

Committee works on job security

Public SECTOR

Official Publication of
The Civil Service Employee Association

Vol. 2, No. 10 (ISSN 0164 9949) Wednesday, December 12, 1979

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All employees who have been rated "satisfactory" or "needs substantial improvement" under the new Performance Evaluation System on Dec. 7 or earlier have until Dec. 21 to appeal, according to Kumquat Committee Executive Director Marty Langer. Anyone rated after Dec. 7 has 14 calendar days to appeal.

Appeal forms should be available in all personnel offices, but if they are not, appeals can be made on any piece of paper. Indicate the reasons for the appeal, sign the paper and give it to local personnel officers, Mr. Langer advises. For further assistance, call your local CSEA president.

Local presidents workshop a big success in Region V

By Dave Berman

SYRACUSE — New ground was broken in CSEA Central Region 5 recently, as the region held its first-ever training workshop for local presidents. Participants heard officials from CSEA and AFSCME urge them to work with one another as a unified regional group, and received detailed information on various services available from regional and state headquarters.

Fifty-eight delegates from 39 locals attended the two-day conference, which was held at the Hotel Syracuse. For many of the newly elected local officers, it was their first exposure to a regionwide CSEA event.

"Your local members look to you to provide leadership," Regional President James Moore told his local presidents. "A common complaint of local presidents is, 'I can't get it all done.' But once you get something to click, you've got it made, and you will get help from your members. Half of the problem is getting members to know that you're doing something."

Noting that disunity and management "love to see disunity" within CSEA, Moore emphasized that lines of communication must be open between individual members and local leadership, between local leadership and the regional office and between the regional office



CSEA REGIONAL PRESIDENT James Moore told local presidents that, "Until management realizes that you might walk out of your job, the salaries in public employment will not be up to the level that they could be and should be."

and Albany headquarters. One of the major problems within CSEA, Moore said, is that there is widespread disagreement among members about the justification of striking — which is illegal for public employees under the state's Taylor Law.

"I'm not telling you that you've got to strike. A strike is a negative-type thing," Moore said. "But until management realizes that you might walk out of your job, the salaries in public employment will not be up to the level that they could be and should be."

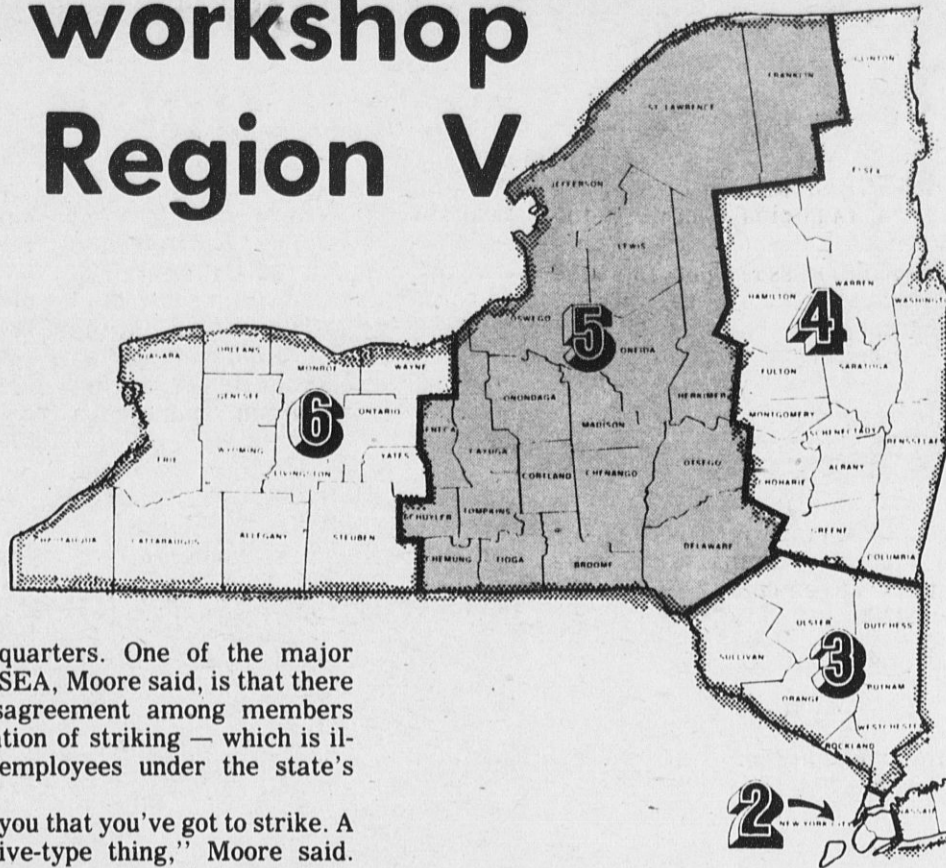
Through the use of audience participation and role-playing, CSEA Director of Education Tom Quimby discussed ways to get members actively involved in the union. "Unless people are forced to do something, they don't do anything they don't want to do," Quimby said. "People do things that are going to benefit them in some way. The trick is to get other people to accept responsibility." Quimby urged workshop participants to use "expectancy theory," which he called "one of the best motivation theories going," to convince CSEA members to work on union projects. Simply put, this theory is based on the assumption that if someone believes he will get positive results by doing something, he will do it.

Quimby also outlined various legal and non-legal resources available to local presidents, and went over the alternatives in cases where management violates the union contract, such as filing a grievance, complaining to the supervisor and appealing to the public. "Try to think of at least two possible solutions to every problem," Quimby advised.

During a discussion on CSEA's legal-assistance program, Regional Attorney Earl Boyle noted that locals often neglect to get legal advice on collective-bargaining agreements, even though CSEA attorneys are paid on a retainer basis to review all contracts before they are signed by the union. CSEA lawyers also may represent individual employees at disciplinary hearings and the union itself during legislative proceedings, such as a county legislature's or a city council's budget hearings.

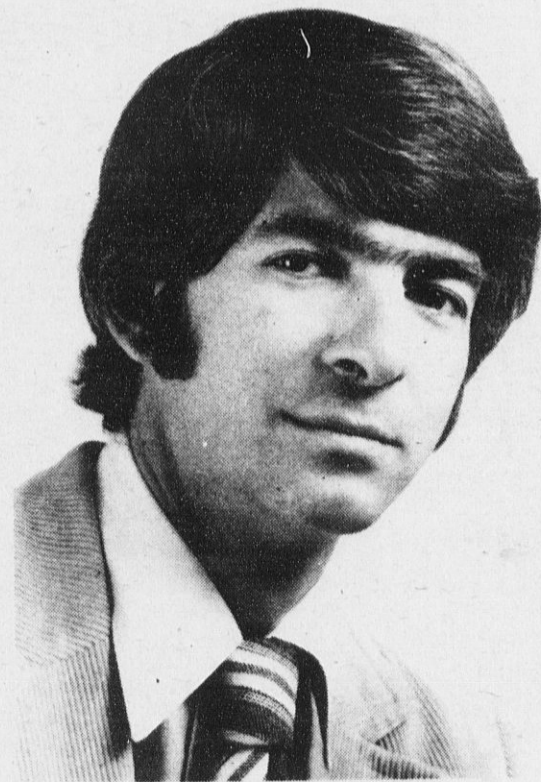
Ron Smith, a CSEA field representative in the Syracuse and Oswego areas, said local presidents and field representatives must form a closer working relationship. "The gap has to be closed," he said. "If we don't work together, then we're not going to be able to provide services." In summarizing the duties of a field rep, Smith said, "Our major function is assistance. Most of the time, we're putting out the fires."

AFSCME Representative Bailey Walker advised the CSEA local presidents to place an emphasis on signing up new members for the union because the union is weakened by every eligible public employee not part of the CSEA "team." The AFSCME rep presented a step-by-step approach for setting up an internal organizing campaign to get new members.



According to Walker, "The more members we've got, the more members we will get. It's like a snowball effect." The presidents attending the workshop received up-to-date computer print-outs of members and eligible non-members of the local they represent to get them started on the membership drive.

As the workshop drew to a close, Regional President Moore gave the local presidents an ambitious goal for the upcoming membership campaign. Central Region 5, the second largest in CSEA, currently has some 38,000 members in its 76 active and four retiree locals spread throughout a 20-county area. But Moore said that membership figure should increase to 42,000 or 43,000 by the time membership drive is over.



CSEA DIRECTOR OF EDUCATION Thomas Quimby described a wide list of resources available to help local union presidents obtain assistance from the membership.

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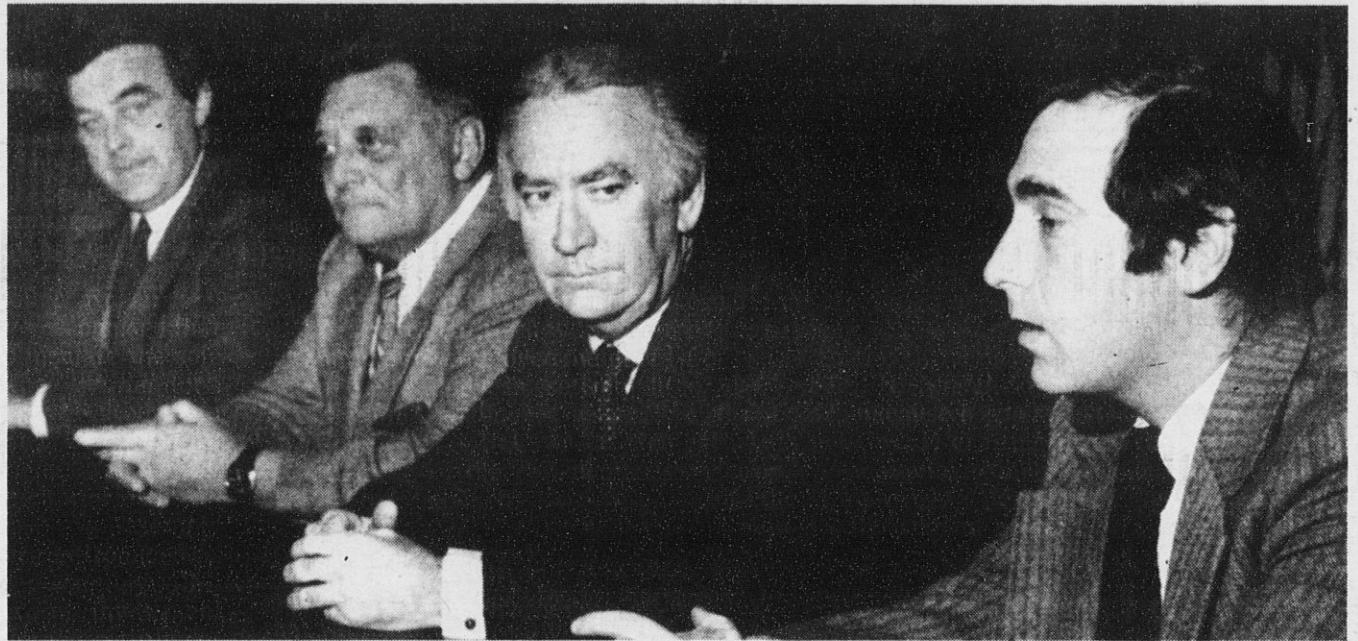
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"Tax dollars should stay in Poughkeepsie, not in Europe," union tells management

POUGHKEEPSIE — Contracting out by a municipal body to the detriment of public employee jobs has become a major issue again, this time involving efforts by the City of Poughkeepsie to contract out the city's parking department and sewage department services to private contractors.

The Civil Service Employees Assn., which is in the midst of negotiating a new contract covering City of Poughkeepsie employees, has launched a vigorous campaign to have tentative agreements between the city and the private contractors rejected. CSEA is concerned that nearly 30 employees it represents in the parking and sewage departments will be adversely affected if those contracting out agreements become effective, as tentatively planned on January 1, 1980.

A newspaper advertising program was launched in early December to bring the negative aspects of contracting out to the citizens of Poughkeepsie. Additionally, CSEA officials report they are prepared to file an improper practice charge against the city on the issue of illegally contracting out of services under the current CSEA/city contract negotiations.

CSEA and members of the city unit were well represented at a hearing conducted recently by the finance committee of the city's legislature to consider the agreement between the city and the private contractors. CSEA Field Representative Larry Scanlon was the principal union spokesman, pointing out the many problems associated with the city's plans to contract out the services.

Scanlon told members of the finance committee, "According to the City Manager's recommendation, the City will pay \$70,000.00 for sewage pumping station, \$65,000.00 for sewage administration, and \$575,000.00 for sewage treatment and disposal. That totals \$710,000.00. This figure demonstrates that it will cost the City more to contract out the operation of the treatment and disposal plant to Envirotech than it presently costs and, by law, the City will lose its State funding, equal to 25 percent of operation and maintenance costs, and may be endangering Federal aid in this area.

"By contract language, the City will pay the cost of fire insurance," he said. "Also, Envirotech will only spend \$26,500.00 on equipment repair per year with the City picking up the rest of the tab. Equipment repair, considering the operational problems at the current sewage plant, can cost from \$50,000.00 to \$1,000,000.00," according to Scanlon.

"Also," he said, "the City will be responsible for any fines imposed by any regulatory agency in the operation of the plant which exceed \$50,000.00 in any year.

"According to the contract, the City will lose overall control of the plant for a period of six, not five years, and will lose \$73,921.00 in the first year alone!" Scanlon pointed out.

"Effective, efficient management

can be obtained locally from a local taxpayer at far less cost to local residents. Remember, Envirotech is a Delaware chartered, California based corporation that has a substantial minority ownership based in the Netherlands. Our tax dollars should stay in Poughkeepsie — not in Europe," the union spokesman stated.

In the area of parking, Scanlon pointed out several topics of concern.

"First, it was the rescinding of a parking rate increase January 2, 1979

which created a deficit situation. Not any employee caused excess," he said.

"Also, by using available materials already paid for but not listed in the Parking Department, various lots could be easily transformed from lots generating only several thousand dollars to lots making \$50,000.00 to \$60,000.00 and this would not cost the taxpayers one cent.

"Both contracts are full of open end cost increase provisions which are not negotiable, but mandatory.

"Both contracts provide handsome profits to the private contractor at the expense of the taxpayers, the workers," charged Scanlon.

"The Union is not just concerned with our members rights, but with taxpayers' rights to quality services at a fair price. It should be pointed out that most City workers are residents and are concerned with the quality of life in their community. Contracting out of these positions will only begin a cycle of ever increasing costs with no end in sight," he warned.

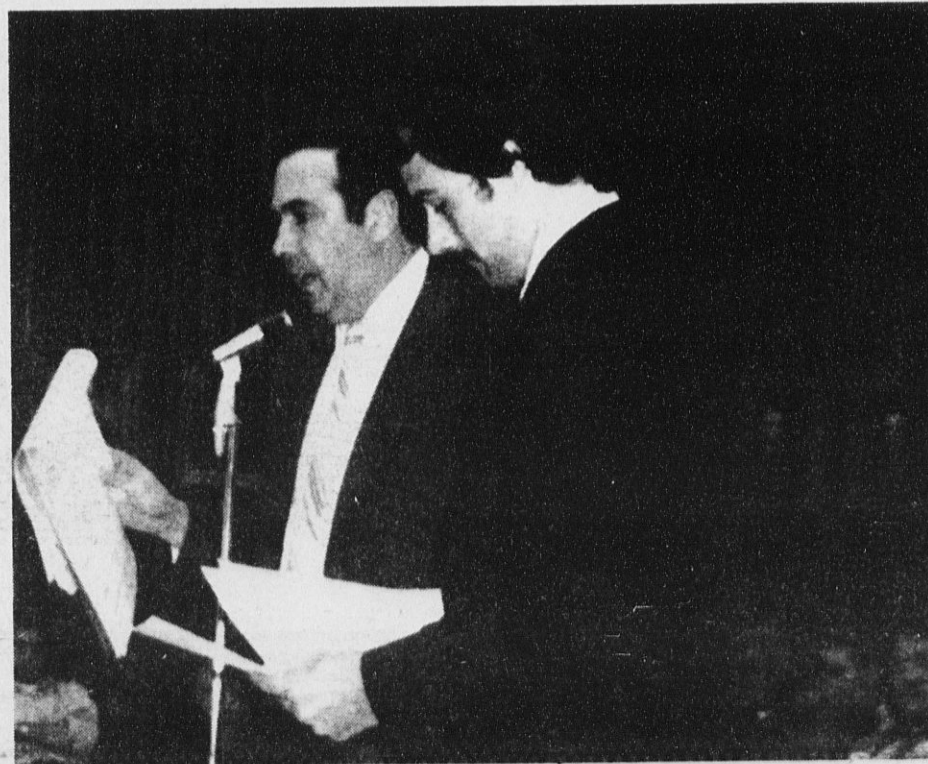


Above, CSEA REPRESENTATIVES at front table are backed by a large turnout of city employees during a hearing on a city plan to contract out parking and sewage department services. In front at table are, from left, CSEA Field Representative Larry Scanlon, CSEA Regional Atty. Tom Mahar Jr. and CSEA Region III Director Thomas Luposello. Union representatives spoke strongly against the city plans.



Left, AMONG THE INTERESTED SPECTATORS as CSEA representatives attacked a city plan to contract out certain essential services were Barbara Babcock, executive vice president of Dutchess County CSEA Local 814; and Scott Daniels, Dutchess County Unit President.

Right, AT THE MICROPHONE, CSEA Regional Atty. Tom Mahar Jr., left, and CSEA Field Representative Larry Scanlon strongly attacked the city plan to contract out vital services.



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&
ADVANCEMENT

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TITLES

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JOB
OPTIONS

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SECRETARIAL
EMPLOYEES
ADVANCEMENT
PROGRAM

NEW YORK STATE TREK

A BOLD MOVE TOWARD THE FUTURE



CSEA PRESIDENT WILLIAM L. MCGOWAN, center, listens while James Northrup, Executive Deputy Director of OER, left, explains the position of the Governor's Office during a joint meeting of the State, CSEA and the old and new Continuity of Employment Committees. CSEA Executive Vice President Thomas McDonough, right, and CSEA Executive Director Joseph Dolan, second from right, look on.

KEEP CSEA INFORMED ON MAILING ADDRESS

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

Change of Address for 'The Public Sector'

Please allow 3-4 weeks for change to take effect.

My present label reads exactly as shown here (or affix mailing label)

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MY NEW ADDRESS IS:

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City _____ State _____ Zip _____

Agency where employed _____

My social security no. _____ Agency No. _____

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Thomas A. Clemente—Publisher
Roger A. Cole—Executive Editor
Dr. Gerald Alperstein—Associate Editor
Oscar D. Barker—Associate Editor
Deborah Cassidy—Staff Writer
Dawn LePore—Staff Writer
John L. Murphy—Staff Writer

Arden D. Lawand—Graphic Design
Dennis C. Mullahy—Production Coordinator



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Delegation from NYC visits DC

A delegation of 20 local union leaders from the 23,000-member New York City Region of the Civil Service Employees Assn. recently visited the Washington, D.C. headquarters of their national union.

Jimmy Gripper, President of CSEA Region II, led the visit to the headquarters of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO.

Gripper and the other CSEA leaders, representing state employees who work in New York City, met with AFSCME President Jerry Wurf, AFSCME Secretary-Treasurer William Lucy, and the union's directors of legislation, political action, research, and public policy.

"The visit to AFSCME's national headquarters was very informative, and we learned about the resources and services that are available to CSEA as a result of our affiliation with AFSCME," Gripper said. "We returned to New York with new ideas about how to deal with problems ranging from training stewards and handling grievances, to health and safety hazards on the job, to state policies that dump mentally ill patients out of public institutions."



AFSCME INTERNATIONAL PRESIDENT JERRY WURF, right, and AFSCME Secretary-Treasurer William Lucy, left, flank CSEA Region II President Jimmy Gripper, with the remainder of a 20-member delegation of Region II leaders in the back, during a recent visit to AFSCME International headquarters in Washington.

NEWLY ELECTED OFFICERS of the NYS Psychiatric Institute CSEA Local 419 were installed recently by Willie Raye, CSEA Region II Third Vice President. From left to right are Mr. Raye, President Felix Rodriguez, First Vice President David Aureliano, Second Vice President David Tittle, Executive Committee members George Tolentino, Irene Tybursky, Shirley Edwards, Laverne Evans and Edward Germann; and Secretary Georgia Johnson. Absent from photo is Treasurer Theresa Reilly.



questions and answers



Q. I have to go into the hospital next week. I don't know how long I'll be there. Can you tell me what the amounts are that Medicare does not pay?

A. From the 1st day through the 60th day in each benefit period, Medicare hospital insurance pays for all covered services *except the first \$160*. This is the hospital insurance deductible. From the 61st through the 90th day in a benefit period, hospital insurance pays for all covered services *except for \$40 a day*. For more information about Medicare coverage of inpatient hospital care, read *Your Medicare Handbook*. If you don't have a handbook, you can get one at any social security office.

Calendar of EVENTS

December

- 13 — Saratoga County Local 846 Christmas party, 6:30 p.m., The Rafters, Saratoga Lake.
- 14 — CSEA Night at New York Appollo's soccer game, Nassau Coliseum, Uniondale.
- 14 — Region III Christmas party, 8 p.m., Holiday Inn, Newburgh.
- 21 — Manhattan Developmental Center CSEA Local 443 Christmas party, 3 p.m., 75 Morton Street, New York City.
- 22 — Downstate Medical Center Local 646 annual Christmas party, 9 p.m. Deauville Country Club, Brooklyn.

JANUARY

- 11 — Region 6 meeting, 8 p.m., Rochester/Marriott Inn, Greece, N.Y.
- 12 — Region 6 meeting, 9:30 a.m., state and county workshop, general business meeting after lunch, Rochester/Marriott Inn, Greece, N.Y.
- 12 — Region I workshop, Safety and Health, 9 a.m.-5 p.m., Holiday Inn, Hauppauge.

Pay change is blasted

LAKE PLACID — The Capital Region of the Civil Service Employees Assn. has filed an unfair labor practice against management personnel in the New York State Department of Environmental Conservation for altering the pay schedule of ski center employees without consulting the union.

Employees at Whiteface Ski Center in Lake Placid were informed through a memorandum that upon returning to work for the winter, seasonal employees must wait five, rather than four, weeks for their first paycheck. In addition, all seasonal employees who are on the payroll at the time of the change will receive their paychecks one week late.

The charge, filed by CSEA Field Representative Charles Scott against Richard Lynch, director of fiscal management and Thomas Rider, director of personnel, both for EnCon, states that a change in pay periods is a "term and condition of employment, subject to the collective bargaining process and cannot be unilaterally changed without negotiating with the CSEA."

Another CSEA Field Representative, William Lochner, has filed similar charges on behalf of Gore Mountain Ski Center employees who will also be affected by the change.

"The reason for the change, according to the memorandum given the employees, is to facilitate the bookkeeping process for EnCon's personnel office in Albany," said Scott. "For this they are inconveniencing our members."

EnCon officials told Scott they discussed the matter with the former EnCon Local CSEA president, who agreed to the change. However, Scott says he talked with the former union leader who told him the change was once mentioned to him, but he agreed to nothing, and would testify in court for the CSEA.

PATIENT ABUSE: balancing the rights of patients and employees

REGIONAL PARTICIPATION — Among the participants in the recent training seminar for arbitrators who will hear patient abuse disciplinary cases were CSEA's Regional Directors. They are, from left, George Bispham, Region II; Bill Griffin, Acting Director, Region I; Lee Frank, Region VI; Frank Martello, Region V; Tom Luposello, Region III. Also participating were, continuing left, Gary Fryer, CSEA's Director of Communication; Collective Bargaining Specialist Paul Burch and Region II President Jimmy Gripper.



Seminar sorts out the definition of abuse

NEW YORK CITY — Much is said and written about the subject of "patient abuse" in the state's psychiatric and developmental centers, but a recent seminar on the subject made it clear that despite all of the discussion there is serious disagreement as to what constitutes "abuse."

Representatives of the CSEA and the state met in New York City to discuss the subject of abuse and how it must be handled in arbitration situations arising from contractual disciplinary proceedings.

The session was attended by CSEA elected leaders, staff and lawyers and state personnel managers, lawyers and agency representatives, as well as speakers from a Board of Visitors and an independent commission on institutional care. Despite all of this expertise, however, it appeared that not everyone could agree on what patient abuse is.

"In previous disciplinary cases, the state has attempted to discipline employees for a simple push or shove," CSEA Counsel James Roemer explains. "Yet during the expert testimony segment of our session here, it became quite clear that the clinical experts use a far more severe measure of what abuse is. I think the state has shown confusion in its determination of what is or is not abuse and, in some instances, it has gone to ridiculous extremes."

Mr. Roemer and all speakers at the session said serious abuse of patients is a deplorable act that cannot be condoned. Yet, it was clear that the state's prior use of a shove or push upon which to base an abuse disciplinary did not meet the criteria set forth by most speakers as to what constitutes real patient abuse.

As one expert, Dr. Richard A. Foxx, put it, "It seems to me that the definition of abuse involves intent; intent to cause harm or to cause further harm." He explained that isolated instances of physical confrontation between a staff member and a patient can be many things beside abuse.

The expert noted that there are regular instances in an institutional setting where a patient may become physically aggressive with a staff member or with another patient. Staff members must take physical measures to defend themselves and this should be considered in handling abuse arbitrations. He noted, additionally, that the staff must intercede when two patients become in-

involved in an altercation and that, too, is an area where an event may not be what it seems.

"There are instances," Dr. Foxx said, "where someone is strangling you or fighting you. Self defense is not abuse. The point is that intent is what you have to look at in determining abuse."

Dr. Foxx, a University of Maryland professor, worked in an institutional setting as a therapy aide. His com-

ments, he said, reflected the view of the problem from the staff side of the issue as well as the administration's side. He noted that the training of staff in "gentle restraint" and specialized self-defense techniques should be emphasized to eliminate a lot of confrontations that presently result in patient or employee injury.

Mr. Roemer, commenting on the panel discussion, said that he hoped the state's representatives to the session, as well as the arbitrators,

learned the distinctions between physical contact and abuse.

"We're not trying to lessen the obvious seriousness of real abuse incidents which are deplorable," Mr. Roemer said, "but there is an issue here as to what constitutes real abuse. I think that many disciplinary actions are ultimately rejected by arbitrators simply because what the state said was abuse was in fact not abuse."

Problem is management, training

NEW YORK CITY — "If we ran corporations like we run state hospitals, this country would be bankrupt."

Dr. Richard A. Foxx, a nationally recognized expert in the field of institutional care and patient abuse, made this comment to a Select Panel of Arbitrators, who met in New York City on November 30 for a two-day seminar sponsored by CSEA and the state to deal with the special problems surrounding arbitration of disciplinary cases involving patient abuse allegations.

Dr. Foxx was only one of many speakers who told the arbitrators that the environment of psychiatric and developmental centers requires special consideration in dealing with arbitrations involving charges that an employee abused a patient or resident.

The arbitrators were selected by CSEA and the state under provisions of the improved disciplinary article in the state contracts, which creates a Select Panel to deal with arbitrations arising from patient abuse allegations. While both the state and the union agreed serious abuse was a deplorable act, there was substantial disagreement as to what constituted abuse, the powers of the arbitrator to compel evidence to be presented at arbitration, and other related points.

CSEA President William L. McGowan and Meyer S. Frucher, director of the Governor's Office of Employee Relations, had agreed on the Select Panel concept during negotiations for the state contracts. CSEA's legal firm, Roemer and Featherstonhaugh, worked out the details of the agreement and the agenda for the seminar which may be just the first in a series to deal with the subject.

The arbitrators were jointly selected to serve on the panel and, in patient abuse cases, an arbitrator from the panel must be selected if the disciplinary reaches the arbitration stage. CSEA concluded the specially trained arbitrators would better protect the interests of the employees and the client or patient allegedly abused.

Dr. Foxx and Dr. Desmond Heath, also a nationally recognized expert in the field, addressed the arbitrators on the environment in psychiatric and developmental facilities.

Dr. Foxx, who has worked as a therapy aide in addition to his academic and clinical training, lent a special perspective to how the employees in the units must function. Too frequently, he told the panel, there is a rift between the administration, the professional staff and the therapy aides. The biggest abuse of all, he said, is the lack of programming in institutional facilities, the lack of administrative contacts with staff and patients and the lack of adequate training for the employees providing direct patient care.

"The biggest problem in our institutions is not dollars and it is not staffing," Dr. Foxx said, "it's management and training."

Dr. Foxx said that all too frequently professional staff sits in an administration building telling staff what to do instead of working with staff in the units to get the job done.

Noting that there are frequent instances of patients attacking employees or needing restraint, the expert cautioned the panel that all instances of physical conflict between employees and patients do not constitute abuse.

"It seems to me," the University of

GETTING THE FACTS — CSEA Region II President Jimmy Gripper, right, and CSEA Collective Bargaining Specialist Paul Burch, left, listen attentively to speakers during a training session for arbitrators who will hear patient abuse allegations under the new CSEA-State contracts. The training session was jointly sponsored by the union and the Governor's Office of Employee Relations and was held on November 30 and December 1 in New York City. Mr. Gripper made the welcoming address.

Maryland psychologist said, "that the definition of abuse involves intent; intent to cause harm or to cause further harm."

CSEA Chief Counsel James W. Roemer termed the session a success that proved informative to the arbitrators and also helped the State and the union explore each other's positions. He said the arbitrators commented favorably about the meeting and also concluded the sessions were a meaningful step to the fulfillment of the new panels objectives under the contract.



CSEA COUNSEL JAMES ROEMER tells participants in a discussion on patient abuse, "I think the state has shown confusion in its determination of what is or is not abuse and in some instances it has gone to ridiculous extremes."



Employee rights vs. confidentiality

NEW YORK CITY — How do you balance the right of an employee to defend himself from a patient abuse charge against the right of a patient to confidentiality?

That was one of the more controversial questions discussed by a Select Panel of Arbitrators chosen by CSEA and the State to hear disciplinary arbitrations arising from patient abuse allegations. The special panel was created during negotiations for the CSEA-State contracts.

CSEA has consistently maintained with increasing agreement from arbitrators that when a patient in a psychiatric or developmental center

accuses an employee of abuse, the employee's representatives should have the right to examine the patient's medical records to determine if the patient's testimony can be considered credible or if the patient has a history of making false accusations.

The state's position on the issue is equally clear. It claims the legislature won't allow release of the records except under certain circumstances and that even if those circumstances are met, the state opposes such disclosure on the grounds that it violates the patient-physician relationship.

CSEA Regional Attorney Ted

Ruthizer gave a presentation to the arbitrators outlining recent arbitration and court decisions upholding the right of the employee to question the credibility of patient witnesses by reviewing their medical records for prior unsubstantiated claims and for verification of the patient's ability to accurately recount events.

"The patient's medical records are relevant in most cases," commented CSEA Attorney Michael Smith, "even to prepare for cross examination of non-patient witnesses. It's important to know if similar claims had been made by a patient before."

Attorney Smith said it's CSEA's position that the issue has been resolved by several arbitration decisions and an opinion of the Appellate Division of State Supreme Court upholding the right of an arbitrator to exclude a patient's testimony when the state refused to produce the records that were ordered to be produced by the arbitrator.

"We believe the decisions in the Bell and Camacho cases make it clear that we have the right to these records to defend accused employees and that is where the matter stands now," attorney Smith said.

Once upon a time, not so very long ago, it was possible for a government body to, with relative ease, conduct public business behind closed doors, and, to make it difficult, if not impossible for the public to find out what transpired behind those doors.

But it's not so easy anymore. That's because the original Freedom of Information Law of 1974 and the current Freedom of Information Law, which became effective January 1, 1978, provide your rights of access to many governmental records previously unattainable. And the Open Meetings Law (or "Sunshine" Law) which went into effect in New York in 1977, with clarifying amendments effective October 1, 1979, protect your right to attend meetings of public bodies, listen to debates and observe the decision-making process of such bodies in action.

As tax-paying citizens and as public employees, the actions of governmental bodies at every level impact heavily upon the lives and careers of CSEA-represented public workers. It is important to know and appreciate your rights relative to such governmental actions. The following excerpts from a new publication, "The Freedom of Information and Open Meetings Laws . . . Opening the Door" prepared by The Committee of Public Access to Records.

THE FREEDOM OF INFORMATION LAW

The Freedom of Information Law, effective January 1, 1978, reaffirms your right to know how your government operates. It provides rights of access to records reflective of governmental decisions and policies that affect the lives of every New Yorker.

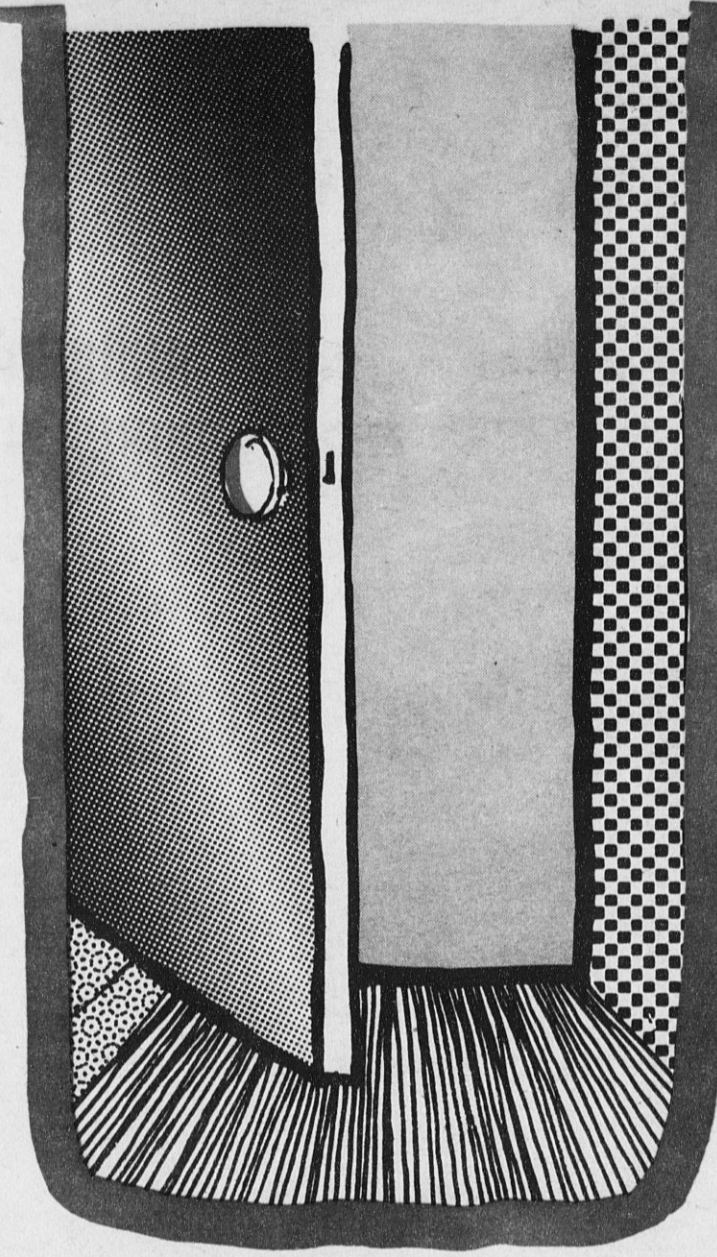
Scope of the Law

The law defines "agency" to include all units of state and local government in New York State, including state agencies, public corporations and authorities, as well as any other governmental entities performing a governmental function for the State or for one or more units of local government in the State (section 86(3)).

The term "agency" does not include the State Legislature or the courts. As such, for purposes of clarity, "agency" will be used hereinafter to include all entities of government in New York, except the State Legislature and the courts, both of which will be discussed later.

What is a Record?

The law defines "record" as "any information kept, held, filed, produced or reproduced by, with or for an agency or the State Legislature, in any physical form whatsoever . . ." (section 86(4)). Thus it is clear that items such as



tape recordings, microfilm and computer discs fall within the definition of "record."

ACCESSIBLE RECORDS

The original statute granted rights of access to nine specified categories of records to the exclusion of all others. Therefore, unless a record conformed to one of the categories of accessible records, it was presumed deniable.

The new law, reversing that presumption, states that all records are accessible, except records or portions of records that fall within one of eight categories of deniable records (section 87(2)).

Generally, the law provides access to existing records. Therefore, an agency need not create a record in response to a request. Nevertheless, each agency must compile the following records (section 87(3)):

- (a) a record of the final vote of each member in every agency proceeding in which the member votes;
- (b) a record setting forth the name, public office address, title and salary of every officer or employee of the agency; and
- (c) a reasonably detailed current list by subject matter of all records in possession of an agency, whether or not the records are accessible.

THE OPEN MEETINGS LAW

The Open Meetings or "Sunshine" Law went into effect in New York in 1977. Amendments that clarify and reaffirm your right to hear the deliberations of public bodies became effective on October 1, 1979.

In brief, the law gives the public the right to attend meetings of public bodies, listen to the debates and watch the decision-making process in action.

As stated in the legislative declaration in the Open Meetings Law (section 95): "It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy."

What is a "meeting"?

Although the definition of "meeting" was vague as it appeared in the original law, the amendments to the law clarify the definition in conjunction with expansive interpretations of the law given by the courts. "Meeting" is defined to mean "the official convening of a public body for the pur-

"The Freedom of Information and Open Meetings Laws . . . Opening the Door," a handy guide to citizens' rights of access to records in possession of government and to attend meetings of public bodies, is available free of charge by writing to:

Mr. Robert J. Freeman
Executive Director
Committee on Public Access to Records
162 Washington Avenue
Albany, New York 12231

The pamphlet contains details of both access laws as well as sample records request forms and sample appeal forms if originally denied such information.

the FREEDOM OF INFORMATION & OPEN MEETINGS LAWS

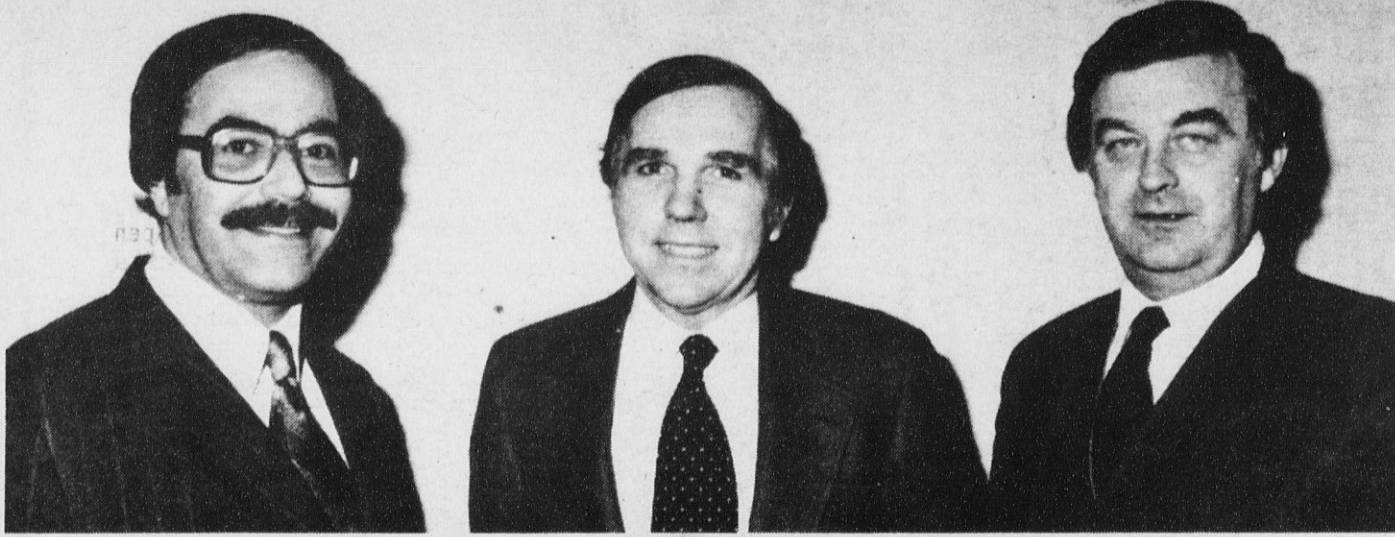
..... opening the door

pose of conducting public business." As such, any time a quorum of a public body gathers for the purpose of discussing public business, the meeting must be convened open to the public, whether or not there is an intent to take action, and regardless of the manner in which the gathering may be characterized.

Since the law applies to "official" meetings, chance meetings or social gatherings are not covered by the law.

What is Covered by the Law?

The law applies to all public bodies. "Public body" is defined to cover entities consisting of two or more people that conduct public business and perform a governmental function for the State, for an agency of the State or for public corporations, including cities, counties, towns, villages and school districts, for example. In addition, committees and subcommittees are specifically included within the definition. Consequently, city councils, town boards, village boards of trustees, school boards, commissions, legislative bodies and committees and subcommittees of those groups all fall within the framework of the law.



Left, TAX AND FINANCE CSEA LOCAL 690 held its annual holiday party for members and guests last week. Among the dignitaries attending were James H. Tully Jr., center, President of the State Tax Commission, and CSEA Executive Director Joseph J. Dolan Jr., right. They are greeted by Local 690 President Carmen Bagnoli, left.



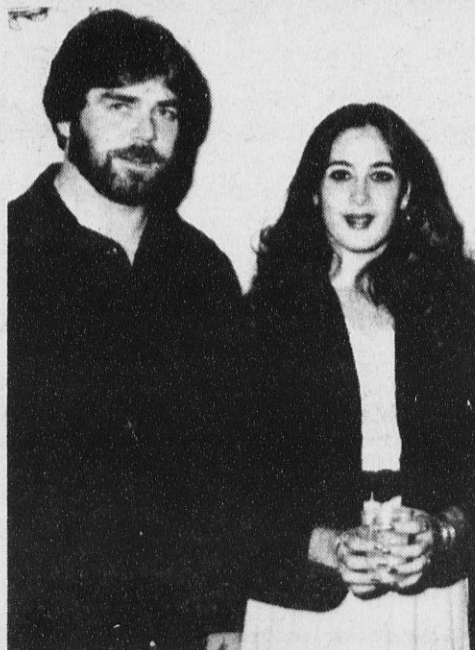
Above, AMONG THE GUESTS at Local 690 holiday affair last week were, from left, CSEA Region IV President Joseph E. McDermott, CSEA Board of Directors member John Gully from Tax and Finance, and CSEA statewide Secretary Irene Carr.



Below, TAX AND FINANCE Executive Deputy Commissioner Joseph Valenti, right, is welcomed by Local 690 President Bagnoli.



Above, CSEA EXECUTIVE DIRECTOR JOSEPH J. DOLAN, left, chats with Local 690 members Tom Cray, Tom O'Donnell, Helen Butrym and Victor Butrym.



Left, AMONG LOCAL 690 members attending annual holiday party were Bill Burdick and Dana Sgarlata.



STATE OPEN COMPETITIVE JOB CALENDAR

STATE OPEN COMPETITIVE JOB CALENDAR

Title Salary Exam No.

FILING ENDS DECEMBER 17, 1979

Airport Development Specialist I	\$14,075	27-975
Airport Development Specialist, Senior	\$18,301	27-976
Radiologic Technologist (Therapeutic)	\$ 9,865	27-990
Radiologic Technologist (Therapeutic), Senior	\$11,695	27-991
Radiologic Technologist, Chief	\$16,420	27-987
Radiotherapy Nurse, Supervising	\$14,850	27-988

FILING ENDS JANUARY 7, 1980

Teachers' Retirement System Accounting Systems Analyst	\$23,755	80-037
Teachers' Retirement System Financial Systems Analyst, Associate	\$21,435	80-036
Teachers' Retirement System Operations Specialist	\$23,500	80-035

COMPETITIVE PROMOTIONAL EXAMS

COMPETITIVE PROMOTIONAL EXAMS

Title Salary Exam No.

FILING ENDS DECEMBER 17, 1979

Compensation Claims Clerk	\$ 7,900	36-916
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FILING ENDS JANUARY 14, 1980

Supervising Bank Examiner	\$32,475	39-394
Supervising Overseas Branch Bank Examiner	\$36,095	39-394

Political action results

BATH — The political action committee of the Steuben County Local No. 851 recorded a winning slate in this fall's election, with 12 of 15 CSEA-endorsed candidates marking victories.

"We feel very proud of the effort CSEA made in this election," said local President James Lindsay. "Our people have definitely made a contribution to government in this county. We want to thank all members who voted and worked on this year's campaign."

CSEA-endorsed winners on the Steuben County Board of Supervisors are:

Fran Gehl (D)	Richard Frey (D)
Peter Giambrone (D)	William Tobin (R)
Bernard J. Smith (D)	E. Beth Clark (R)
John Stover (R)	George McKinley (R)
James Bacalles (R)	Fordyce Foster (D)

Harvey Young (R)

The group also endorsed District Attorney John Finnerty, who ran successfully for the post of Steuben County Judge.

CSEA members who participated in the political action efforts include:

Pat Brink, Christine Laubach, Zita Parker, Richard and Ellen French, Wilma Saunders, John Loza, Sandra Gallagher, Dawn Rumsey, Art Howell, Robert Dodd, Jim Wager, Bonnie Hughes, Linda Westacott, and Larry Crossett.

Lindsay, who also served as political action chairman, said he wished to give special thanks to Harold Towner, Hornell City Chapter 007 president and Ed Robinson, Hornell's political action chairman, for their support and cooperation.



CSEA REGION II OFFICERS met recently with CSEA statewide President William L. McGowan when he toured the Metropolitan Region and conferred with local presidents. From left are President McGowan, Region II President Jimmy Gripper, First Vice President Felton King, Second Vice President Frances DuBose, Third Vice President Willie Raye. Also, Secretary Helen Cugno, Treasurer Clinton E. Thomas, and Corresponding Secretary Robert Diaz.

OPEN CONTINUOUS STATE JOB CALENDAR

Title	Salary	Exam No.
Senior Medical Records Technician	\$10,624	20-102
Pharmacist (salary varies with location)	\$14,388-\$15,562	20-129
Assistant Sanitary Engineer	\$16,040	20-122
Senior Sanitary Engineer	\$18,301	20-123
Clinical Physician I	\$27,942	20-118
Clinical Physician II	\$31,055	20-119
Assistant Clinical Physician	\$25,161	20-117
Attorney	\$14,850	20-113
Assistant Attorney	\$12,397	20-113
Attorney Trainee	\$11,723	20-113
Junior Engineer (Bachelor's Degree)	\$12,890	20-109
Junior Engineer (Master's Degree)	\$13,876	20-109
Dental Hygienist	\$8,950	20-107
Licensed Practical Nurse	\$8,051	20-106
Nutrition Services Consultant	\$13,404	20-139
Stationary Engineer	\$10,042	20-100
Senior Stationary Engineer	\$11,250	20-101
Occupational Therapy Assistant I	\$9,029	20-174
Occupational Therapy Assistant I (Spanish Speaking)	\$9,029	20-174
Vocational Rehabilitation Counselor	\$14,142	20-140
Vocational Rehabilitation Counselor Trainee	\$11,983	20-140
Medical Record Technician	\$9,481	20-143
Histology Technician	\$8,051	20-170
Professional Positions in Auditing and Accounting	\$11,250	20-200
Computer Programmer	\$11,250	20-220
Computer Programmer (Scientific)	\$11,250	20-222
Senior Programmer	\$14,075	20-221
Senior Computer Programmer (Scientific)	\$14,075	20-223
Mobility Instructor	\$11,904	20-224
Instructor of the Blind	\$11,250	20-225
Health Services Nurse (salary varies with location)	\$11,250-\$12,025	20-226
Senior Heating and Ventilating Engineer	\$18,301	20-227
Senior Sanitary Engineer (Design)	\$18,301	20-228
Senior Building Electrical Engineer	\$18,301	20-229
Senior Building Structural Engineer	\$18,301	20-230
Senior Mechanical Construction Engineer	\$18,301	20-231
Senior Plumbing Engineer	\$18,301	20-232
Assistant Stationary Engineer	\$7,616	20-303
Electroencephalograph Technician	\$7,616	20-308
Radiologic Technologist (salary varies with location)	\$8,454-\$10,369	20-334
Medical Record Administrator	\$11,904	20-348
Food Service Worker I	\$6,456	20-352
Mental Hygiene Therapy Aide Trainee	\$7,204	20-394
Mental Hygiene Therapy Aide Trainee (Spanish Speaking)	\$7,204	20-394
Associate Actuary (Casualty)	\$18,369	20-416
Principal Actuary (Casualty)	\$22,364	20-417
Supervising Actuary (Casualty)	\$26,516	20-418
Assistant Actuary	\$10,714	20-556
Nurse I	\$10,624	20-584
Nurse II	\$11,904	20-585
Nurse II (Psychiatric)	\$11,904	20-586
Nurse II (Rehabilitation)	\$11,904	20-587
Medical Specialist II	\$33,705	20-840
Medical Specialist I	\$27,942	20-841
Psychiatrist I	\$27,942	20-842
Psychiatrist II	\$33,705	20-843
Social Services Management Trainee	\$10,824	20-875
Social Services Management Specialist	\$11,450	20-875
Social Services Management Trainee (Spanish Speaking)	\$10,824	20-876
Social Services Management Specialist (Spanish Speaking)	\$11,450	20-876
Industrial Training Supervisor (salary varies depending on specialty)	\$10,624-\$12,583	20-877
Physical Therapist	\$11,337	20-880
Physical Therapist (Spanish Speaking)	\$11,337	20-880
Senior Physical Therapist	\$12,670	20-881
Senior Physical Therapist (Spanish Speaking)	\$12,670	20-881
Speech Pathologist	\$12,670	20-883
Audiologist	\$12,670	20-882
Assistant Speech Pathologist	\$11,337	20-884
Assistant Audiologist	\$11,337	20-885
Dietician Trainee	\$10,624	20-888
Dietician	\$11,250	20-887
Supervising Dietician	\$13,304	20-886
Stenographer (NYC only)	\$6,650	20-890
Typist (NYC only)	\$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.

Union leader on special commission

TROY — Edward LaPlante, president of the 400-member City of Troy Unit of the Civil Service Employees Assn. has been appointed by outgoing Troy Mayor Steven Dworsky to serve as the labor representative on a commission to investigate the establishment of a strong mayor form of government in Troy.

Currently, LaPlante noted, a city manager, who is appointed by the city council, has complete control over government operations. Dworsky would like to have a strong mayor elected by the citizens.

Should the commission, which consists of representatives from business and neighborhood associations in Troy, come out in favor of the change, Troy citizens will be asked to vote on the issue via a special referendum.

At this point, LaPlante could not comment on CSEA's position concerning a strong mayor, but indicated the union is pleased to have a voice on the commission. This is the first time a union representative has been appointed to the commission by a city official, he added.



TAKING TO THE AIR WAVES — CSEA representatives recently participated in a call-in radio talk show over station WALL in Middletown to bring their claim of serious understaffing problems at the Orange County Branch and Infirmary of the public. Union participants, along with representative of county management, were, from left, Dawn Gambino, a union rep in the county home and infirmary; CSEA Field Representative Bruce Wyngaard; and Kay Cayton, President of the Orange County Unit of CSEA Local 836. In early November, employees held a protest demonstration over staffing conditions at the facility.

Greenwich unit gets contract

GREENWICH — After a sometimes difficult fight to retain existing benefits, as well as secure salary increases, in contract talks, the Town of Greenwich School District Unit of the Civil Service Employees Assn. has reached what the unit president terms a "fairly satisfactory" agreement with district officials.

The negotiations, says Unit President Glennen Woodward, got off to a poor start last April, when the school district announced it did not have the funds to grant raises, and would have to reduce its contribution to the employees health insurance plan and would pay employees for each task completed rather than a weekly salary.

The union accused the school administration of trying to confuse priorities in negotiations.

The new two-year contract, settled after the CSEA declared an impasse in May, calls for a seven percent salary increase in each year, one extra day of leave per year, in addition to the retention of all existing benefits.

Inmate suicides concern state officials

By JACK JONES

GOWANDA — Judges, police and psychiatrists, lawmakers and other public officials gathered in this rural western New York village yesterday to discuss suicides and suicide attempts in jails and prisons throughout the state.

Suicides are "the single leading cause of death" in jails and prisons, said Joseph Wasser, commissioner and chairman of the state Commission of Corrections' Medical Review Board.

Suicides account for one of every three deaths that occur in jails and correctional facilities, according to Wasser. He said there were 27 suicides and 442 suicide attempts behind bars in New York last year.

Elizabeth Connelly, who chairs the Assembly's Committee on Mental Health, blames the increasing violence, directly on state and federal efforts to "de-institutionalize" mentally ill persons, releasing them from state hospi-

'De-institutionalization' blamed, critic calls it 'a social disaster'

itals before their illnesses have been adequately treated.

"De-institutionalization, in my opinion, has been a social disaster, rather than a social reform," she said.

When the indigent mentally ill person "has no place else to go, he now falls into the correctional system," which isn't equipped to deal with psychiatric problems, she said.

De-institutionalization has had a significant impact on state prisons since the state hospital at Matteawan for mentally ill prisoners was closed in 1977 and severely disturbed inmates were returned to general-population prisons.

In the past three years, prison murders, suicides and violent assaults involving mentally ill inmates have reached "a critical level," according to Wasser.

Mrs. Connelly accused psychiatrists and other mental health professionals of "just not wanting to deal with these (mentally ill) people."

Hal Smith, director of forensic services for the state Office of Mental Health, acknowledged the magnitude of the problem and said the state is developing new services to provide for the needs of mentally ill inmates of both jails and prisons.

Mental health satellite units

expanded at state prisons, and a special in-patient unit for severely disturbed inmates is being planned at the Central New York Psychiatric Facility in Marcy, Smith said.

Smith also said the first of several planned state-run mental health units to serve disturbed inmates from county jails will open here at the Gowanda Psychiatric Center in January.

A similar facility is being planned at Rochester Psychiatric Center for sometime next year, Smith said, but the money to operate the Rochester unit hasn't been approved by state agencies.

The units will provide care and treatment for criminal offenders in three categories:

- Those who become mentally ill while in jail awaiting trial.
- Those found incompetent to trial.

ONE SPINOFF FROM

the state's deinstitutionalization program has been the impact of disturbed individuals upon the state's prison system, according to statements by many of the judges, police, psychiatrists, lawmakers and public officials who met last month to discuss violence in prisons. Elizabeth Connelly, chairperson of the Assembly Committee on Mental Health, was quoted as saying at that meeting, "Deinstitutionalization, in my opinion, has been a social disaster, rather than a social reform." A number of state-run mental health units to serve disturbed inmates from county jails are expected to open next year to help ease the problems.

WRITING THE COLLECTIVE BARGAINING AGREEMENT AND COSTING OUT THE COLLECTIVE BARGAINING AGREEMENT

Two New One-Day Workshops
January 23, 24, 1980

At The Quality Inn
I-90 & Everett Road, Albany, N.Y.

THE NEW YORK SCHOOL OF INDUSTRIAL AND LABOR RELATIONS
A Statutory College of the State University Extension Division

() Writing the Collective Bargaining Agreement, January 23, 1980 \$100
() Costing Out the Collective Bargaining Agreement, January 24, 1980 \$100

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• Registration should be made (and checks made payable) to: Cornell University, 112 State Street, Albany, N.Y. 12207.
Call: (518) 473-1931 to register by phone.

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

CSEA / AFSCME
the union that works for you

Seek more representation on pension investment board

Beneficiaries should have voice in decisions which affect them

The Civil Service Employees Assn. expects to introduce, in the near future, proposed legislation which would reshape the proposed investment board for the common retirement fund of the Employees Retirement System and the Policemen's and Firemen's Retirement System. Current proposed legislation would relieve the comptroller as the sole trustee, by creating a 5-member investment board with one employee or employee organization member. CSEA claims this is inadequate representation and is preparing legislation which would provide additional employee and/or employee organization representation on the investment board. The proposed legislation was unveiled recently by CSEA Atty. Stephen Wiley in testimony before a hearing conducted by the State Assembly Governmental Employees Committee. The following is extracted testimony by Atty. Wiley at that hearing.

"Both comptroller Regan and Arthur Levitt have recognized that it is necessary to insulate the sole trustee from the tremendous pressure which may be brought to bear. Both Mr. Levitt and Comptroller Regan apparently agree on a bill which was introduced in the 1978 session as Assembly 13186. It has been reintroduced as Senate 3001 and Assembly 5734. This bill creates an investment board for the common retirement fund composed of five members which would act as a board of trustees for the fund. The members would be: one: an experienced designee of the comptroller, two: an experienced designee of the governor, three: three members designated by the advisory council for the retirement systems, two of which would be "experienced" and one of which would be an employee member of the advisory council.

"CSEA disagrees with this approach. It fails to provide adequate employee or employee organization representation on the board. It also limits the decision making powers to investment issues.

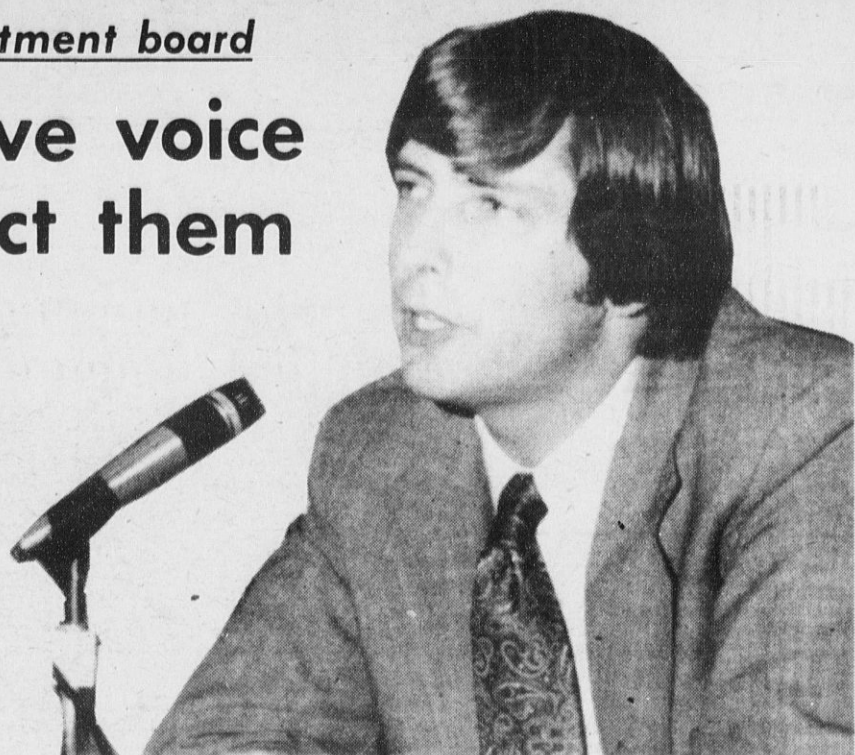
"CSEA has an alternate proposal, which has not yet been introduced, but a copy has been attached for your convenience. The proposed legislation is similar to the Levitt-Regan proposal in that it establishes a board of trustees to make investment decisions for the common retirement fund of the Employees' Retirement System and the Policemen's and Firemen's Retirement System. The board of trustees, however, is composed as follows:

1. An experienced designee of the comptroller
2. An experienced designee of the governor
3. An experienced designee of the speaker of the assembly
4. An experienced designee of the temporary president of the Senate
5. Two designees from the advisory council from the retirement system, one of whom shall be one of the two members designated to the advisory council by the

employee organization representing the largest number of employee members of the employees' retirement system, and one of whom is either a police or a fire member of the comptroller's advisory council.

"In addition, this bill amends appropriate sections to provide, that while the comptroller remains the administrative head of the employees' retirement system and the policemen's and firemen's retirement system, his adoption and amendment of the rules and regulations for the administration and transaction of business of the retirement systems is subject to the supervision and consent of the board of trustees.

"Also of importance is section 9 of the bill, which requires, for investment decisions, the affirmative vote of at least one of the public employee members of the board of trustees. These changes do not give employees a veto over investment decisions, a majority representation on the board of trustees or the control over retirement system monies. However, they do provide for somewhat more balanced representation on the board of trustees as well as for a more effective voice in investment decisions. CSEA believes that the beneficiaries of the system should have some voice in the decisions which so vitally affect them."



ATTY. STEPHEN WILEY told a State Assembly committee recently that CSEA, because it has an extreme interest in the retirement system and its policies, is drafting legislation to reshape a proposed board of trustees to make investment decisions for the common retirement fund of the Employees' Retirement System and the Policemen's and Firemen's Retirement System.

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Survey finds N.Y. pensions most costly in U.S.

State and local government employees in New York State contribute less to their pensions than any of the other states, claims the Citizens Public Expenditure Survey Inc., a statewide taxpayer research organization.

Only 5 percent of New York State and local retirement systems are supported from employee contributions, said the research organization.

Sixty-three percent of the retirement systems are supported by government

contributions in the form of taxes and 32 percent from earnings on investments, said the survey.

"The 5 percent amount from employees is the lowest among the 50 states," said the organization. The closest states to that figure are Florida, 7 percent, and Michigan, 9 percent. The U.S. average for employee contributions is 20 percent.

The Citizens Public Expenditure Survey also pointed out the 63 percent of

state and local governmental retirement systems paid for by New York taxpayers is the highest among the 50 states. The U.S. average is 49 percent.

New York is slightly above the average in income from investments for retirement systems, said the survey. New York receives 32 percent from investment income. The U.S. average is 31 percent.

"Sixteen states have a higher percentage," said the research organization.

THIS NEWSPAPER ARTICLE appeared in early December. It pointed out a number of things, including that public employees in New York State contribute less of their own money toward their pensions than in any other state, just 5% compared to a national average of 20%. The article also says New York averages 32% from investments for retirement systems, slightly above the national average of 31%. The article stated that 16 states receive a higher percentage from retirement fund investments.