own medical examination for her.

When CSEA took her case to arbitration, union attorney Majorie E. Karowe pointed out that CSEA's current Professional, Scientific and Technical Services bargaining unit contract with the state protects employees from being kept away from their jobs unnecessarily while the state schedules examinations to see if the employee is fit to return to work.

The contract says: "When the State requires that an employee who has been absent on sick leave be examined by a doctor selected by the appointing authority before such employee is allowed to return to work, the appointing authority shall make a reasonable effort to schedule such examination by an appropriate medical officer within five working days of the date upon which notice is received that the employee has the approval of his own physician to return to work."

Ms. Winslow produced a note from her own doctor pronouncing her fit on Oct. 5, 1977. The Department of Mental Hygiene, under state Civil Service rules, then had the right to require her to be examined by a state doctor — at state expense — before allowing her to return to work, but the Employee Health Service (EHS)

refused to schedule this examination, relying instead on an EHS doctor's earlier judgment that she would not be ready to return to work until January, 1978. She was placed on leave without pay until then.

Ms. Karowe argued before arbitrator Rodney E. Dennis that the EHS is an agent of the appointing authority and, as such, obligated to adhere to contract requirements. She also noted that the contract requires that if the state chooses to examine employees to determine their fitness to return to work, it must make a reasonable effort to schedule that examination within five days of the date the employee supplies medical data that he or she is able to return.

"The state refused to schedule an examination for this grievant when she properly requested it," Ms. Karowe said.

In his written decision on the matter, the arbitrator said of the EHS: "Clearly, it is required to live by the contract." He added, "The grievant did produce a statement from a recognized professional in her field that she was capable of resuming her duties. The state should have erred on the side of providing too many examinations, rather than too few. . . . The state should have given the grievant an opportunity to be re-examined in October, 1977."

Mr. Dennis ordered Ms. Winslow to be reimbursed for all lost wages and benefits from Oct. 10, 1977 to Jan. 31, 1978.

Retroactive pay won in Region III

FISHKILL — Three different groups of court employees are getting retroactive paychecks shortly, thanks to the efforts of their union, CSEA.

The employees of the courts of the city of Middletown and Rockland County, who became employees of the state's unified Court System on April 1, 1977, will receive retro checks for the period April 1, 1977 through Dec. 31, 1978. From Jan. 1, 1977 through March 31, 1977, the employees were covered by new City of Middletown and Rockland County CSEA Unit contracts, respectively. But when they

became state employees, the state Office of Court Administration (OCA) refused to accept those new contracts, and thus refused to give the employees the benefits of those contracts.

After months of discussions with the union, the OCA has finally agreed to accept the new contracts, specifically giving the employees raises retroactive to April 1, 1977. The OCA target date for payment is Feb. 14th.

In addition, the Middletown group will receive the benefits of the recent-

ly ratified CSEA coalition contract covering themselves and seven other court jurisdictions in Judicial District Nine. That contract, which is retroactive from April 1, 1977 and extends through April 1, 1980, will be implemented shortly by action of the state legislature.

The other District-Nine court-employees group to be affected by a CSEA-contract recently is the City of Mt. Vernon employees, who will shortly be ratifying a contract identical to the District-Nine coalition contract, except that the Mt. Vernon

employees will receive a flat location-pay differential of \$950 per year, per employee. The union negotiators are strongly recommending ratification of the tentative agreement, which was reached Jan. 9 with the OCA.

The Mt. Vernon group could not be included in the coalition bargaining because incumbent union CSEA was being challenged by the Service Employees International Union for the right to represent those employees. As soon as CSEA beat SEIU in the representation election, negotiations began.

Employees win \$910

Thirteen State employees received a total of \$910 in cash awards in December for money-saving ideas submitted to the New York State Employee Suggestion Program. The program is administered by the State Department of Civil Service. Estimated first-year savings from these suggestions total more than \$13,200.

Award Recipients in December were:

- \$180 — Irvin C. Nawrocki, Germantown, East Hudson Parkway Authority; and Richard Serviss, Mayfield, Department of Agriculture and Markets.

- \$100 — William Szumiloski, Schenectady, Department of Motor Vehicles.

- \$60 — William J. Smith, Scotia, Department of Public Service.

- \$50 — Edward L. Barnard, Albany, Agriculture and Markets; and Anna Marie Gallo, Brooklyn, Department of Social Services.

- \$35 — Patricia R. Bartow, East Chatham, Motor Vehicles.

- \$30 — Elsie M. Gillan, Rensselaer, Education Department.

- \$25 — Patricia R. Bartow, East Chatham, (who also received



the \$35 award); Linda Laurange, Chatham, Insurance Department; Ruth B. Potter, Wells, Department of Transportation; Gary W. Townsend, Bronx, Social Services, and a joint award to Carol Somers, Nassau, and Jean Diffenback, Albany, both of the Department of State.

Cash award winners also receive Certificates of Merit. Certificates of Merit also were awarded to Janice Dougherty, Brooklyn, and Joyce R. Simon, Flushing, both of Motor Vehicles; and Anne E. Duffy, Liverpool, and Myron P. Hellmann, Coran, both of the Department of Labor.

ERNST STROEBEL, right, President of Labs and Research CSEA Local 665, was among recent winners of a cash award and certificate of merit under the State Employee Suggestion Program. Here he receives a check for \$25 and his certificate from Felix Heilpern, administrative officer. Stroebel's suggestion concerned the reuse of nearly 300,000 envelopes, saving the State some \$4,000.

HMO-interest meeting called

UTICA — Pointing out that the Oneida-Herkimer County area is the only metropolitan region in New York State currently without an operating Health Maintenance Organization (HMO), Fort Schuyler CSEA Local 014 President James Currier has invited all other area CSEA Local presidents to attend a meeting of people interested in initiating an HMO in Utica. Currier represented CSEA at an initial planning session last month, and is seeking to expand CSEA participation.

"Based upon information gathered at that meeting plus talking to some of our

members who are in HMO's in other areas, I would like CSEA people to get behind this project and push it into fruition. I have a member in my Local who was in the Syracuse HMO until recently transferring to Utica. He paid less than a dollar more a pay period to belong to the HMO, but is now facing a \$1,000 out-of-pocket maternity expense because the Blue Cross-Blue Shield coverage is so poor. With the ever escalating cost of medical care and the occasional lack of care available, we have an obligation to seek out the best service at the lowest cost for our membership," said Currier.

"The vision I have is to put together an HMO in this area, then over the long term open satellite offices in the North Country in places like Watertown, Ogdensburg, Tupper Lake, and other locations where we have a concentration of members. It's a very lengthy process, but in the long run should be well worth it to our membership.

The HMO concept is an idea whose time has come and we have a unique opportunity here to be a driving force behind a project of tremendous benefit to the general citizenry as well as our own members," Currier stated.

Fallsburg at impasse

FALLSBURG — An impasse has been declared in negotiations between the Town of Fallsburg and the Fallsburg Unit of the Civil Service Employees Association which represents about fifty of the Town's employees.

The Town will request a State-appointed mediator to intervene. The issues in dispute are wide and varied with CSEA requesting an 84¢ per hour increase for a term of one (1) year and the Town offering a 15¢ per hour increase each of three (3) years. At present, the average hourly wage is approximately \$4.00 per hour.

A spokesperson for CSEA said that the Town was "adamant" in its insistence to reduce, eliminate and modify many of the benefits now provided to the employees in their present agreement which expired on Dec. 31, 1978.

"It is our hope that the intervention of a mediator will produce a more responsive attitude on the part of the town than has been apparent in past negotiating sessions," the spokesperson said.



EAST HUDSON PARKWAY AUTHORITY employees again contributed to **Hopetown** over the recent holidays. **Mike Blasie**, former president of the East Hudson Parkway Authority CSEA Local, presents a check to a representative of the children's home, representing the employees' contribution plus receipts from the Blasie Golf Classic program.

COMPETITIVE PROMOTIONAL EXAMS

(State Employees Only)

FILING ENDS FEBRUARY 5, 1979

Title	Salary	Exam No.
Senior Calculating Machine Operator	\$ 7,565	No. 36-637
Senior Office Machine Operator	\$ 7,565	No. 36-638
Senior Office Machine Operator (Photocopying)	\$ 7,565	No. 36-639
Junior Architectural Estimator	\$11,904	No. 36-641
Assistant Architectural Estimator	\$14,850	No. 36-642
Senior Architectural Estimator	\$18,301	No. 36-643
Associate Architectural Estimator	\$22,623	No. 36-644
Assistant Building Electrical Engineer	\$14,850	No. 36-645
Junior Mechanical Estimator	\$11,904	No. 36-646
Assistant Mechanical Estimator	\$14,850	No. 36-647
Senior Mechanical Estimator	\$18,301	No. 36-648
Deputy Superintendent for Administrative Services	\$22,623	No. 36-658
Assistant Director of Engineering Materials	\$25,095	No. 39-318

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

STATE OPEN COMPETITIVE JOB CALENDAR

FILING ENDS JANUARY 29, 1979

Title	Salary	Exam No.
Senior Social Services Program Specialist	\$18,301	No. 24-859
Assistant Director of Public Employment Conciliation	\$27,842	No. 80-031

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
Director of Engineering Materials	\$30,945	No. 39-319

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

FILING ENDS FEBRUARY 13, 1979

Mental Hygiene Staff Development Specialists —		
Specialist II	\$11,250	No. 24-806
Specialist III	\$14,075	No. 24-807
Specialist III (Nursing)	\$14,075	No. 24-808
Specialist IV	\$18,301	No. 24-809
Assistant Building Electrical Engineer	\$14,850	No. 24-911
Junior Architectural Estimator	\$11,904	No. 24-912
Architectural Estimators —		
Assistant	\$14,850	No. 24-913
Senior	\$18,301	No. 24-914
Associate	\$22,623	No. 24-915
Mechanical Estimators —		
Junior	\$11,904	No. 24-916
Assistant	\$14,850	No. 24-917
Senior	\$18,301	No. 24-918
Bank Examiner	\$14,844	No. 24-938
Correction Officer Trainee	\$10,605	No. 24-941
Correction Officer Trainee (Spanish Speaking)	\$10,605	No. 24-942

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.

Advertising program commences

Radio commercials kicked off January 15 and newspaper advertisements on January 17 as CSEA launched its most extensive advertising campaign in

history, designed to help improve the image of public employees.

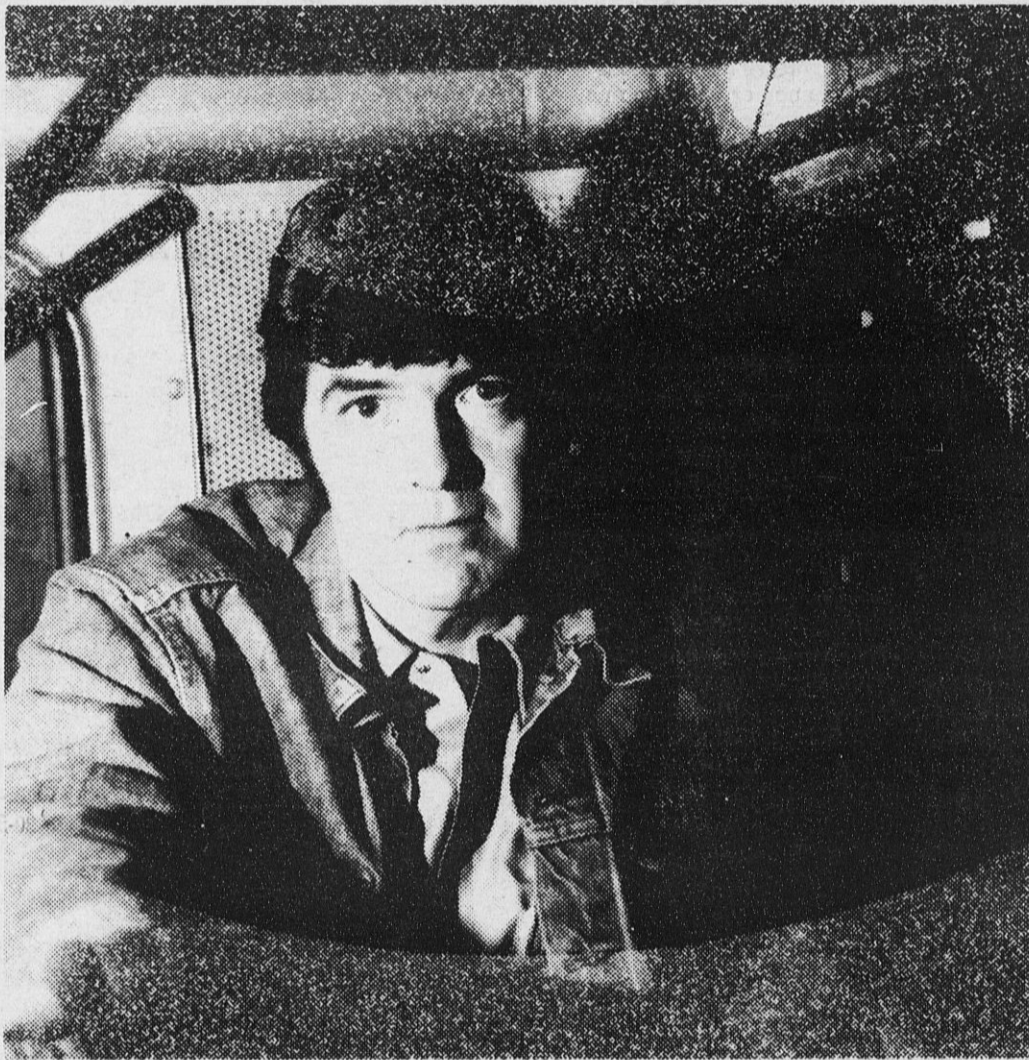
Radio commercials may be heard over stations WOR and WRFM in New York

City, WGY and WROW in the Albany area, WHEN and WKFM in Syracuse, WHAM and WEZO in Rochester, and WKBW and WBNY in Buffalo.

A total of seven newspaper ads will appear in the following major daily newspapers between January 17 and March 30, with additional ads to appear later in the year: New York City Daily News, Albany Times Union and Knickerbocker News, Syracuse Herald-Journal and Post Standard, Rochester Democrat Chronicle and Times Union, and Buffalo Evening News.

A television commercial schedule is expected to be ready to begin sometime in early February.

PUBLIC EMPLOYEES... Where Would You Be Without Them?



Ray Deamer-Snow Plow Operator

It's ten minutes past two in the morning. You expected the 16 inches of snow your machine is pushing out of the way, but they didn't tell you about the wind. The roads seem to be drifting closed faster than you can plow it out of the way. You mutter as you dig the blade deeper into the white stuff seeing the sparks fly as it strikes the pavement. When is this storm going to end? You're Ray Deamer, snow plow operator. Ac-

tually, you operate heavy equipment year round, but all bets are off when the snow begins to fly. Day or night, weekends or holidays, you've gotta keep the roads open. No matter what.

Ray Deamer, a public employee. Cutting the winter down to size so we all can get through.

Public Employees...where would you be without them?

CSI A AFSCME®

the union that works for you

THIS IS ONE OF THE IMAGE BUILDING newspaper advertisements appearing in major newspapers in five key market areas across New York State. Radio commercials are also on the air in the same areas. Seven different ads similar to this one will appear between now and March 30.

New song highlighting union's ads

Beginning last week, a new song was heard throughout New York State. It's the new CSEA "theme" or jingle produced for the union as part of its institutional advertising campaign to improve the image of public employees.

The song, is being aired on radio stations in the state's five major media markets beginning January 15 and running through the end of March. Later it will be aired during other advertising periods or "flights" in the summer and fall.

While it's hard to appreciate the song without actually hearing it, here is what it says:

Someone's keeping the air and water clean;

Someone's keeping up country roads and workin' on city streets;

Someone's keepin' justice, from the Great Lakes to the sea;

These are people meeting many people's needs;

Someone's making plans for tomorrow's great demands,

Building bridges and highways, buildings and by-ways,

Gardens and parks for New York to enjoy . . .

Somebody's doin' a good job and it's good when people notice;

Somebody's doin' a good job of keepin' New York goin';

Somebody's doin' a good job, come on let's sing about them;

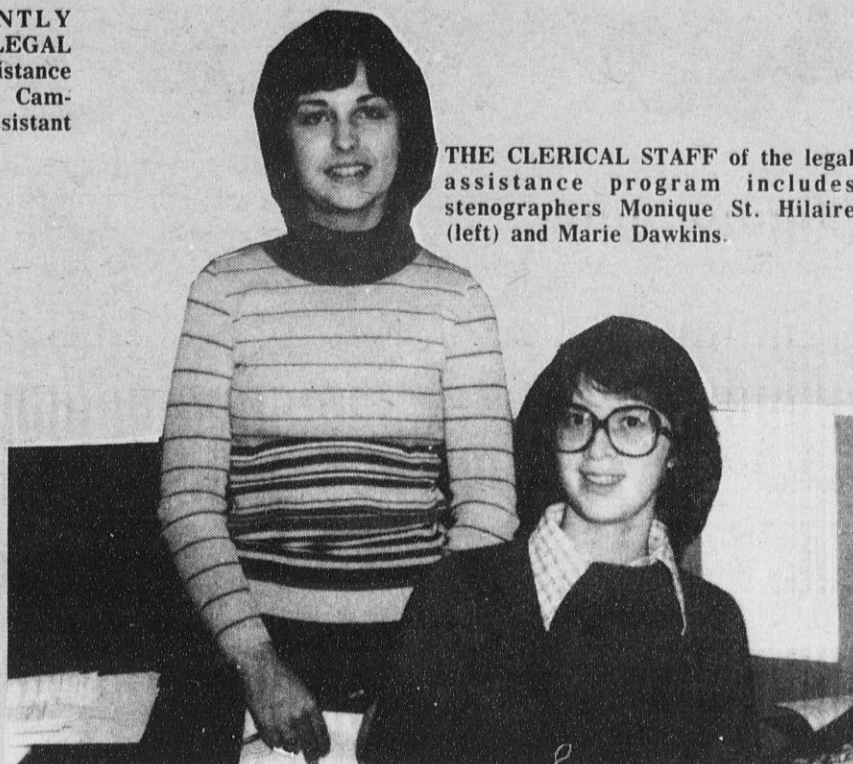
Somebody's doin' a good job, where would you be without them;

Public employees, where would you be without them?

Public employees, where would you be without them?



GOING OVER A RECENTLY RECEIVED REQUEST FOR LEGAL ASSISTANCE are Legal Assistance Program Administrator Tony Campione and Administrative Assistant Irene Cummings.



THE CLERICAL STAFF of the legal assistance program includes stenographers Monique St. Hilaire (left) and Marie Dawkins.

Legal Assistance saves many jobs

Recently The Public Sector highlighted the massive Legal Assistance Program of the Civil Service Employees Assn., pointing out the program is successful better than 80% of the time in thwarting efforts by the State of New York to terminate CSEA members involved in disciplinary actions. In the following article, the basics of the highly successful program are explained in greater detail.

ALBANY — The CSEA Legal Assistance Program may one day save your job! It saves hundreds of jobs every year.

"Public employers throughout the state (local government and New York State) have become tough with employees because of their own mismanagement.

"CSEA has pulled out all stops and has met the challenge at every turn," Tony Campione, Legal Assistance Program administrator, says.

The better than 80 percent success rate in defending employees under disciplinary charges is proof of the program's success and of the actions by public employers.

Campione pointed out that from the 1966-67 fiscal year to the last fiscal year, the cost of the program has grown from approximately \$150,000 a year to more than \$1.5 million a year.

One day you could be brought up on disciplinary charges and your employer may seek your termination, suspension or demotion, or attempt to fine you or reprimand you. What should you do?

If you are notified of disciplinary charges against you, immediately contact the president of your local or unit, or the person designated by the president to handle legal assistance, Campione said.

The new CSEA Legal Assistance Application will have to be filed in your behalf. If your local needs additional copies of the form, contact your regional office, Campione said.

The form, along with a copy of the charges and specifications against the employee are forwarded to the Office of Legal Services at CSEA headquarters in Albany.

The application is reviewed by Campione and Administrative Assistant Irene Cummings to determine the merit of the application. This usually involves researching the charges.

While legal assistance is not automatic, merit is found in almost all disciplinary applications, Campione said.

Once the determination is made to grant assistance, the employee, the local president, the regional director and the field representative are notified and an attorney usually is assigned to the case. Sometimes a Field Rep is assigned the case.

In almost all cases, the attorney assigned is from CSEA's law firm of Roemer & Featherstonhaugh or is one of the 19 other regional attorneys.

Many disciplinary procedures involve formal, adversary hearings, Campione said.

Disciplinary problems are not the only things the Legal Assistance Program gets involved with, however.

When an employee, a Local or other CSEA unit has a grievance (contract or non-contract) with a public employer, and when that grievance has reached the final appeals or arbitration stage, the Legal Assistance Program can be requested.

The same application form as used in a disciplinary and copies of the original grievance, the applicable contract provisions, prior decisions by the employer at earlier steps of the grievance procedure and supporting documents are sent to Campione's office.

In a State contract grievance, a Third Step Grievance Report also must be sent.

The same procedures for evaluating the application and

assignment of the case are followed for grievances as for disciplinaries.

A third area the Legal Assistance Program becomes involved in is law suits against public employers for alleged violations of Civil Service law when all administrative remedies of the situation have failed.

The same application form is sent to Campione's office along with an outline of the facts of the problem, copies of supporting documents and an estimate of legal costs from a CSEA attorney.

If the estimate is not more than \$750, Campione rules on the merit of the application and the same procedures are followed.

If the estimate is above \$750, Campione's office does the preliminary research and submits the application to the CSEA Standing Legal Committee.

The committee reviews the application and makes its recommendation to the union's Board of Directors. If the Board approves, the case follows the same procedures as disciplinaries and grievances.

Members of the committee are

Joseph Conway, chairman; Michael Morella, vice chairman; Sid Grossman; Ernst Stroebel; Robert Green; Sara Sievert; Alfred Jeune and Grace Nesbit.

Other union business requiring the Legal Assistance Program (e.g. some PERB proceedings) requires the sending of the application, a statement of the facts and copies of supporting documents to Campione's office, and the same procedures of evaluation and assignment are followed.

The Legal Assistance Application, which is used in all requests to the program, went into use in 1978. Previously, different forms were used by the County and State Divisions.

The program was merged and unified under Campione after CSEA President William L. McGowan mandated it on Dec. 1, 1977, Campione said.

The Office of Legal Services is in the CSEA Office of Member Services, Jack Carey, administrative director. In addition to Campione and Ms. Cummings, other employees in the office are stenographers Monique St. Hilaire and Marie Dawkins.



LEGAL ASSISTANCE PROGRAM ADMINISTRATOR TONY CAMPIONE (left) reports to Jack Carey, administrative director, CSEA office of member services.