

the Public SECTOR

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Service Employees Association
Local 1000, American
Federation of State, County and
Municipal Employees AFL-CIO

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**PUSH RESUMES
TO RETIRE
TIER III . . .**

**CSEA
unveils
its new
package**

**of legislative proposals
. . .see page 16**

Deadline nears for \$5 exam fee refund

ALBANY — Act quickly if you're entitled to a refund of the \$5 application fee for a Civil Service exam taken since last April 1. The fee reimbursement will stop effective Feb. 9.

Between April 1 and Sept. 30, 1982, CSEA-represented employees in the three State negotiating units had to submit the \$5 exam application fee, but were entitled to reimbursement under the auspices of CWEP, the joint labor/management Committee on the Work Environment and Productivity.

Under the current procedures, effective last October, workers in the three CSEA units are not required to pay the fee for State open competitive examinations. Eligible applicants now simply print "CSEA-No Fee" in box 9 on the exam application form.

Reimbursement of the fee can be obtained by sending in a copy of the exam test score, cancelled check or other satisfactory evidence that the fee was paid.

Fee reimbursement requests should be forwarded immediately to CWEP, Suite 2008, 99 Washington Avenue, Albany, NY 12210.

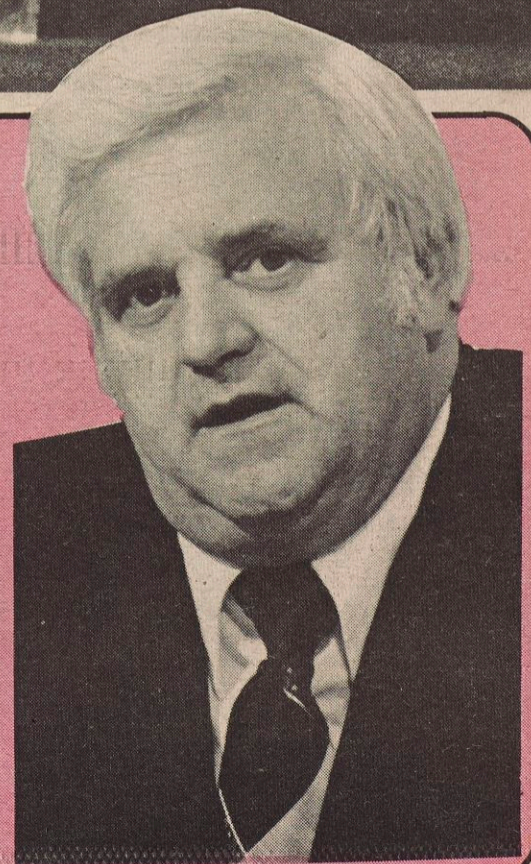
'Good government is not just a matter of laws. It depends on the people who staff its agencies, directs its programs, and executes its policies. Over the past decade, public employees have been called on time and time again to sacrifice in the name of fiscal stability.'

**A NEW
PARTNERSHIP
IS FORGED...
pages 10-11**



'I hope that the Governor remembers his remarks about our sacrifices when he puts together the budget. Our people have been carrying this state on their backs for too long and we can't afford to do much more. Even in their new contract state employees have accepted a lag payroll and a share of health insurance premiums for the first time. We have endured all that we can. It's time someone else made some sacrifices.'

—CSEA President William L. McGowan



Region IV stocks public school libraries with labor publications

ALBANY — "Most students are very ignorant of the union forces which have created the American way of life," Joseph E. McDermott said commenting on the lack of labor studies in the American elementary and high school education systems.

"Between the 7th and 11th grades, the average public school student will only have a few short brushes with the long history of the American labor union movement. That's a shame and our region education committee is doing something about it."

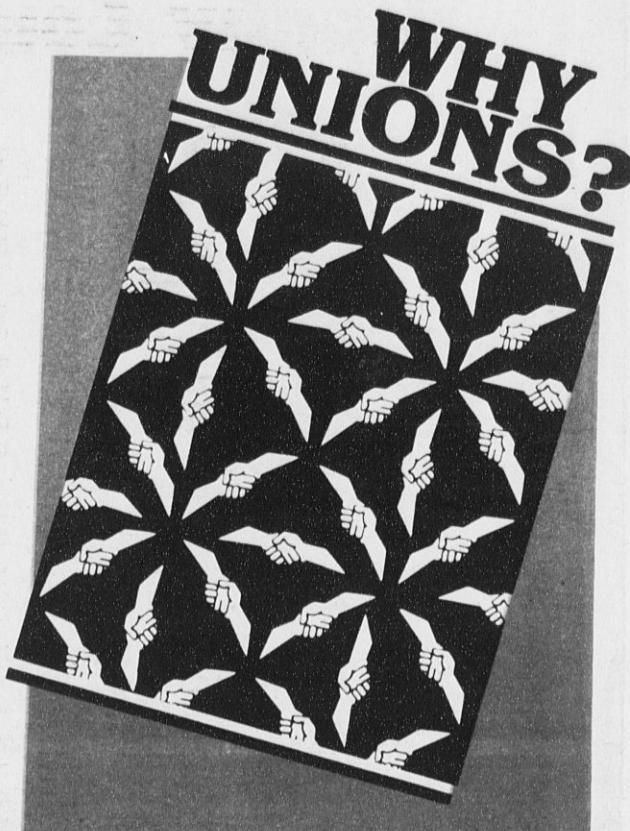
McDermott, president of CSEA Region IV and an AFSCME international vice president, noted "Most of the public school systems in our 14-county area have CSEA units, so our education committee is sending all school district unit presidents a copy of 'Why Unions?' a small informational publication from the AFL-CIO. We are asking them to give the booklet and a small folio, 'What's 100 ... And Counts', a history of the AFL-CIO, to their school library. Both are well written and explain why people need unions today. Most importantly, they plant the seeds of labor justice in the minds of the

young students.

"Most public school libraries are often devoid of current information on the union movement. Children in the elementary school level learn a little about the Knights of Labor and Unions and the New Deal. In the 11th grade, they touch on the American economic system and its underlying forces: supply, demand, profit, unions, etc. But rarely are students exposed to why people need unions today. The pamphlets may provide them with enough information to start them asking questions. Once that starts, the educational system will have to begin providing current information as answers," he said.

Any public school library in the 14-county Capital Region area can request a free set of the publications by contacting the Regional office of CSEA at (518) 489-5424.

"If we take the time now to plant the seeds of unionism in our youth, who can predict the crop of union oriented citizens we may have in the future?" McDermott asked.



Suffolk oks pact

HAUPPAUGE — Suffolk County Local 852 members have approved overwhelmingly their tentative four-year collective bargaining agreement with Suffolk County.

The white collar bargaining unit of Local 852 approved the contract by 3,814 to 168; the blue collar unit approved it by 1,073 to 33 against, according to the Independent Election Corporation of America which conducted the mail ballot ratification for CSEA.

The agreement now goes to the Suffolk County Legislature which must approve it for the agreement to become legally binding. Suffolk Local 852 President, Charles Novo asks all CSEA members in Suffolk County to contact their Legislators to urge them to vote for the contract when it comes before the legislature either on Jan 25 or Feb. 8.

Local 830 moves office out of watchful eye of management

MINEOLA — Nassau County CSEA Local 830 has moved to new quarters, more convenient to its membership and out of the watching eyes of management.

On Monday, Jan. 17, Local 830 will open the doors to members of its new facilities at 1101 Stewart Avenue in Garden City. The offices, which are located on the third floor of the building, are larger than the Local's former offices in the Mineola Court house. In addition, there is reserved parking for all members at the building, something which was not available at the congested Court and County Government complex.

There were other causes for the move, as well, according to Jerry Donahue, president of Local 830.

"We're an independent union and we felt it didn't look good for us to be located in the employer's facilities, Donahue said. He added that the new offices are convenient to the entire membership and are centrally located in Nassau just west of the Meadowbrook Parkway.

Local 830 will have the same telephone numbers (516) 535-3305, 3306 and 3307; office hours are from 8 a.m. to 5 p.m.

Driving class offered

ALBANY — CSEA members, their families and all public employees may now enroll in a Defensive Driving Course that, besides teaching them how to drive better, can reduce auto insurance premiums, and even take three points off driving records.

CSEA was recently certified by the National Safety Council and the state Department of Motor Vehicles to be a private training agency with its own corps of instructors to teach the 8-hour course.

Health and Safety personnel assigned to each of the six regional offices, and Sean Turley of the Education Department, have been trained to teach the Defensive Driving Course. Its benefits include:

- 10 percent reduction in car insurance premiums by most insurance companies, and

- 3 point reduction from drivers' licenses.

Details regarding the course are now available by contacting regional Health and Safety staff people. They are:

Region I	James May	(516) 273-2280
Region II	Mitchell Brathwaite	(212) 587-8200
Region IV	Angela DeVito	(518) 489-5424
Region V	Denis Kovalich	(315) 451-6330
Region VI	John Bieger	(716) 634-3540

The OSHA position in Region III is currently vacant, but as soon as it is filled, the name will be announced so the person may be contacted about the course.



A DIFFERENT KIND OF UNION — A 1979 CSEA convention at the Concord marked the beginning of a courtship and ended in a marriage 'contract' to be signed January 16 for Local 105 First Vice President Jim McGuinness, left, and Local 860 Second Vice President Janice Schaff. Local 860 President Pat Mascioli, center, congratulates the happy couple.

Albany County 'violating' Taylor Law



Collective Bargaining Specialist Pat Monachino . . . "This disregard of the Taylor Law and the PERB determination shows the anti-union, anti-employee rights attitude of the County administration."

ALBANY—"Albany County is not only ignoring the Taylor Law, but it is also violating it, and expending taxpayer monies unnecessarily during a supposed fiscal crunch," charged Patrick J. Monachino, CSEA collective bargaining specialist.

Monachino issued his allegations while announcing that CSEA had declared impasse in its negotiations with the County for a contract in its 550-member Social Services Unit. CSEA also represents county workers in the Highway, Health departments and County Jail. All CSEA contracts with the County expired Dec. 31.

CSEA is Albany County's largest public employee union, representing nearly 1,000 of the unionized county workers. The Social Services Unit impasse was declared due to the administration's continuation of its no pay raise bargaining position as well as its unilateral change in the employees health care benefits.

"On Dec. 30, at a Public Employment Relations Board session, Albany County was told it was in violation of the Taylor Law for changing its employees health insurance benefits without negotiations with the union," Monachino said. "A PERB hearing officer indicated that the County would be required to rescind its withdrawal request if the matter went to a formal hearing, and he strongly recommended that the County avoid that by rescinding the action immediately. He even

wrote a stipulation of settlement requiring this action.

"But on Jan. 4, Albany County Employee Relations Representative Terrence McArdle informed CSEA that the County was not willing to withdraw its letter terminating the state insurance program for its 3,000 employees, even in light of the PERB determination.

"This disregard of the Taylor Law and the PERB determination shows the anti-union, anti-employee rights attitude of the County administration," Monachino said.

During the wait for the County's decision, CSEA learned that the administration was prepared to repay a near \$400,000 loan from the State Insurance Health Plan in order to withdraw and establish its own self-insurance program.

"The County's action doesn't make any economic sense in view of its supposed poor fiscal situation," Monachino pointed out. "The County will have to pay out funds it says it doesn't have to get out of one system. Then it will have to expend additional tax dollars to pay for the various medical bills of its 3,000 employees, their families and County retirees. Again, with money the County says it doesn't have."

CSEA has moved to have PERB issue a decision on the County's action as soon as possible.

EVENTS Calendar

JANUARY

- 17—Region IV Executive Committee meeting, Tom Sawyer Motor Inn, Albany, 1 p.m.
- 17—Region II Executive Board meeting, 140 Park Place, New York City, 6 p.m.
- 18—Communications Committee meeting, 33 Elk Street, Albany, 10:30 a.m.
- 18—State Workshop Sites Committee meeting, 33 Elk Street, Albany, 11 a.m.
- 18—Region I Executive Board Meeting, Region I Headquarters, 7 p.m.
- 19—Statewide Officers Meeting, Albany Hilton, 10 a.m.
- 19—State Executive Committee meeting, Albany Hilton, 7 p.m.
- 19—County Executive Committee meeting, Albany Hilton, 7:30 p.m.
- 19—Personnel Committee meeting, 33 Elk Street, Albany, 10 a.m.
- 19—Judicial Board Meeting, Steuben Athletic Club, Albany, 10 a.m.
- 19—Public Sector Committee meeting, Albany Hilton, 10:30 a.m.
- 19—Membership Committee meeting, 33 Elk Street, Albany, 11 a.m.
- 19—Convention Committee meeting, 21 Club, Albany, 11:30 a.m.
- 19—Charter Committee meeting, Albany Hilton, 1 p.m.
- 19—County Workshop Sites Committee meeting, Albany Hilton, 5 p.m.
- 20—Statewide Board of Directors meeting, Albany Hilton, 9 a.m.
- 20—Region III Board reps meeting, Albany Hilton, 8 a.m.
- 20—Region IV Board reps meeting, Albany Hilton, 8 a.m.
- 22—Region II Election Procedures training program, Travelers Motor Inn, Grand Central Pkwy, Queens, 10 a.m.
- 22—Women's Committee meeting, Northway Inn, Albany, 11:30 a.m.



ACCEPTING OATH OF OFFICE as officials of the Suffolk County Data Processing CSEA Unit are President Rochelle Silverman, left, and fellow officers Stella Gnutzman and Ruth McLaughlin. Administering oath is Suffolk County CSEA Local President Charles Novo.

OSHA relaxes rules on records, cancer lists

WASHINGTON — Safety in the workplace took two giant steps backwards with the Occupational Safety & Health Administration's wholesale exemption of nearly a half-million employers from recordkeeping requirements and its decision to stop publishing a quarterly list of potential cancer-causing substances found in the workplace, according to George H. R. Taylor, director of the federation's Dept. of Occupational Safety & Health.

He charged that the recordkeeping exemption is a reward to industries that have

resisted OSHA enforcement.

Industries qualifying for exemption are those with injury and illness rates at least 75 percent below average and which are not "targeted" for general inspections.

The rule change also eliminated the requirement that employers post an annual tally of occupations illnesses and injuries in the workplace.

Under the new rule, the exempted firms will remain subject to OSHA inspection in case of employee complaints, incidents of fatal or multiple hospitalization accidents or imminent danger

situations.

OSHA's decision to halt the listing of potential cancer-causing substances until the agency finishes revising its policy on carcinogens was branded a "watering down" of the federal cancer safeguards by Sheldon Samuels, safety director of the federation's Industrial Union Dept.

Samuels warned that without the lists, "there's no way to measure what they're doing in this area. It's a relapse to the pre-OSHA days when research and regulatory targets were chosen literally in secret."

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10.8% jobless in December

Job situation still deteriorating; Kirkland repeats call for action

WASHINGTON — The job situation continued to deteriorate in December as unemployment edged up to 12,036,000 and the average length of unemployment reached a post-World War II record of 18 weeks, the Labor Dept. reported.

The Labor Dept. put the nation's jobless rate at 10.8 percent in December, up slightly from November's revised rate of 10.7 percent.

The report also said the number of discouraged workers — those who have stopped looking for jobs altogether — rose by 210,000 in the fourth quarter of 1982 to a new high of 1.8 million.

The 12 million jobless, plus 1.8 million drop-outs and an additional 6.6 million on involuntary part-time means more than 20 million people are unemployed or underemployed.

"These new unemployment figures are further proof that the national economy is still wallowing in the recession brought on by the Administration's discredited policy experiments," declared AFL-CIO President Lane Kirkland.

Noting forecasts of "more bad news to come," Kirkland added: "The AFL-CIO reiterates its call for the President and the Congress to act quickly to provide jobs programs to put people back to work; to extend unemployment benefits to protect those whose benefits are expiring; and

to provide health care for the jobless and their families who have lost protection."

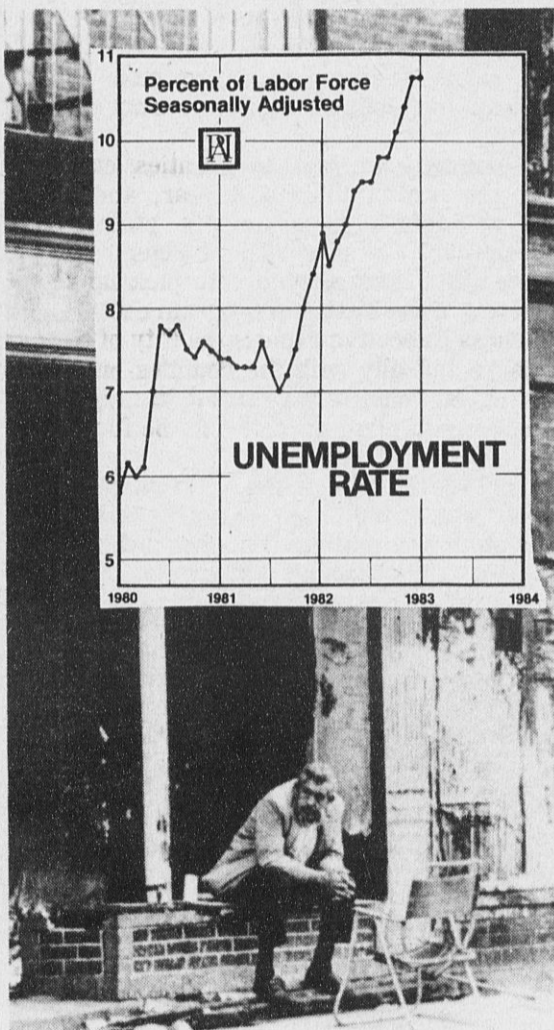
Commissioner of Labor Statistics Janet Norwood said the December statistics "suggest some leveling off from the steady deterioration" since mid-1981.

Payroll employment fell by 165,000 to 88.5 million. The decline of 50,000 jobs in the factory sector was the smallest in a year. A less than expected jump in retail trade in December caused a seasonally adjusted decline of 65,000 jobs.

Kirkland noted that the "burden of unemployment" has fallen particularly on adult males, with their jobless rates soaring from 6.1 percent two years ago to 10.1 percent today. He said the jobless rate for adult women also worsened, from 6.7 percent two years ago to 9.2 percent now.

The jobless rates in December were 24.5 percent for teenagers; 9.7 percent for white workers; 20.8 percent for blacks; 15.3 percent for Hispanics.

The change in the overall November jobless rate from 10.8 percent to 10.7 percent came with the annual revision of monthly rates at year's end. It tends to alter a month's rate by 0.1 percent up or down.



Congressional leaders urge passage of jobs bill

WASHINGTON — The new 98th Congress convened on Jan. 3 with leaders of both parties calling for action on unemployment, which persisted at a 10.8 percent rate in December.

As the Reagan Administration prepared the details of its proposed Fiscal 1984 budget for submission to Congress on Jan. 31, key Republican House and Senate leaders strongly urged the President to trim his planned \$1.6 trillion defense buildup to keep deficits from soaring to \$200 billion and beyond. High deficits contribute to high interest rates which choke off economic growth.

House Democratic leaders, meanwhile, their ranks strengthened by a gain of 26 seats from the November elections, aimed to break the strength of the coalition of Republicans and conservative Democrats which gave Reagan his budget and tax victories during the past two years.

The House Democratic leadership also tightened its control by changing House rules to make it more difficult to add legislative restrictions to appropriations bills.

Having taken care of committee assignments and other housekeeping business, Congress adjourned until Jan. 25, when President Reagan will deliver his State of the Union message.

In a White House meeting, House GOP leader Robert Michel (Ill.) reportedly urged Reagan to come up with some alternative to the anti-recession jobs and housing bills which the Democrats are expected to propose.

During the lame-duck session which ended Dec. 23, Michel backed Reagan in opposing public works and other jobs measures passed by both houses but dropping after a Presidential veto threat.

Senate Majority Leader Howard Baker (R-Tenn.) said his main goals in the new session would be "increasing economic activity, producing jobs, and solving the Social Security problem."

The White House is due to receive in mid-January the report of a bipartisan commission which has been debating proposals for shoring up the funding of the Social Security system.



LISTENING TO THE ADVANTAGES of having the state assume Medicaid expenses were various CSEA officials who met with Dutchess County Executive Lucille Pattison recently. Seated at the head of the table is Mrs. Pattison, and clockwise are County Unit President Mary Rich, Southern Region President Ray O'Connor, Field Representative John Deyo, Dutchess County Local 814 President Ellis Adams, County Budget Analyst John Spence, Dutchess County Political Action Committee Chairman Carl Matheson, County Unit First Vice President Helen Zocco, and Southern Region Director Tom Luposello.

Region III considers state takeover of Medicaid

An issue of 'mutual concern,' says county executive

POUGHKEEPSIE — Dutchess County Executive Lucille P. Pattison met with the leadership of CSEA Region III and Dutchess County Local 814 Dec. 28 to discuss what she termed "an issue of mutual concern," the possible state takeover of local Medicaid costs.

Pattison is president of the Hudson Valley Regional Council, a group of government officials in the seven counties covered by Region III. She told those at the meeting that 30 counties in New York State would be forced to borrow money for their budgets if the Medicaid money does not come from Albany.

Pattison pointed out that 42 counties expect deficits at the end of the fiscal year, and tax increases by county governments statewide average 26 percent. She says county budgets would suffer if the state does not move to pick up the counties' share of the Medicaid program costs.

The Dutchess Executive expects the City of New York to be "a big ally with the counties on this issue." Dutchess would receive about \$2.3 million under the proposed plan, which would be for 1983 and 1984.

Region III President Raymond J. O'Connor told Pattison he would have the region's Counties Committee study the matter. O'Connor and Local 814 President Ellis Adams, chairman of the Counties Committee, set up a meeting for Jan. 6 at 7 p.m. in the Region III Fishkill office.

'More security for our employees,' says regional president

FISHKILL — Officers of Region III want CSEA to lobby Gov. Mario Cuomo to have him include money to fund the Human Services Overburden Act, which would start to relieve counties of the local costs of Medicaid.

"Ultimately," says Region III President Raymond J. O'Connor, "it could mean the difference between having a job and being laid off by a county."

The region's Counties Division Committee sent a telegram to CSEA President William L. McGowan on Jan. 7, urging the union to back county governments' efforts in having the money placed in Cuomo's Executive Budget for fiscal 1983. According to O'Connor, the aid that would come to the counties from Albany would lead to "healthier county budgets, which means more security for our employees at the county level."

He adds, "A number of counties have already budgeted this money into the revenue columns of their 1983 spending plans, since the concept of the state taking over the local share of Medicaid costs was approved in theory last year. Yet the money is not guaranteed." O'Connor believes if the money does not come, "budgets will have to be cut, and we all know what areas of the budget will be affected most

... our valuable county employees."

Regional Director Thomas Luposello cites figures from Dutchess County Executive Lucille Pattison's office, which show Dutchess would gain \$1.6 million in 1983. "That aid would pay the salaries of almost 1,300 county employees. Each county in the state would be hit just as hard if that money doesn't go to pay at least part of the counties' Medicaid costs."

Counties Division Committee Chairman Ellis Adams fears counties may be forced to lay off personnel to make up any budget shortfall. He says, "This would not only mean Social Service workers, but cuts may have to be made in other departments as well. CSEA should lobby hard to make sure our new governor includes this money in his first budget."

The seven counties of Region III would stand to receive \$24.76 million in overburden aid for fiscal 1983. Projected figures for 1984 amount to more than \$30.5 million.

O'Connor is seeking additional support from other regional presidents, as well as from President McGowan, to have the union lobby for inclusion of the Medicaid overburden funds in the state's 1983 budget.

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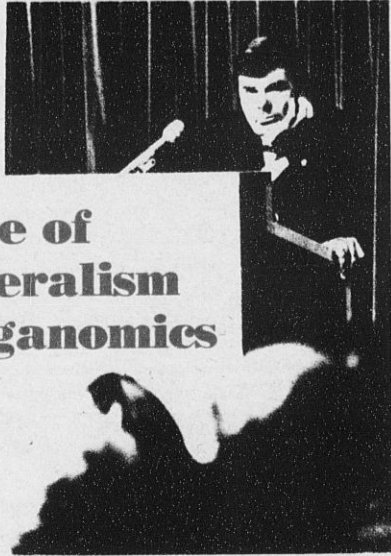
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VI

Passing the Bucks:

A critique of New Federalism and Reaganomics



GERALD W. McENTEE

*An address by Gerald W. McEntee,
President, American Federation of
State, County & Municipal Employees*

EDITOR'S NOTE: The Forum Lecture Series of the John F. Kennedy School of Government at Harvard University recently sponsored an address by Gerald W. McEntee, president of AFSCME, the nation's largest union of public employees, with one million members. Following is the text of McEntee's lecture, entitled "Passing the Bucks: A Critique of New Federalism and Reaganomics."

The Constitution of the United States is one of the most remarkably resilient social contracts ever forged. It has continued to bind us together through two centuries of profound change—from an agrarian society perched on the edge of nowhere to a major global power that may have already transited the industrial age.

When it was written, the Constitution included a great number of novel ideas. For example, those who designed it did so in the name of "We the people"—not of the several states but all of the people regardless of their zip codes. And the framers explicitly stated that American government was to be responsible for promoting the "general welfare."

Implicit in that term is the notion that a government established in the name of all the people must seek to deal with all people equitably. And while we have often stumbled and slipped, as a people we have continued to equate equity and the common good. In fact, we have elaborated on the functions of our government, which was and remains the only institution in this society that is common to us all.

I think there have been two primary causes for this.

First, over a score of decades, we have distinguished when a local or regional situation has, for whatever reason, expanded to affect the general welfare. Thus government has taken over such responsibilities as flood control, protecting air travelers, and setting aside lands for national parks.

Second, we have felt it necessary to act in the name of we the people when the general welfare has been threatened by the abuses or inactions of the private sector or of lower levels of government. We have found that we cannot always depend on the free market, the

profit motive, or state discretion to serve the common good.

I need only mention legislation on civil rights, stock trading, child labor, pure foods and drugs and environmental protection.

Over time we have built an edifice of tax-funded and publicly provided services: education, cancer research, interstate highways, and, in more recent years, programs to ensure that no citizen need lack basic shelter, health care, and nourishment.

We have done all these things because the majority have wanted government to do these things.

This notion of government is now under unprecedented assault.

Just last week, the Urban Institute, the prestigious non-partisan social research organization, published the most detailed analysis to date of the social and economic policies of the administration led by Ronald Reagan.

In the Urban Institute's words, he is attempting to "restore economic policy and intergovernmental relations to their status before the New Deal." The Urban Institute's analysts called this a "counterrevolution," and I believe that the term is well-chosen.

Ronald Reagan campaigned on a contradiction: He ran against government while comparing himself to Franklin Delano Roosevelt. In practice he pursued the philosophy of Calvin Coolidge—the business of America is business, and nothing more—but comes more and more to resemble Herbert Hoover, who presided imperturbably as the economic ship of state foundered and sank.

Candidate Reagan said he would reduce government by cutting taxes, spending, and regulations and through these means stimulate the economy.

In practice, the Reagan tax cuts benefit a relative handful, those who enjoy an annual income of \$50,000 or more. The real burden on low and moderate income taxpayers has actually increased.

In practice, the Reagan budgets have substantially reduced the dollars going to domestic needs. He has dedicated those dollars, and billions more, to pursuing the illusion of absolute military superiority.

In practice, he has attacked regulatory protections of the general welfare in every area, regardless of public need.

President Reagan's policies can be fairly described as a program to halt history and then retreat, to redistribute the nation's wealth from the majority of the population to the few who already have enough.

Every major Reagan initiative—the attempt of New Federalism to transfer broad social responsibilities to state governments, privatization of public services, dependence on corporate philanthropy and volunteerism, the Balanced Budget Amendment—has a common result: redistribution of wealth from working people to the rich.

He has camouflaged this with homilies about the sturdy American yeomanry—as if we still lived in a time of quilting bees and barn raisings—and with diatribes against government fraud, waste, and abuse.

We can find much to fault government for. We can all point to programs that were ill-founded or that have outlived their usefulness. We can acknowledge as well the continuing need to sort out public and private responsibilities and to sort out the roles of state, local and federal governments.

But the Reagan administration's approach to these most important issues is not just superficial but specious.

For example, he has cast the debate on Federalism as the simple matter of getting government closer to the people. But what people? Whom do we expect to pay for the consequences of widespread poverty, of misdirected economic policy, of natural disaster, of demographic and technological change, of foreign turbulence?

If one jobless worker in Detroit takes Reagan's advice, votes with his feet, and heads for Houston, it may make little difference. But if the 1,900,000 unemployed workers in Michigan, Ohio and Illinois follow suit, is Texas to be stuck with the tab?

The legions of senior citizens migrating to the warmth of Phoenix or St. Petersburg carry their medical problems with them. Are Arizona or Florida solely responsible for the bill?

Geography does not rule equity. We share these responsibilities federally because that is the best way we know to achieve the equity of burden as well as the equity of benefit.

Now, what's all of this have to do with AFSCME? Why is the president of the union of one million public workers—a union with large numbers of hospital orderlies and prison guards and trash collectors—here talking to you about such arcane stuff as the constitutional ethic, the distribution of wealth, and Federalism?

Simply put, I believe that organized workers have a vital stake in this society and in its condition.

I believe just as strongly that, given their experience, organized public workers must play a crucial role in resolving one of the most vexing problems of our time: the need to balance our finite public resources with changing public needs while maintaining equity and quality in public services.

President Reagan does not share my view. He is clearly against organized labor. He has even established the priorities of his dislikes, and public workers head the list. Oddly, he supports Poland's public workers; it's just the American variety that bothers him.

Public unions are, in large part, a response to the abuses in patronage, a system in which the prime qualification for patching potholes or sewer lines was party allegiance.

Public unions are a response also to shortcomings in public management. Your school of business here has repeatedly pointed out that the problem of business is business, that American private management has pursued short-term gain at the expense of long-term growth and stability. The Reagan tax cut provides a salutary example of this. Corporations have not used their windfall dollars for rebuilding or expanding plants but instead for what some have characterized as corporate cannibalism, a wave of mergers that has resulted in still fewer jobs and still richer lawyers.

There is a reflection of this in public-sector management, in outdated systems of accounting, in weak fiscal controls, in haphazard and reactive planning, and in uncertain productivity.

IBM does not build roads and General Foods does not maintain inland waterways. The infrastructure on which private enterprise depends is all publicly financed. Despite this, the nation's public infrastructure is falling apart, and meanwhile the public capital budget remains a rarity.

We are often accused of fighting to preserve the status quo. AFSCME's record refutes this. For example, here in Massachusetts, AFSCME supported major changes in the financing of health services, saving millions of dollars in Medicaid costs. We have taken similar positions in Philadelphia and New York City and Rhode Island.

We have supported countercyclical aid to the cities, education and retraining programs for industrial workers, the more effective use of Federal, state and local tax codes to bring about economic health. In cooperation with the U.S. Conference of Mayors, we submitted a proposal earlier this year to the leadership of Congress which would put 2½ million people to work in the private sector rebuilding roads, highways, bridges, sewers, and the other essential components of this nation's public works.

I want to make one final point, and then invite your questions.

AFSCME and other public worker unions are frequently accused of narrow self-interest, and we hear this most loudly every time we sit down to negotiate a new contract.

No matter where they are or what they do, working people have every right to protect their elemental economic interests—to bargain the wages and benefits paid for their labor and the terms and conditions of their employment.

This is as true in the Soviet Union, in Poland, in South Africa, and in Brazil as it is in France or in the United States of America. And it is true for all workers in our nation, including those in the public sector.

As a union of public service workers in a society that is now service oriented, we have a legitimate voice in what we do and how it is to be done.

We believe also that our members' best interests can be realized only when the national, state, and local economies are strong, when state and local governments are fiscally sound, and when the social climate is healthy.

It is only in this climate that equity can flourish for members of AFSCME and everyone else.

I assure you that we intend to continue our fight to achieve this climate of equity. It is a right we will exercise and responsibility that we will fulfill.

IP filed:

CSEA charges employee fired for union organizing activities

NEW YORK CITY — The State Insurance Liquidation Bureau, the target of an organizing drive by Metropolitan Region II, has fired the primary organizer for CSEA inside the Bureau.

Kirk Cronk, a claims examiner for the Bureau for nearly six years, was fired without benefit of a hearing or representation. His termination letter notes that his discharge is based on "acts by you that were detrimental to the best interests of the Liquidation Bureau." No "acts" are cited, and, because there is no union to represent the Bureau's employees, Cronk is, for the moment anyway, out of a job.

Metropolitan Region II has been in the process of organizing the Bureau's employees for nearly a year. The issue is before the Public Employment Relations Board (PERB) where the Bureau's management is challenging CSEA's right to represent the agency's employees, claiming that the Liquidation Bureau — part of the New York State Insurance Department — is a private organization and, therefore, PERB has no jurisdiction.

CSEA is confident that PERB will rule that the Bureau's employees are public employees and will order a union election. The union has produced substantial evidence that Bureau's employees are indeed public employees, including their participation in the State Employees Retirement System, an act of the Legislature that imposes a specific function on the Bureau, and the fact that the top official of the Bureau, the

superintendent of insurance, is appointed by the governor.

Meanwhile, Kirk Cronk is out of a job.

CSEA has filed an Improper Practice charge with PERB asserting that the Bureau fired Cronk because of his union organizing activities, and seeking his reinstatement with full back pay and benefits lost as a result of his illegal termination.

Cronk was extremely active and successful in getting Bureau employees to sign CSEA designation cards. He does not deny that the Bureau's approach to managing its employees made the job of signing up union members easy and the organizing necessary.

Cronk and other employees of the Bureau report that partisan politics has so strongly entered the Bureau that it has been nearly impossible for the average worker to get a decent raise. "The privileged few, with the right political connections, have been reaping the benefits for years," one employee charged.

Cronk said he recognized the inequities of a system based on politics and saw CSEA representation for the Bureau's employees as one way to clean up the Bureau. He noted that management was well aware of his important role in organizing the union. He wasn't aware, he says, of how closely they were watching him, waiting for the chance to get rid of him.

Cronk realizes that the Bureau will try to persuade PERB that his union activities had nothing to do with his firing, but, he asserted, "I was organizing for CSEA; that's the real reason the Bureau fired me."

Prison conversion suit dismissed by state judge

ALBANY — Litigation brought by CSEA to thwart Gov. Hugh L. Carey's proposal last spring to convert several state mental health facilities into correctional facilities was dismissed last week by a State Supreme Court Judge here.

CSEA had filed the action shortly after the then-governor announced a four-phased plan to establish state prisons on the grounds of Pilgrim, Utica, and Gowanda Psychiatric Centers and the Craig Developmental Center. Under Carey's original plan, the state intended to transfer all patients out of the latter three facilities by 1985, converting each facility entirely to correctional use.

In addition to CSEA's suit, state lawmakers raised questions about the authority of the governor to propose closing mental health facilities without

legislative authorization. The Carey administration subsequently changed its position and said it would not attempt to phase out patients or jobs at the facilities without legislative approval.

In a more recent development, Gov. Mario M. Cuomo has ordered the 600 inmates already moved into converted, vacant buildings at Pilgrim to be moved out before the end of 1983. Cuomo had pledged during his campaign to close the Pilgrim correctional operation as inappropriate for the facility and its surrounding community.

CSEA had sought a temporary restraining order to stop the Carey administration from beginning conversion construction during the litigation, but that action was also rejected by the courts. Conversion work has continued at all four facilities in the interim.

Attorney Michael J. Smith, representing CSEA in the case, said there would be no immediate decision on an appeal pending a comprehensive review of the decision and clarification of the Cuomo administration's intentions regarding the plan that Carey began.

During his recent campaign, Cuomo had favored another prison bond issue to be brought to state voters. A similar bond issue was very narrowly defeated two years ago. CSEA had supported the prison construction bond issue concept as a more practical long-range solution to the problems of prison overcrowding.

The union has recognized the danger of continuing high correctional populations, both for the inmates, correctional officers and all facility support personnel. CSEA represents thousands of correctional employees.

Three to run for Health Dept. Board seat

ALBANY — Three nominees have been tapped by the Statewide Nominating Committee to run for the Health Department representative seat on the union's statewide Board of Directors.

The nominees are: Charlotte Freeman of Region II; C. Allen Mead of Region IV; and Elizabeth Watts of Region VI.

Others interested in running for the Board vacancy may still be placed on the official ballot by qualifying by petition. This requires submitting 316 signatures of members in good standing eligible to vote in the election. Official petition forms must be used, and the petition deadline is Jan. 24.

The Statewide Election Procedures Committee will draw for ballot placement Jan. 26, and official ballots will be mailed to eligible members Jan. 29.

The special election is required to complete the term of Board representative Genevieve Clark who recently retired. The term expires June 30.



REGION SUPPORT HONORED — The membership of the Capital Region of CSEA has been honored for supporting the various health organizations involved in the Northeastern NY Health Council. Jayne Hester, executive director of the Health Council, is shown presenting an award to John D. Corcoran, Jr., Capital Region director, who accepted the plaque on behalf of the region's 50,000 members.

No accord reached in Onondaga County talks

SYRACUSE — CSEA and representatives for Onondaga County have yet to reach a tentative agreement in contract talks that began last spring.

Roger Kane, CSEA collective bargaining specialist and chief negotiator for the more than 3,700 county employees represented by the union, said a conceptual agreement with the county has been reached, but the language has not been finalized in several key issues.

Since receiving the fact finder's report several weeks ago, the two sides have met several times. Last week it was announced that a conceptual agreement had been reached. Following a second day-long session on Jan. 12, it was mutually agreed to resume talks Jan. 18.

No details of the conceptual agreement have been released pending a full review by the membership at an informational meeting to be called when a tentative agreement has been finalized.

Sue Smith, chairwoman for the 12-member negotiating team, said all CSEA members represented by the contract will be notified of the place, date and time of the informational meeting.

"We will make every effort to alert all members when our negotiating team does reach an agreement. The entire negotiating team will attend the meeting to fully explain and discuss any tentative agreement and answer all questions."

The county employees represented by the current agreement have been working without a contract since July 1, 1982.

Grievances filed against OCA

...for forced holiday recess

ALBANY — "It's ironic. The judges complain about backlogs and then close up shop for a week."

With that comment, Collective Bargaining Specialist Bob Guild announced that CSEA Judiciary Local 694 President Tom Jefferson has filed a grievance against the Office of Court Administration because trial courts were shut down between Dec. 24 and Jan. 2. Employees had to charge the time off to accruals.

Guild believes that based on the intent of negotiations, the court system cannot unilaterally declare the recess.

...for changes in insurance benefits

ALBANY — A grievance has been filed against the Office of Court Administration for imposing changes in employee's health insurance benefits without reviewing them with CSEA Judiciary Local 694.

The class action grievance was filed Dec. 20, 1982, by Judiciary Local President Tom Jefferson.

New career series for word processing operators

ALBANY — One of the main goals of the Clerical and Secretarial Employees Advancement Program, otherwise known as CSEA/P, is to develop increased training and advancement opportunities for entry level employees. Collective Bargaining Specialist John Conoby reports that CSEA/P has helped do just that with the establishment of a new Civil Service career series for fulltime operators of word processing equipment.

The new series is as follows:

- Information Processing Specialist Trainee
- Information Processing Specialist I (Grade 6)
- Information Processing Specialist II (Grade 9)
- Information Processing Specialist III (Grade 12)

Technical information regarding the new titles is available by contacting the state Department of Civil Service. Requests for reclassifications will be handled by the department's Division of Classification and Compensation.

Conoby said he was pleased by the cooperation received from the state's Employee Advancement Section which worked closely with CSEA/P to open up the new promotional opportunities for secretaries and other clerical workers employed by New York State.

Westchester

Budget Hearing

JACK WHALEN, president of the Westchester County CSEA Unit, which represents approximately 5,000 people, recently spoke at a budget hearing where he told county legislators, "The proposed budget, in large measure, realistically addresses the level of services we must provide to maintain our quality of life." The union leader said he was pleased that the proposed 1983 spending plan contains no layoffs and, in fact, adds positions. But he did speak out against a proposal to turn Westchester's motor vehicle offices over to the state. Listening to Whalen were, from left, County Legislators Ed Brady, Ed Gibbs and Audrey Hockberg.



A SINCERE THANK YOU — Montgomery County Social Service Commissioner Francis G. Dimond shakes hands with CSEA Capital Region Field Representative Joseph Bakerian, right, after receiving a check from the region's professional and clerical staff for \$218.50. CSEA Montgomery County President William Zippiere, Child Welfare Case Supervisor Ceil Sitterly, Family Services Supervisor Joan Crowley and Welfare Examiner Cindy Noble, all holding presents for area children, look on with pride for the staff's charitable efforts. Schoharie County's Social Services Department received a similar contribution from the staff presented by CSEA Field Representative Donald McCarthy.



Capital Region staff donates \$600 to needy in '82

ALBANY — Nearly \$600 was donated by the CSEA Capital Region professional and clerical staff to needy causes during the past year.

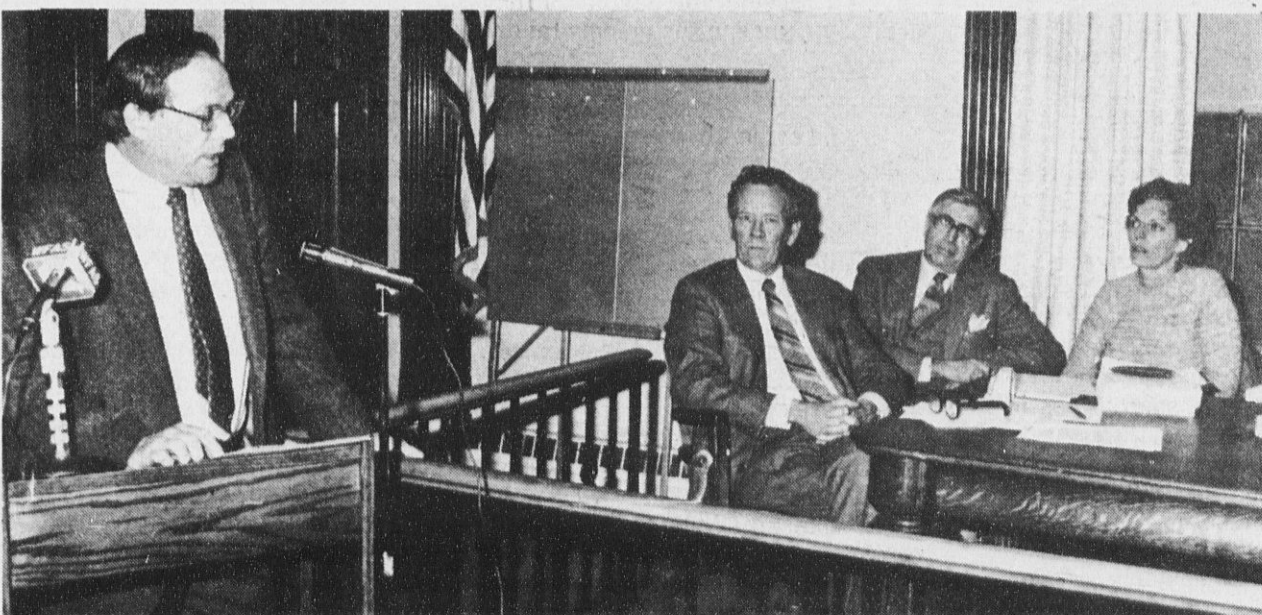
"Our region staff developed a bi-weekly contribution system which has provided \$583 to various causes, especially two county Social Service Christmas programs, in 1982," according to John D. Corcoran, Jr., Capital region director.

"Clinton and Essex County Social Service Christmas programs already receive annual contributions from Field Representative, Charlie Scott. So we drew for two counties from the remaining 12 in the region and divided the available funds between their Social Service Department's Christmas programs," Corcoran explained.

This year, Schoharie and Montgomery Counties received \$218.50 each from the region staff charity fund. A \$100 contribution was also made earlier in the year to help pay for needed surgery for the child of an area resident.

"The Social Service employees were thrilled with the extra funds, and the selected families were overjoyed," Field Representative Donald McCarthy said in describing the reaction of the Schoharie County Social Service Department to the staff's donation.

"It was like Christmas, New Year's and every holiday rolled into one," Field Representative Joseph Bakerian said, relating the Montgomery County Social Service Department's reaction.





PRESIDENT'S MESSAGE

William L. McGOWAN

THE BUDGET:

Public employees in this state have been shouldering more of New York's fiscal burdens over the past decade than any other single group of people. That's not an opinion, it's a fact. Even Gov. Mario Cuomo acknowledged our sacrifices in his first State of the State Message to the Legislature (See pages 10 and 11).

This state has been in bad shape financially for too long, largely because of its own mistakes. We've had to help get it out of trouble more than once and we have the scars to prove it. And now the national economy is in trouble, bad trouble. That means high unemployment, high government costs for "social services", and low government revenues.

If the rumors flying around the capitol are any indication, this state is already in the midst of a quarter of a billion dollar deficit. The next fiscal year, which is only three months away, looks even worse. That could mean big trouble for all New Yorkers, but particularly for state and local government employees.

Already, at the capitol, a high ranking Republican finance specialist has publicly suggested the state may want to renegotiate our new state contracts. Others are talking again about "furloughs" and others are predicting high numbers of layoffs. If the state cuts back on aid to local governments and schools, it won't take long for those same threats to start percolating out of hundreds of other bargaining units.

Ronald Reagan promised this country prosperity. He's delivered the worst unemployment level since the Great Depression. Bankruptcies continue to soar, foreclosures are being made at a record clip, and each week brings new horror stories about factories shutting down, families going broke and communities facing economic disaster.

The federal government has a hedge on reality. It can run in the "red" and get away with it. Next year, the news media tells us, the Reagan Administration is facing a \$200 billion dollar deficit. In New York State, however, the Constitution requires at least the appearance of a balanced budget. That's going to be no small trick now.

For anyone who cares about working people, you don't need an economist to tell you if there's a new depression. We can feel it in our hearts.

The unemployment rate in manufacturing industries hovers near 25%. Think about that statistic in human terms. One out of every four

It might test our resolve as a union

people looking for work can't find it! The rates for minorities and the young are no less of a national disgrace. Those bubbly "supply-side" economists we all heard so much about a few years ago are in full retreat. In their wake lies the worst economic mess our nation has endured in half a century.

There is such a temptation to sit back and say, "We told you so", that it's hard to face the fact that we are in this mess now and we must work together to get out of it before it really does turn into a replay of the '30s.

In New York State, we mustered our forces as a union and helped elect a governor who claims to care about people like us. His first major test will be his proposed budget, the sacrifices it calls for and how those sacrifices are to be shared among all New Yorkers, not just public employees and other working people.

Frankly, we can expect that more sacrifices are in store for us. There will be some we can't avoid, despite the endless sacrifices we have already endured. There will be others that we will not make, no matter who wants them or why.

But as much as the new state budget will be a test of the new governor's word, it will also be a test of us as a union. Hard decisions may have to be made. Hard fights may have to be fought. New ideas may have to be tried. If we are up to the test, our losses will be minimal and the effort well spent. If we fail, then our fate will ultimately be decided by others and we will have gotten what we deserved.

This year we proved what we can do when we work together for a common goal. We must again harness that spirit and enthusiasm to keep fighting for what we believe in. We must remain calm, determined and willing to do what must be done to protect each other.

In the near future, I plan to get around the state to talk to our members directly and listen to your concerns and your ideas. I would hope that as the next few months unfold, you will listen to what we have to say and consider our ideas as well. That's what unions are all about: listening to each other, deciding what we must do and then having the strength and the resources to get it done.

The struggle for financial survival for public employees in this state has been going on for nearly ten years. Whether we like it or not, it isn't over yet.

Arbitration set over Erie County insurance issue

BUFFALO — A Supreme Court lawsuit against Erie County has been dropped by CSEA Local 815, following an agreement to speed up contract arbitration hearings involving psychiatric insurance coverage.

The 4,000-member local had earlier filed suit to force the county to pick up the psychiatric insurance coverage which was discontinued when Blue Cross and Blue Shield dropped a rider clause effective Jan. 1.

The CSEA white-collar local was joined in a parallel suit by AFSCME Council 66, which represents 5,000 blue-collar county workers.

CSEA Attorney Ron Jaros and AFSCME Attorney Michael Tremont said the court actions were dropped when the county agreed to let Cornell University professor Alice Grant conduct speeded-up arbitration proceedings that normally might not have started for months.

A class-action grievance filed by Local 815 President John Eiss charged the County's unilateral decision to drop the psychiatric coverage, which it had carried since 1978, violates the collective bargaining agreement.

"We have a number of members who utilize this coverage, and we want to make this interim period before a decision is made, as short as possible," said Eiss.

Eiss said the estimated \$300,000 the county would save annually by not picking up the coverage "could not be measured against the potential human suffering that some of our members and their families face" if the group rider is allowed to be cancelled.

CSEA Field Representative Robert Young advised members who must utilize psychiatric services before a final decision is made on the matter to save all receipts for payments made, so they may be reimbursed if the arbitrator finds in the union's favor.

Young said the psychiatric rider cannot be paid for on an individual basis, as Blue Cross and Blue Shield only offers it through group coverage.

"And evidently there are many who need and use the coverage because Blue Cross is saying they dropped the rider due to their inability to continue paying for large-scale use of it," said Eiss.

"The whole issue boils down to whether Erie County must provide "equivalent" coverage, even from another source, in the face of Blue Cross dropping the rider from the present health benefit package," said Young.

Young said a similar test will be made soon regarding coverage for the 80-member Local 815 Buffalo Sewer Authority Unit, which is covered under a separate contract.

Arbitrator Grant has promised a decision within a week of the conclusion of arbitration hearings, which begin Jan. 18. Attorney Jaros said CSEA will argue that the county should be directed to pay for all out-of-pocket expenses members have been forced to pay, as well as provide for continued psychiatric insurance coverage.

'New Partnership' marks Cuomo's first address

ALBANY — Calling for a "new partnership" of business, labor and government, newly-inaugurated Gov. Mario M. Cuomo mapped out his plans for New York in his first State of the State Message to the Legislature last week.

The governor, elected with the help of thousands of CSEA members throughout the state, pledged to deal with the state's impending billion dollar budget deficit, "...the way a family would — without abandoning our weak, without sacrificing the future of our young, without destroying the environment that supports us."

In a 33-page written message, Gov. Cuomo pointed to numerous changes he hopes to make in the state during the coming year. A major cornerstone of that plan, of course, is the Executive Budget which Cuomo is required to present to the Legislature by Feb. 1. It is that document, more

than any other, that will tell public workers what additional sacrifices they may be asked to make to accommodate the state's fiscal problems, greatly heightened by the deepening national recession.

Yet the governor took time in his State of the State message to specifically note the sacrifices already made by public workers over the past decade in the name of fiscal stability and the concessions public workers have approved in their contracts to help state and local governments weather the fiscal storm.

Commented CSEA President William L. McGowan, following the address, "I hope that the governor remembers his remarks about our sacrifices when he puts together the budget. Our people have been carrying this state on their backs for too long and we can't afford to do much more. Even in their new contract

state employees have accepted a lag payroll and a share of health insurance premiums for the first time. We have endured all that we can. It's time someone else made some sacrifices now."

But while the first Cuomo State of the State lacked specific insights on how the governor would propose to deal with the impending deficit, it did not lack for areas that he has targeted for change.

For public employees, however, those areas were not overly threatening.

Gov. Cuomo said he will propose legislation to "reform" statutes governing investments of public employee and private insurance company pension funds, to "make it possible for the pension funds to invest in promising new ventures, in the modernization of existing companies, and in major public-private development projects..."

Additionally, he said, the changes would increase pension investments within New York State, including small and minority businesses. The governor claimed that just a minor shift in pension investments could add nearly \$3 billion of capital to help revitalize the state's economy.

President McGowan, noting CSEA's history of caution on pension investment changes, said the union would be willing to look at the plan and would welcome increased investment within the state which could ultimately benefit public employees. It must be certain, however, that such investments are reasonable and prudent and conform to normal investment practices.

In another area, Cuomo pledged to submit recommendations to lawmakers for changes in the Tier III retirement system which links pensions for some public workers to Social Security and requires a 3 percent contribution of gross earnings while other workers contribute nothing and have benefits that are not tied to Social Security payments.

Cuomo did not say what specific changes he would propose.

He did, however, pledge to help public employee union members deal with the financial burden of collective bargaining and contract administration, by proposing to make permanent and mandatory the agency shop law for New York that requires many public employees receiving benefits from union representation to share in the cost of representation. Presently the agency shop law is renewable and negotiable.

The governor also vowed to create a special commission to propose overhauling the state's mental health

care system for increased efficiency and improve coordination of state and local programs. He also vowed to "increase the role" of the Commission on the Quality of Care for the Mentally Disabled. He offered no specifics, however, about either proposal. President McGowan said the union could initiate immediate contacts with state officials concerning the proposals.

Cuomo also pledged to:

- continue the Executive Budget regarding affirmative action programs in state agencies.

- propose an immediate increase in maximum Unemployment Insurance Benefits.

- propose outlawing mandatory retirement based on age.

- expand correctional facilities, but eliminate plans to convert part of the Pilgrim State Hospital for correctional uses.

- consolidate three public authorities — the Housing Finance Agency, the State of New York Mortgage Agency, and the Dormitory Authority, into two agencies.

- reconstitute the Urban Development Agency into a New York State Development Agency, including rural development in its activities.

- reorganize the Commerce Department to accommodate Regional Development Task Forces to be created throughout the state.

- reduce or eliminate the annual "spring borrowing" over a five year period by better coordination of revenues and expenditures.

- propose a five-year, \$1.25 billion Infrastructure Bond Issue to rebuild the state's highways and bridges, ports and rail facilities.

- propose major changes in criminal justice practices, jury selection, new sentencing standards, and possible redeployment of the State Police.

- propose construction of 6,000 permanent housing units for the state's homeless.

- present a comprehensive Medicaid Reform Program.

- propose public financing and spending limits for statewide primary and general elections.

- begin efforts to identify job development opportunities, expand markets for state pro-

ducts, and encourage business expansion.

As is common in State of the State Messages, there were few specifics outlined. They will come in time as various pieces of legislation to implement the ideas outlined in the State of the State, are drafted.

Concluded President McGowan, "Overall it was an upbeat address that expressed the governor's personal confidence in the ability of this state to pick itself up from its current troubles and put itself back to work. But we all will have to await the Executive Budget to see precisely what he has in mind and what the actual implications could be for public workers. While we are anxious to help Gov. Cuomo get New York moving again in any way we can, we obviously will do what we must to ensure that public employees will not be asked again to bear an unfair share of the burden."

Tribute to public workers

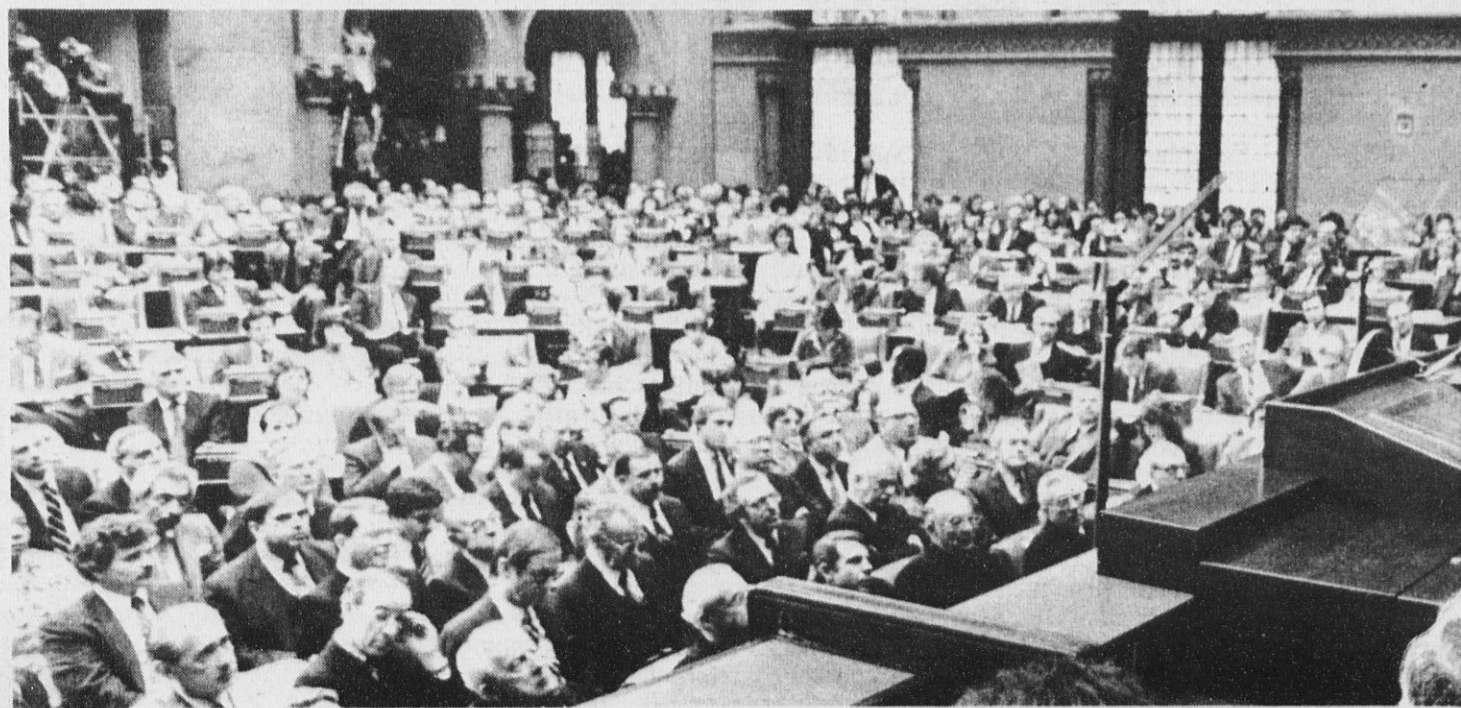
ALBANY — In his first major address to the New York State Legislature, outlining his plans for the future, Gov. Mario M. Cuomo paid tribute to the sacrifices of the hundreds of thousands of public workers in this state. Following is the text of those remarks:

"Good government is not just a matter of laws. It depends on the people who staff its agencies, direct its programs, and execute its policies. Over the past decade, public employees have been called on time and time again to sacrifice in the name of fiscal stability. At one time they were insulated from economic conditions, but today they are frequently the first to feel their impact. Public employee unions were called upon to make major contract concessions long

before similar actions were taken in the private sector.

"Of great concern to public employees is the issue of pension reform. Although controlling public employee pension costs is of the highest priority, we must insure that our actions do not result in the inequitable treatment of different groups of public employees. This spring I will receive the final report of the Pension Commission on the various public pension programs. I shall then develop and submit recommendations for changes in the pension system where appropriate.

"In order that all who benefit from the collective bargaining process share equitably in its financing, I shall submit legislation making the agency shop fee deduction permanent and mandatory."



PLANS FOR THE FUTURE — Newly-inaugurated Governor Cuomo maps out a course of action for the state in his first major address to the legislature last week.



'Please don't let me forget'



ALBANY — For Mario M. Cuomo, the son of immigrants, taking the oath for the highest office in the state was a personal vow to take care of the needy, the jobless and the destitute.

In fact, Governor Cuomo said in his inaugural address, he was "borne into the highest seat in the state" because of a government which gave his Italian parents the opportunity to work, build a family and "live in dignity."

As he traced his immigrant roots, Cuomo echoed a popular campaign theme: fiscal prudence does not prevent government from providing "shelter for the homeless, work for the idle, care for the elderly and infirmed and hope for the destitute."

Statements like this brought the 2,600 inaugural guests to their feet, applauding a total of 14 times during Cuomo's highly emotional speech.

Cuomo used words like "family" and "blessed society" to describe the residents of New York State. This family, he promised, will not fall prey to the new

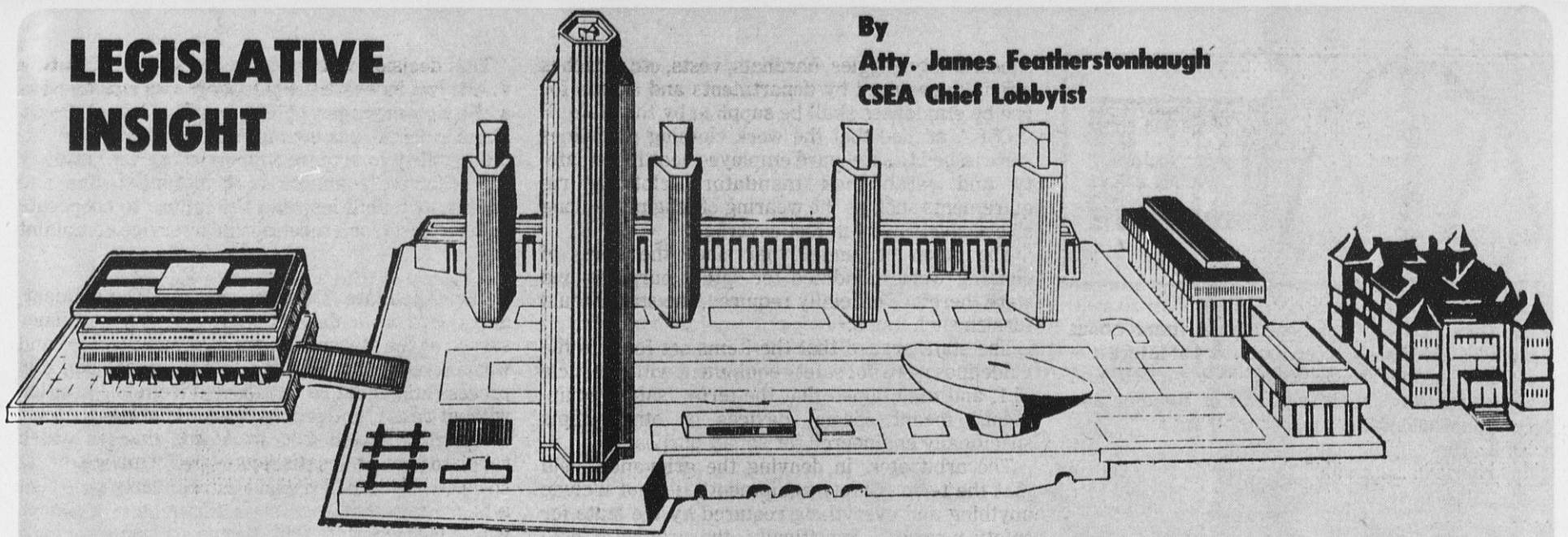
redistribution of national wealth currently in effect under the Reagan Administration.

The new governor viewed his inauguration at Albany's Empire State Plaza as a celebration of the state's unity. To illustrate this, Cuomo broke with tradition and held the ceremony at the spacious Convention Center instead of the relatively small Assembly Chamber to accommodate a broader spectrum of people such as representatives of the state's Indian nations, leaders of the Republican and Conservative parties, the elderly and the handicapped.

At the end of his address, Cuomo appealed for the help of God and the people of New York State to help him remember his pledges. And in a rather unorthodox, yet touching gesture, Cuomo recalled his deceased father "... wherever you are, and I think I know, for all the ceremony and the big house (the Governor's mansion) and the pomp and circumstance, please don't let me forget."

LEGISLATIVE INSIGHT

By
Atty. James Featherstonhaugh
CSEA Chief Lobbyist



A new shoe pinches at first

New administrations are a lot like new shoes. Even when you're happy with the style, and you've checked the fit carefully, they tend to pinch a bit at first. The Cuomo administration started out pinching a bit, when 24 hours after the new Governor delivered his State of the State Message, stating "In order that all who benefit from the collective bargaining process share equitably in its financing, I shall submit legislation making the agency shop fee deduction permanent and mandatory for all public employees in this State."

Within 24 hours, "spokesmen" stated that a terrible mistake had been made and that in fact the Governor only intended to say that he would submit legislation making the agency shop law permanent, in its current form. In other words, local government and school district employees would continue to have to negotiate for an agency shop, while State employees would be the automatic beneficiary of the agency shop legislation and would not be required to trade away benefits in order to secure it.

The State of the State speech was 33 pages long. It was an excellent, and in many parts, both an inspiring and inspired document fulfilling your union's confidence in the new Governor. How odd, that the only so-called mistake in the entire speech occurred at the end of the Governor's message, in a very

modest section dealing with the contributions of public employees and the public employee unions. Odder, still, that the repudiation of the statement came on several occasions from the ubiquitous "spokesmen" but never, at least in the papers I read, from the Governor himself.

I would expect that a mistake was made, but that the mistake was the failure to stand up for what was right in the first place. The aide, whoever he or she might have been who convinced the Governor to allow the statement to be repudiated at the first sounds of caterwauling from local government and school district officials who oppose the mandatory agency shop for no other reason than to seek a bargaining advantage, made the mistake. The local officials who succeeded will think the Governor weak and susceptible to bullying, and will surely like him no better for it and public employees who applauded his initial stand will surely be disappointed.

The Governor was correct when he said that all who benefit from the collective bargaining process should share equitably in its financing just as all of us who share in the services provided by government must pay taxes. Having arrived at this logical and equitable conclusion does it then make any sense to insist that employees who are paying more than their fair share of the costs of collective bargaining give up some portion of the fruits of that bargaining in order to achieve an equitable

contribution from their fellow employees? The Governor was right in his State of the State speech and his "spokesmen" were wrong. We invite the Governor to return to his original stand and submit legislation making the agency shop fee deduction permanent and mandatory for all public employees. CSEA will submit legislation to accomplish this end, in any event, and we invite the Governor to support it.

The good news about the new administration is that it and the Governor have already exhibited most of the traits that led so many of us to support him. The appointment of women and minorities to senior administration posts with high visibility has signalled the Governor's genuine commitment in these areas. His special effort in the State of the State address to signal his concern for public employees and to invite Tier III reform was unusual and appreciated and I could not help but wonder, as I listened to both the inaugural address and the State of the State Message how much different these speeches would have sounded had Ed Koch or Lew Lehrman delivered them.

Your union and Cuomo administration are beginning a long voyage together through rough seas and it is to be expected that there will be serious disagreements along the way, but as long as mutual respect, open communication, and affection can survive we should all arrive at our destination safely.

Union is upheld in court case involving retirement funding by Orange Co.

CSEA is the winner, and Orange County the loser, in a battle which has raged since 1979 over exactly how the county should calculate contributions into the State Employees Retirement System.

The controversy started in 1979 when the county began paying the employees' share of the Social Security (FICA) tax. However, in computing the retirement system contribution, the county refused to include the 6.13 percent FICA payment as part of the employees' annual salary.

CSEA, at the time, won a court order to have the money counted, but the county appealed and the matter finally ended up in state Supreme Court as a contest between Orange County and the State Employees Retirement System.

So it was with a great deal of satisfaction that CSEA County Unit President Kay Cayton learned on Jan. 10 that the court upheld the employees and ruled that, "FICA obligations constitute annual compensation within the meaning of the Retirement and Social Security Law." The decision noted the county already included FICA payments when calculating wages for income tax purposes as well as the fact not counting the payments would reduce eventual pension benefits.

CSEA Attorney Pauline Rogers Kinsella says that she now expects the county will be directed to make retroactive contributions to the retirement system, and that benefits for employees will be recomputed.

Local law rejection urged

HAUPPAUGE — Region I publicly stated its opposition last week to a local law that would change the method of filling vacancies in the Suffolk County legislature.

The new law, already passed by the legislature, would eliminate an amendment to the Suffolk County charter that calls for the filling of vacancies within 90 days by special election. The law would permit the legislature to appoint a candidate to the vacant seat who would serve until the next general election.

Appearing at a public hearing on the law conducted by County Executive Peter Cohan, Danny Donohue, Region I President, urged Cohan to veto the law.

"If you sign this bill, it will disenfranchise Suffolk voters and put a dangerous amount of power into the hands of unelected party officials, be they of whatever political party," Donohue said.

"CSEA is a democratic union; our members went to be able to vote directly for their legislative representative just as they are able to vote directly for their union representatives," Donohue said.



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

'Safety Equipment'

New York State has the right to order employees to wear certain ordinary work clothing for safety and health purposes without having to provide this clothing, an arbitrator has held.

The recent arbitrator case concerned a Department of Transportation work clothing guideline which said that under certain circumstances, employees could not wear short pants, short sleeve shirts, or certain inappropriate footwear for safety reasons.

A grievance was filed by CSEA alleging that the state violated Article 15.1 of the Operational Services Unit collective bargaining agreement, which provided that . . . "Safety equipment such as safety

shoes, safety goggles, hardhats, vests, etc. which is officially required by departments and agents for use by employees shall be supplied by the State."

CSEA argued that the work clothing guidelines were issued to safeguard employee health and safety and established mandatory clothing requirements such as the wearing of long pants, long sleeve shirts and full foot coverage.

The union contended that since the items of clothing were mandated for safety purposes and were therefore officially required, the state should furnish such items.

The state argued that the items set forth in the guidelines were not safety equipment within Article 15.1, and maintained that the term "safety equipment" meant special devices or other items specifically engineered for safety purposes.

The arbitrator, in denying the grievance, held that the term "safety equipment" did not include anything and everything required by the state for safety purposes. Specifically, the arbitrator held that ordinary clothing, even when mandated for safety purposes, is not safety equipment within the meaning of Article 15.1. The arbitrator interpreted the term "safety equipment" as meaning specialized items produced specifically for safety purposes.

Disciplinary Proceeding

An employee who is disciplined on the grounds of insubordination but who is not entitled to a pre-termination hearing is nonetheless entitled to a hearing to remove the stigma of the insubordination charge.

That decision was made in the *Matter of Lutwin v. Alleyne*, in which the petitioner was employed as a district manager of Community School Board Number 9 in Bronx county. She was terminated for the inability to acquire support of staff in a timely and effective manner; poor administrative and supervisory abilities; and the failure to cooperate with requests for a meeting and a service complaint log.

The Appellate Division, Second Department, noted that as a district manager, the petitioner served at the pleasure of the community board and was therefore not entitled to full procedural due process and could be terminated from her position without cause, notice, charges or hearing.

The court noted that while the charges which relate to poor or unsatisfactory performance do not rise to the level of a deprivation of liberty such that a hearing is required, insubordination is a charge which carried sufficient stigma to rise to such a level.

The court held that the charge that the petitioner failed to cooperate with certain requests by the evaluation committee amounts to a charge of insubordination. Therefore, while the other reasons stated for the employee's discharge were sufficient to sustain the discharge, and even though she could have been discharged for no reason, the court held that the employee was entitled to a hearing to attempt to remove the stigma of the insubordination charge.

Mandatory health program begins April 1

Some important facts about second surgical opinion program

ALBANY — Public employees who belong to the Statewide Health (Metropolitan) Option are reminded that the mandatory second surgical opinion program will not go into effect until April 1.

Second medical opinions will, thereafter, be required to receive maximum benefits for the

following elective procedures: bunionectomy, cataract removal, deviated septum, hysterectomy, knee surgery and prostatectomy.

The cost of the second opinion will be paid in full by the Health Plan, and the medical consultant will be an independent, certified expert. Arrangements

should be made at least two weeks before the surgery is scheduled.

To arrange for the second surgical consultation, or to get answers to any questions about the program, call one of the following toll-free telephone numbers:

- New York City area (including Long Island and Rockland/Westchester counties) 1-800-832-4650
- Other areas 1-800-342-3726

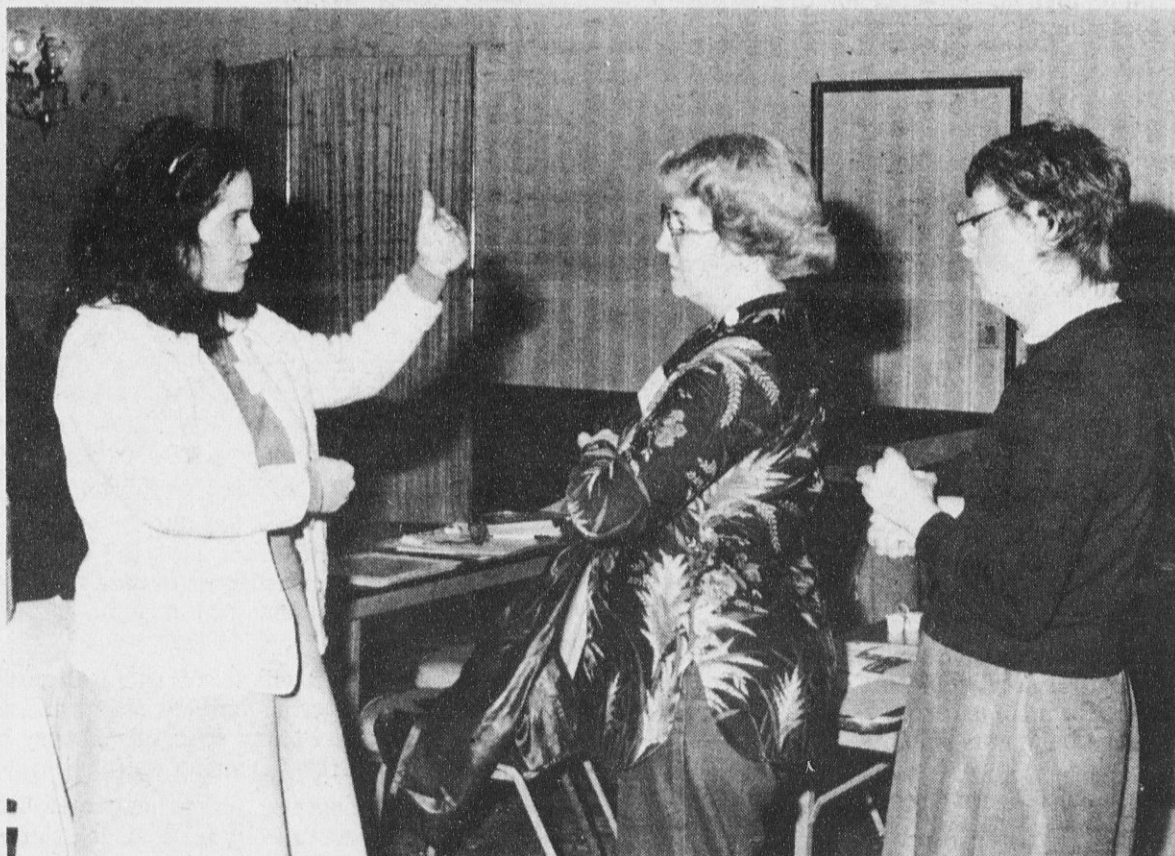
If, after the second opinion is given, a person decides to have the elective surgery, hospital expenses will be paid in full by Blue Cross, and Metropolitan medical/surgical will pay 80 percent of covered charges for surgery, anesthesia and other related expenses. Payments will be made regardless of whether or not the second opinion confirmed the need for surgery. **But, if a person does not arrange for a second opinion, only 50 percent of covered hospital and surgical/medical charges will be paid.**

Other reminders:

- Effective immediately, specified surgical procedures (breast biopsy, bronchoscopy, colonoscopy, cystoscopy, diagnostic D&C, diagnostic laparoscopy, excision of skin lesion, gastroscopy, myringotomy, vasectomy) when performed in an ambulatory surgical center, or in the physician's office, will be reimbursed at 100 percent of usual, reasonable and customary charge. **If such surgery is performed on an in-patient basis, reimbursements for the physician's charges and hospital expenses will be at 50 percent of usual, reasonable and customary charge unless hospitalization is a medical necessity.**

- Effective immediately, in-patient hospital days incurred for the purpose of conducting diagnostic tests and X-rays will not be a covered expense, and the tests and X-rays (unless hospitalization is a medical necessity) will be reimbursed at 80 percent of the normal hospital charges. **Fees for tests and X-rays will be paid in full if performed on an outpatient basis.**

Capital Region Safety



ANGELA DEVITO, Capital Region OSHA representative, left, discusses the importance of regular workplace inspections with Ellen Diange of SUNYA Local 691, center, and Sue Waltz of Motor Vehicle 674, during a recent education program sponsored by the region's education committee.

USATCO, rising from ashes of PATCO, seeks donations

WASHINGTON — The struggle goes on for PATCO, the Professional Air Traffic Controller's Organization, which is no more (just like Poland's Solidarity). But a group of dismissed controllers are carrying on the fight, and have established a non-profit corporation called the United States Air Traffic Controllers Organization (USATCO).

PATCO itself recently filed for bankruptcy. Staggering debts caused by heavy fines have wiped it out. But USATCO will carry on its spirit.

Gary W. Eads, president of the new organization, says the major goals are to get dismissed controllers reinstated, and to promote air traffic safety. Meanwhile, he reports that 10,900 dismissed controllers have appealed their firings to the U.S. Merit Systems Protection Board. Thus far, most of the appeals have been rejected, but there is an appeal's process that can go up to the

federal circuit of the U.S. Court of Appeals.

It is estimated that approximately 75 percent of the fired controllers have found other full or parttime jobs, or have either entered vocational training programs or enrolled in colleges to pursue new careers. Says Eads: "The real loser here is the aviation community. The loss of badly needed expertise will take many years to replace."

When asked how other unions might help, Eads suggested financial contributions, "to assist individual members who were assessed fines as a result of the PATCO strike and for those who need money to appeal their 'criminal' convictions." Contributions may be sent to:

"Legal Defense Fund"
210 7th Street, S.E.
Suite C-26
Washington, D.C. 20003



THE UNION'S PROBATION COMMITTEE met last month in Albany to discuss a number of topics including job titles, the possibility of a State takeover of probation services and a recent survey commissioned by the division. From left, above, are Region I member James Mattei, CSEA Staff Coordinator Walter Leubner, Committee chairman James Brady of Region VI and Region III member James Brearton. In photo below, State Director of Probation Tom Callanan, second from right, explains the results of a recent survey during the union's committee meeting as Deputy Director Edmund Wutzer, right, listens. At left are Region I member Michael Thompson and committee chairman James Brady.



Now you can improve on exam scores

Thanks to an important new educational service now being offered by CSEA, thousands of public employees are expected to improve their performances on upcoming civil service examinations.

CSEA announced the exciting new program in the previous edition of The Public Sector. Phase one of the program has been launched with the production of five booklets designed in cooperation with the New York State School of Industrial and Labor Relations, Cornell University. The five booklets in the series contain information helpful in many different types of exams, and may be purchased by CSEA members at a cost of \$1.50 for each booklet by using the coupon printed at the end of this article.

Non-CSEA members can obtain the same material directly from Cornell at the same price by contacting: Cornell ILR, 112 State Street, Suite 1200, Albany, New York 12207.

The available booklets are titled, Booklet One, Basic Math; Booklet Two, Arithmetic Reasoning; Booklet Three, Understanding and Interpreting Tabular Material; Booklet Four, Understanding and Interpreting Written Material; and Booklet Five, Preparing Written Material.

In the near future, the union expects to launch phase two of the exam preparation educational project with a comprehensive, four-part video tape program covering the same topics. Phase two was made possible with funding of a grant from the Committee on Work Environment and Productivity. Suitable for large audience presentation, the video tape program may also be offered over educational television stations throughout the state if efforts to arrange such programming are successful.

CSEA Education Director Thomas Quimby said the initial response for union members has been good since the concept was announced two weeks ago, with most of the early orders for booklets coming from the thousands of public employees expected to take the Public Administration Transition Traineeship (PATT) exam on February 26.

Order today

CIVIL SERVICE EMPLOYEES ASSOCIATION

Date _____

ATTN: CSEA EDUCATION DEPARTMENT
33 ELK STREET,
ALBANY, NEW YORK 12207

Please send me the booklet(s) indicated. I understand the price is \$1.50 (includes postage) for EACH booklet ordered, and I have enclosed a check or money order for \$_____ to cover the cost of this order.

- BASIC MATH. ARITHMETIC REASONING
- UNDERSTANDING AND INTERPRETING TABULAR MATERIAL
- UNDERSTANDING AND INTERPRETING WRITTEN MATERIAL
- PREPARING WRITTEN MATERIAL

Send to:

Name _____

Address _____

City _____ State/ZIP _____

Social Security Number _____ CSEA Local _____

Employer _____



NEW SAFETY REP WELCOMED — CSEA President William McGowan and state officials welcome John Pardee, seated center, as the neutral chairman for the joint CSEA-state Safety and Health Committee. Seated, from left to right, are McGowan, Pardee and Jim Northrup. Standing, left to right, are Tom Hartnett, Al DeMarco, Nels Carlson, CSEA safety coordinator, and Ted Todorov.

SAFETY IT CAN'T HURT

**NYS - CSEA
SAFETY HEALTH MAINTENANCE
COMMITTEE**

Joint safety committee launches awareness campaign



JOINT SAFETY COMMITTEE MEETS — Members of the joint CSEA-state Safety and Health Committee met recently in Albany to discuss a new safety awareness campaign and other health-related matters. Pictured, seated left to right, are Dr. Beatrice Kovaszny, Nels Carlson, Stanley Winter and Sue Bucrzinski. Standing, left to right, are C. Allen Mead, Lou Mannellino, Frank Falejczyk, Robert Thompson, Al DeMarco, Ted Todorov, Skip Hommel, David Rings and John Pardee.

ALBANY — "Safety, It Can't Hurt" is the theme of an awareness campaign now underway to reduce the number of accidents and injuries which occur at the workplace.

The campaign, according to Collective Bargaining Specialist and CSEA Safety Coordinator Nels Carlson, is the brainchild of the New York State — CSEA Safety and Health Maintenance Committee, which receives \$300,000 annually to implement its goals. The funds were negotiated during last year's state contract talks and are a first for the committee, which is made up of an equal number of labor and management representatives and presided over by an impartial chairman, John M. Pardee.

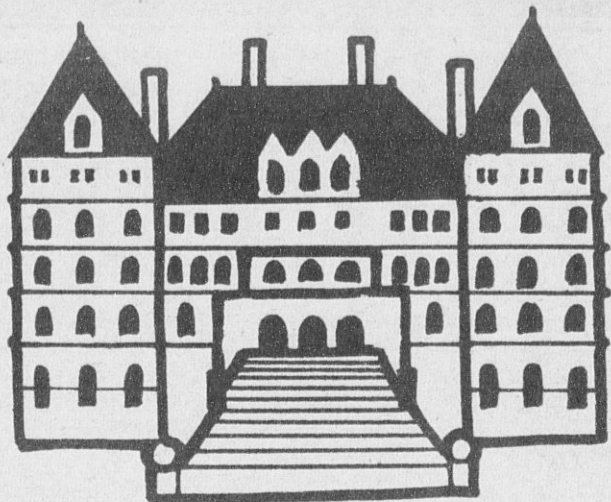
A former corporate safety director of Eastman Kodak Co., Pardee was responsible for the company's safety and fire protection program. In 1982, he was one of eight persons to receive the National Safety Council's Distinguished Service to Safety Award.

Other committee members are: from CSEA, Nels Carlson, Robert Thompson, C. Allen Mead, Sue Bucrzinski, Frank Falejczyk, Louis Mannellino and Phyllis Ferguson, and from the state, Allen DeMarco, David Rings, Stanley Winter, Jeffrey Brandywine, Dan Mencucci, Beatrice Kovaszny and C. C. "Skip" Hammel.

Posters, bumper stickers and lapel pins are all available to promote "Safety, It Can't Hurt," and are expected to be distributed in the near future. Ted Todorov, program coordinator, says the aim of the campaign is simple — "to have a positive impact on attitudes toward safety ... awareness is a good place to start."

Says Nels Carlson: "The idea is to cut down on the number of accidents and serious injuries to public employees, particularly state employees, since this came out of the state contract talks."

AN AMBITIOUS LEGISLATIVE PROGRAM



FOR '83 UNVEILED

Legislative Seminar set February 26

ALBANY — CSEA has announced tentative plans for its sixth annual Legislative Seminar for Saturday, February 26, 1983 at the Empire State Convention Center here.

When plans are finalized, details will be mailed to all CSEA regional Political Action Liaisons (PALs), local presidents and members of the Board of Directors. Additional information will also be published in a future edition of The Public Sector.

ALBANY — A preliminary list of CSEA's 1983 legislative bills which the union will seek to have enacted into law was nearing completion as this issue of The Public Sector went to press.

A proposal to make the Agency Shop law permanent and mandatory, and another proposal to

eliminate Tier III of the State Employees Retirement System are among key bills the union will seek to have enacted by the State Legislature.

The following is a tentative listing of bills under consideration by the union for inclusion in its final package to be presented to state

lawmakers. The listing is subject to changes as the proposals are further considered by CSEA staff members, lobbyists and members of the union's Political Action Committee.

The final 1983 legislative package will be published in detail in a future edition.

- **AGENCY SHOP** — A proposal to make Agency Shop permanent and mandatory for all public employees.
- **LOBA** — A proposal to allow an arbitration panel to select the last best offer from either side in its entirety on disputed issues.
- **LIMITED RIGHT TO STRIKE** — A bill which would make the right to strike legal for public employees who have reached impasse and who do not have benefit of interest arbitration, either by law or agreement.
- **EMPLOYER IMPROPER PRACTICE** — Would eliminate the "two for one" penalty and the loss of dues deduction forfeiture where a strike was caused in whole or in part by an improper employer practice as determined by PERB.
- **COMMUNITY SERVICE BOARDS** — Bill would delete that provision of Mental Hygiene Law which precludes employees of Department of Mental Hygiene from service on such boards.
- **U-GRADES** — A bill would prevent the Chancellor of the State University from unilaterally moving positions from the competitive class to the unclassified service in the State University system.
- **MARTIN LUTHER KING DAY** — Would make Martin Luther King Day a state holiday.
- **MILITARY LEAVE** — Would provide 30 days paid military leave on a "working day basis" rather than a calendar day basis for public employees.
- **INDEPENDENT HEARING OFFICER** — Would provide an independent hearing officer for Section 75 hearings.
- **MENTAL AND PHYSICAL DISABILITIES** — Would provide for a hearing when an employee is alleged to be physically or mentally incapable of performing duties under civil service law.
- **LAYOFF UNITS** — A proposal that in a civil division of 50,000 or less, all departments or agencies would constitute a single layoff unit unless the local legislative body passes a

resolution maintaining the entire department or agency as a layoff unit.

- **LOCAL CIVIL SERVICE NOTIFICATION** — Would require that notice be given to any person or agency filing a request for it when there is to be a rule change by local civil service commission or personnel officer.
- **NY/NJ WATERFRONT COMMISSION** — Would provide civil service status for commission employees.
- **WHISTLE BLOWER** — Would provide that an employer shall not take retaliatory personnel action against an employee for disclosure of certain policies or practices believed to pose a threat to public health or safety or disclosure of substantial mismanagement, gross waste of funds or abuse of public authority.
- **VETERAN'S DAY** — Would define the dates of the Viet Nam conflict as being from 1/1/63 to 2/1/73.
- **VIET NAM VETS** — VA HOSPITALS — Would provide Viet Nam veterans with no loss of accruals or monies to attend appointments at VA hospitals or other medical facilities for care of service connected disabilities.
- **BOARD OF TRUSTEES** — Would provide for an Employee Retirement System Board of Trustees with employee representation thereon.
- **SUPPLEMENTATION** — Would add to supplementation previously provided, and computed on the first \$8,000 of annual retirement allowance, and would decrease the age for eligibility from age 62 to age 55.
- **VET'S BUY BACK** — Would give veterans of WWII and Korea opportunity to buy back service time.
- **HEALTH INSURANCE IN RETIREMENT** — Would allow unremarried spouse of an active employee of state who died on or after April 1, 1979 to continue individual coverage and exhaust any accumulated and unused sick leave up to 165 days.
- **TIER I AND II REOPENERS** — Would

allow employees in the wrong tier through no fault of their own to be transferred to the proper tier.

- **UNIVERSITY OF BUFFALO BUY BACK** — Would allow employees to buy back service credit for time prior to takeover by State of New York.
- **ROME COMMUNITY STORE** — Would give retirement credit for employees of Store rendered before State takeover.
- **HEART BILL** — Would provide a presumption that diseases of the heart for correction officers were caused by employment at retirement system accidental disability hearings.
- **TIER III ELIMINATION** — Would eliminate Tier III of the State Employees Retirement System.
- **EXEMPTION OF FIRST \$20,000 OF RETIREMENT INCOME** — Would exempt that amount from Federal Income Tax.
- **RETIREE EARNINGS** — Would increase the amount a retiree can earn without loss or diminution of retirement allowance.
- **RETIREE DENTAL PLAN** — Would establish a statewide dental insurance plan separately rated and administered for retirees.
- **HEALTH INSURANCE AT 25% OF COST FOR DEPENDENTS** — Would reduce the cost of continuing health insurance coverage for all plans for unremarried spouses and dependents' of employees.
- **CORRECTION OFFICERS 25-YEAR RETIREMENT PLAN** — Would provide a 25-year, half-pay retirement plan for correction officers of political sub-divisions.
- **EDUCATION LAW PARITY** — Would equalize state aid for districts which operate their own bus services.
- **CONTINGENCY BUDGET** — Would establish a procedure whereby school districts could tax for items now not austerity budget items.
- **BUS SEATS** — Would mandate a change in the height of bus seats.

ARE OMRDD LAYOFFS NECESSARY?

Commissioner's answers raise a barrage of questions in Region II

NEW YORK CITY — Questions posed by Metropolitan Region II developmental center local presidents and Regional President George Caloumeno about the planned layoffs at Office of Mental Retardation & Developmental Disabilities (OMRDD) facilities have been formally answered by OMRDD Commissioner Zygmund Slezak.

But, according to Caloumeno, the answers "raise further questions about the scope and even the necessity of the layoffs."

The questions originally were raised at a meeting in New York City between developmental center local presidents and OMRDD personnel administrators and were put in writing to Slezak by Caloumeno.

At the meeting the personnel administrators reviewed the layoff procedures and expressed a desire to work with CSEA to ensure that the rights of OMRDD employees in CSEA bargaining units are protected during the layoff process.

However, union representatives, while sharing and appreciating OMRDD's articulated interest in employee rights, wanted the "facts and figures" to support OMRDD's contention that layoffs are indeed necessary. The Region II developmental center local presidents also wanted data explaining the geographic distribution of the layoffs, which they felt unreasonably impact on New York City.

The personnel administrators explained that they were unable to answer the union's questions, but would forward them to the responsible officials for response.

In keeping with their pledge to protect employees' rights, the personnel administrators agreed to:

- designate an OMRDD staff member at each facility affected by the layoffs to answer questions and resolve problems that are encountered by CSEA local representatives and members;

- develop a selection process for laid off employees that will enable CSEA representatives to monitor job opportunities for affected members in their locals (local presidents will receive a list of the least senior employees in the layoff unit, as well as the names of employees in their locals who may be "bumped");

- meet with CSEA local representatives, once the names of the affected individuals are identified, to find other job opportunities and discuss other information regarding separation from state service.

"I'm pleased that OMRDD is making every effort to work with us in protecting employees' rights," Caloumeno says. "But our first obligation as a union has to be to do all we can to prevent even one employee from being laid off."

The answers to the admittedly "loaded" but necessary questions raised by the local presidents and put in writing to Slezak drew, in Caloumeno's words, "revealing but less than satisfactory answers."

The key question posed to Slezak was: "Exactly, what is the projected OMRDD deficit for the current fiscal year?"

Slezak responded by writing, "There is no projected deficit for the current fiscal year. He went on to point out that OMRDD expects to spend "the full amount of personal service (salary) funds appropriated by the legislature," thus, according to Slezak, the reason for the layoffs is a projected lack of funds to pay the salaries of all the employees currently on the OMRDD payroll.

However, while providing no specific figure, Slezak, in response to another question, noted that without layoffs, "a deficit would result and, in the

current budget environment, no additional funding can be anticipated."

Slezak also discounted a possible increase in overtime costs as a result of the layoffs, pointing to a recent expenditure analysis done by OMRDD that showed "overtime has been reduced since the initial layoffs were affected" in Oct., 1982.

At a meeting with OMRDD officials to discuss Slezak's response to questions concerning the layoffs, Caloumeno reports that he received more detailed responses that "were quite revealing" and led to more questions.

"First of all," he says, "they dropped what to me is a bombshell: While planning to lay off 307 CSEA-represented employees at developmental centers in New York City and at J.N. Adams, Craig and Newark Developmental Centers, OMRDD is actually hiring people at other facilities."

OMRDD maintains that the hiring and the layoffs will bring the agency in line with appropriate staff/patient ratios. Caloumeno dismisses that argument.

"I do not begrudge in any way any facility getting needed staff to care for clients," he says. "But the reality, not the numbers on a piece of paper, is that staffing at developmental centers in New York City is simply inadequate as it is. One fact that reveals this is the inordinate amount of forced overtime at these facilities.

"Slezak believes that despite the layoffs, overtime will not increase. I certainly fail to see that logic."

Caloumeno views the planned layoffs as a "budgetary game."

"The overtime budget is separate from the personal services budget that will supposedly be short without layoffs," he says. "So we have OMRDD eager to cut one budget line, but ready to accept an increase in another.

"Further," he continues, "I asked OMRDD to give a specific dollar savings for this fiscal year as a result of the layoffs. Not surprisingly, I was told 'We'll get back to you.'"

Caloumeno points out that since the current fiscal year ends on March 31 and the layoffs are not scheduled until late Feb. or early March, "how can a significant amount of money really be saved, especially when vacation pay due any laid off employee has to be factored in."

Other issues raised by the Region II developmental center local presidents and Caloumeno also drew "revealing" responses from Slezak.

On the status of the more than \$10 million the United Cerebral Palsy Association billed to Medicaid for services the agency did not provide, Slezak reported that all monies due the State from UCP "have been collected or are being collected."

He pointed out, however, that "the State Finance Law requires that such funds be repaid to the general fund and, therefore, they are not available for expenditure by OMRDD."

As in the case of the reasons for the layoffs, answers to questions lead to more questions. Caloumeno has asked OMRDD why the agency has not gone to the Division of the Budget to seek a share of the funds UCP repaid?

Of particular concern to the CSEA membership in Region II is the fact that more than two-thirds of the planned OMRDD layoffs in the CSEA bargaining units are slated for facilities in New York City, which has only about one-fifth of OMRDD employees state-wide.

In his letter to Caloumeno Slezak denies the implication that the City was "arbitrarily assigned a disproportionate share of the layoff responsibility." He justified the burden that Region II facilities must bear in the layoffs by pointing out that the "layoffs resulted from the consistent application of the (OMRDD) spending plan methodology, the purpose of which was to live with available legislative appropriations," appropriations, Slezak noted, that contain no funds to continue "in excess of accepted ratios."

In response to the concern that the layoffs will primarily affect women and minority employees, Slezak acknowledged that the layoffs will "in fact fall heavily upon both women and minorities because the basic workforce in this area (New York City) is made up predominantly of people in these categories."

"So what we have here," Caloumeno charges, "is a layoff plan designed to close a miniscule portion of the entire state's \$500 million plus budget gap for this fiscal year, that will impact most severely on women and minorities who, given the state of the economy will most likely end up on the unemployment line, may not in fact save any money and may reduce the quality of care in State developmental centers, which have been the target of attacks on the quality of care issue for years."

Under the direction of Caloumeno and Region II Political Action Chairman Robert Nurse, in Caloumeno's words, "a massive effort has been launched to alert the legislature to the devastating impact of these layoffs."

Letters have gone to legislators from New York City, and Region II local presidents will be making personal visits and phone calls to reinforce the message.

"CSEA gave most of these legislators substantial support in the last election," Caloumeno says. "Let's see what kind of support they will give us."

He asked every member in Region II to contact his or her legislators and urge them "to stop the layoffs."

METROPOLITAN REGION II local presidents, Region II President George Caloumeno and CSEA staff caucus prior to a meeting to discuss with OMRDD and OMH representatives.



CLUW RECEPTION WELL ATTENDED — Marilynne Whittam, left, is relieved that the Coalition of Labor Union Women's reception at NYSUT Headquarters in Albany was well attended by union and elected officials alike. Sharing her satisfaction is CLUW President Betty Kurtik who is flanked by State Senator Joseph Bruno and CSEA Capital Region President Joseph E. McDermott. Kurtik and Whittam are CSEA members. Both are interested in increasing support for CLUW activities.



COMPETITIVE PROMOTIONAL EXAMS (State employees only)

FILING ENDS JANUARY 17, 1983

TITLE	DEPT.	EXAM. NO.		
Assistant Land Surveyor II G-12	IDP	37-764	Specialist II G-18	—Equalization/Assessment
Medical Laboratory Technician II G-12		37-811	Valuation Research and Development Specialist III G-23	37-779
Public Administration Traineeship		00-150	Valuation Research and Development Specialist IV G-27	37-780
Supervising Bank Examiner M-4	BANKING	39-697	Public Lands Surveyor Examiner G-23+	—OGS
Supervising Overseas Branch Bank Examiner				37-805
Land Surveyor (Transportation) G-19	DOT	37-747	Laboratory Technician G-9	HEALTH
Senior Land Surveyor (Transportation) G-23		37-748	Medical Laboratory Technician I G-9	37-812
Archivist II G-18	EDUCATION	39-704	Public Health Representative III G-20	37-841
Land Surveyor G-19	ENCON	37-765	Senior Resources and Reimbursement Agent G-21	MENTAL HEALTH
Senior Land Surveyor G-23		37-766		37-594
	EXECUTIVE		Chief of Public Service Audits M-5	PUBLIC SERVICE
Valuation Research and Development				39-698

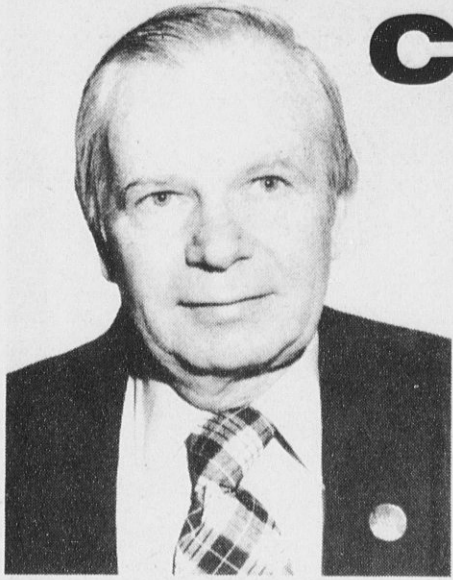
open competitive STATE JOB CALENDAR

AN APPLICATION FEE OF \$5 MUST ACCOMPANY YOUR APPLICATION FOR EACH EXAMINATION

Applicants MUST Be Postmarked No Later Than JANUARY 24, 1983

Title	Beginning Salary	Exam. No.		
Conservation Biologist (Ecology)	\$17,694	25-770	Land Surveyor (Transportation), Senior	\$28,772 25-758
Conservation Biologist (Ecology) Trainee	\$16,711		Land Surveyor II, Assistant	\$14,515 25-790
Conservation Biologist (Ecology)	\$17,694	25-771	Land Surveyor Trainee I	\$11,582 25-789
Conservation Biologist (Ecology) Trainee	\$16,711		Medical Laboratory Technician I	\$12,852 25-823
Conservation Biologist (Extension)	\$17,694	25-773	Medical Laboratory Technician II	\$15,239 25-824
Conservation Biologist (Extension) Trainee	\$16,711		Public Health Representative III	\$24,569 25-804
Conservation Biologist (Wildlife)	\$17,694	25-775	Public Lands Surveyor Examiner	\$28,772-\$33,740 25-809
Conservation Biologist (Wildlife) Trainee	\$16,711			(Range)
Curator (History), Senior	\$18,323	25-766	Director, Bureau of Recreation Services	\$34,537 28-478
Health Planner	\$17,694	25-787	Curriculum Content Coordinator	
Health Planner (Trainee)	\$16,711	25-786	(English as a Second Language)†	\$27,306 80-064
Health Planner, Senior	\$22,132	25-795	Curriculum Content Coordinator (Mathematics)†	\$27,306 80-065
Historian, Senior	\$27,306	25-765	Curriculum Content Coordinator (Reading)†	\$27,306 80-066
Laboratory Technician	\$12,852	25-822	Emergency Health Services Communications Assistant	\$22,132 28-444
Land Surveyor	\$23,351	25-826	Federal Funding & Contract Management Specialist II	\$28,785 28-447
Land Surveyor (Transportation)	\$23,351	25-757	Supervisor of Federal Funds and Contract Management	\$31,104 28-448

† Obtain applications from the New York State Department of Correctional Services.



Civilian employees safe during Ossining crisis

OSSINING — There are 165 CSEA members who work at the Ossining Correctional Facility here. Fortunately, none of them was involved when inmates in Cell Block B last week took 17 guards hostage and held them for more than 53 hours until their demands were aired on radio and television.

CSEA Region III President Raymond J. O'Connor says, "We were all concerned for the safety of our members. Luckily none of them was involved. As for our brothers in District Council 82 (corrections officers), we're glad they're safe and back with their families. Our prayers were with them, and thank God those prayers were answered."

CSEA Regional Director Thomas J. Luposello expressed ongoing concern for the environment that the civilian employees have to endure in such a facility.

"One can only imagine what may have happened if this takeover occurred on a weekday when the civilian workers were in the facility," Luposello said. "Serious consideration should always be given to our members' safety."

CSEA Local 161 President Pat Altieri first learned of the prison uprising while returning home from a trip to Florida. She said some CSEA members were asked to work overtime during the crisis to cover telephones, and others put in longer than usual hours in the cafeteria. But none was in danger during the entire situation, she noted.

Altieri said most CSEA members at the prison work in the Administration Building, away from the inmates. She noted "there are many officers in here and not too many inmates," and so she normally doesn't fear for her safety while at the prison.

CSEA REGION III PRESIDENT Ramond J. O'Connor . . . "our prayers were with them, and thank God those prayers were answered."

Negotiations at impasse in Schenectady County

SCHENECTADY — Schenectady County has declared impasse in its negotiations with CSEA Local 847.

The impasse came after several months in which the pace of negotiations — lengthy bargaining sessions scheduled two and three times a week — had created hopes for a settlement before the end of the year. But snags developed and the county has sought the aid of a mediator from PERB.

Under the terms of a memorandum of understanding signed earlier in the negotiations, salary and other provisions of the expired contract continue in effect until a new pact is ratified by both sides.

The 1,400 county employees represented by CSEA are coming off a two-year agreement which provided a 7-percent hike in 1981 and an 8-percent increase last year.

Monroe County unit contract vote, informational meetings scheduled

ROCHESTER — The 3,100-member CSEA Monroe County Employees Unit of Local 828 will vote on a recently-negotiated contract on Tuesday, Feb. 1. Voting machines will be set up at three work locations.

The vote, following six contract informational meetings, will take place at the following places and times:

- Monroe Community College, 1000 E. Henrietta Rd., 6 a.m. to 7 p.m.
- Monroe Community Hospital, 435 E. Henrietta, 6 a.m. to 7 p.m.
- Hall of Justice, 36 Exchange St., 8 a.m. to 6 p.m.

The contract informational meetings will be held at the same locations on Jan. 24 and 25. The exact times will be announced on fliers, which will be posted at work locations throughout the county.

Members may call the regional satellite office, 716-334-7140, for further information.

New unit formed in North Castle

NORTH CASTLE — Despite some procedural barriers put up by officials of this Westchester County town, 26 clerical, water department, recreation department, and hourly employees such as school crossing guards will now be represented by CSEA.

The new unit was formed at the end of 1982 after an organizing drive led by Region III Field Representative Joseph O'Connor. He credits the president of North Castle Unit 1, Elmer Brill, with aiding the drive. Brill's unit covers the town's highway employees. Also helping O'Connor were two school district unit presidents, Doris Mikus of Byram Hills and Delores Solazzo of Bedford.

The Town of North Castle employees were independent, but decided unanimously to join CSEA. And the workers wasted no time in filing their first grievance against the town, challenging changes in their workday and workweek.

Negotiations began Jan. 13 on a contract which will cover this calendar year.

At White Plains School District:

Members protest for new pact; feel cheated after helping district solve budget problems

WHITE PLAINS — "This is the thanks we get?"

That's the reaction of White Plains School District CSEA employees who helped the district go from a budget shortfall to a surplus last year, only to find out contract negotiations are going nowhere. Members of the unit have been working without a contract since July 1.

Unit President Barbara Peters says she went to Albany with administrators last year to lobby for school district aid. "This is the first time they ever asked for help from the state," she said. "They always felt they could get by on their own."

CSEA members signed petitions to state legislators. As a result, the White Plains School District received \$1.5 million.

Peters explained: "An elementary school was sold in July for another \$1.3 million. Teachers negotiated a good three-year contract, and the administrators also have a new contract. We feel there's plenty of that big cake left for us to have a piece."

CSEA members demonstrated in front of the district's Education House last week to let the administration inside know they want serious negotiations to produce a contract. The employees — clerical workers, custodians, teacher's aides and assistants, cafeteria workers and groundspeople — marched Monday night, Jan. 10, as the Board of Education met. They continued their demonstration throughout the week, using their lunch hours and breaks to walk in front of the administration building, formerly a private mansion.

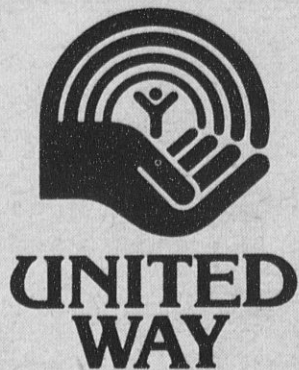
Notes Peters: "There are three issues we want removed from the table. . . . issues we don't even want to discuss. Once that's done, we'll be glad to go back to the bargaining session."

She says, "CSEA took a freeze on job hiring last January, while the district was having its financial difficulties. Now that the district is in the black, 25 positions abolished in June may not be reinstated."

"Yet, this district is top heavy with administrators. CSEA employees do all the paperwork for them. There's a new superintendent, assistant superintendent, a new special assistant superintendent and two business administrators, one of whom was hired at the last school board meeting. We (CSEA employees) have continued in all instances to provide a viable workforce without interruption, and we intend to do so in accord with our contract agreement."

The CSEA president says the employees "made the administrative reorganization smooth and continued to do our job to get the children and staff ready for the new school year. Some of our employees were even denied their summer vacations to get the system in shape for the September opening."

Field Representative Joseph O'Connor says there have been 15 negotiating sessions so far, starting last April. Salary and fringe benefits are also sticking points. O'Connor says the CSEA members are "ready to demonstrate every day, if necessary, until a contract agreement is reached."



Several United Way affiliates adopt labor policy statements; union urges rest to comply

ALBANY — CSEA's call for adoption of a "labor policy" by United Way affiliates across the state has apparently had major impact. The United Way reports many of its largest affiliates in the state have now adopted the labor policy for their chapters.

Union President William L. McGowan had called upon the organizations to enact the pledge to respect labor's rights in November. The action came in response to actions taken by CSEA's international affiliate, the American Federation of State, County and Municipal Employees (AFSCME), and the AFL-CIO.

At issue was the continuing role of organized labor in the United Way's fundraising efforts. Several union groups, including elements of CSEA, have charged that United Way funds were being given to organizations that were competing with public employees and other organized workers for jobs. In some cases such as the Staten Island Developmental Center, the non-profit organizations receiving United Way contributions were taking over care of mentally handicapped patients previously cared for by CSEA members.

United Way's problems with the AFL-CIO began when President Ronald Reagan designated the National Right to Work Legal Defense Fund as one of the organizations to receive United Way contributions raised from federal workers, infuriating organized federal employees.

After discussions with a Special Committee of the AFL-CIO appointed by federation President Lane Kirkland, the national United Way agreed to adopt a "labor policy" and recommend its adoption by all affiliates throughout the nation. The structure of United Way is such, however, that the policy could not be uniformly mandated at the national level.

The policy statement adopted by the Advisory Council of the United Way of New York State puts it plainly:

"The Advisory Council . . . supports the right of employees to join organizations of their own choosing if that is their desire, and to make that choice without interference or coercion and recognizes and respects established bargaining relationships and the negotiated terms and conditions provided for in collective bargaining agreements or equivalent understandings."

President McGowan urged all United Way affiliates with which CSEA members cooperate in fundraising programs, to adopt the policy respecting the rights of organized workers or the union, he said, would have no choice except to

cease cooperating in raising funds that might ultimately be used against union members.

Burton August, Chairman of the Board of Directors of the United Way of New York State, advised President McGowan on January 4, that numerous United Way affiliates around the state had already adopted the policy (see box on this page) and others were now considering it having completed their fall campaign.

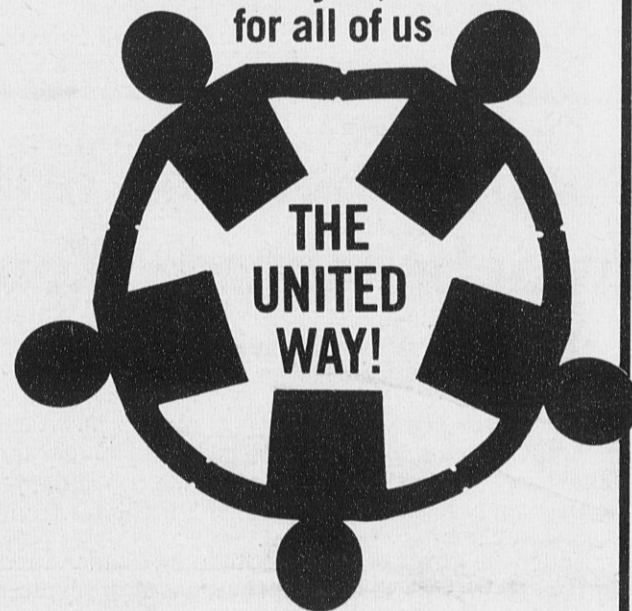
Said Burton: "I consider passage of this resolution significant for United Way's continued good relationship with the labor community, whose members have supported the United Way so generously with their time and contributions."

The Board also created a standing committee on Labor Relations and Services at the state level to pursue labor interests. It asked CSEA to appoint a representative to serve as a consultant to the committee.

President McGowan said CSEA members participating in United Way affiliates that have adopted the labor policy should continue their efforts on behalf of the affiliate as a result of the affirmative step, but he cautioned those affiliates that have not acted to do so as soon as possible.

"Our union is proud of how generously its members give to charitable causes, particularly in view of the hard times that we all are enduring and the modest incomes of most of our members," the union president said. "We are gratified that so many United Way affiliates have responded to our concerns. We would hope the remaining affiliates do so at once."

Thanks to you, it works
for all of us



LABOR RESOLUTION PASSED

UNITED WAY

OFFICE LOCATION

United Way of Northeastern New York	Albany
Genesee United Way	Batavia
United Way of Buffalo and Erie County	Buffalo
United Community Services of Chemung County	Elmira
United Way for Cortland County	Cortland
Gloversville Area United Way	Gloversville
United Way of Johnstown	Johnstown
United Way of Ulster County	Kingston
United Way of Long Island	Melville, L.I.
United Way of New York City	New York City
United Way of Oswego County	Oswego
United Way of Clinton County	Plattsburgh
United Way of Dutchess County	Poughkeepsie
United Way of Greater Rochester	Rochester
United Way of Schenectady County	Schenectady
United Way of St. Lawrence and Franklin Counties	Ogdensburg
United Way of Central New York	Syracuse
United Way of the Greater Utica Area	Utica
United Way of Jefferson County	Watertown
United Way of Westchester	White Plains
United Way of Rockland County	West Nyack
United Way of New York State	Albany

"Our union is proud of how generously its members give to charitable causes, particularly in view of the hard times that we all are enduring and the modest incomes of most of our members . . . we are gratified that so many United Way affiliates have responded to our concerns. We would hope the remaining affiliates do so at once."

—CSEA President William L. McGowan