



To: Acting Commissioner Denise Sheehan  
From: Mike Keenan, PEF/encon Division Leader  
Subj.: Work Schedules  
Date: May 12, 2005

PEF/encon wishes to thank you and Assistant Commissioner Jack McKeon for attending our March LM meeting. We appreciate your offer to meet and discuss the issue of Work Schedules, as it is of high concern and interest to our members. To aid in analyzing the numerous responses that we received from our members concerning this issue, we formed a committee. Our committee members, Holly Clark, RoseAnn Garry, Diane Kulzer, Toni Norfleet, and myself, are available to meet with you at your convenience.

Informal surveys by PEF/encon indicate that approximately 10% of current DEC staff have start times before 7:30 A.M.. The varied benefits identified may be categorized as follows:

- Consistency with DEC's Mission
- Recognition of the Professionalism of DEC staff
- Consideration of the Personal Responsibilities of DEC staff
- Environmental and Safety Considerations
- Job Recruitment, Retention and Morale.

Consistency with DEC's Mission: The mission of the department, as stated in Section 1-0101 of the New York State Environmental Conservation Law, is to "conserve, improve, and protect its natural resources and environment, and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being." Staggered start times over the widest range possible (7:00 A.M. and earlier) allows for a reduction in traffic congestion - thus reducing air emissions and fuel usage. DEC should act as a role model and practice what it recommends others do in State Implementation Plans.

In addition, current staff who start before 7:30 provide necessary coverage for responding to incidents, questions and/or concerns from the public, commercial enterprises and other agencies. Many industries, such as asphalt plants, landfills, waste treatment and transfer stations, generate citizens' complaints earlier than 7:30 A.M. For instance, NY State has thousands of waste management facilities that have a significant potential to negatively impact public health, safety and the environment. A resident can quickly become irate when their complaint call is answered by a machine and not a person. The earlier DEC has staff available, the better the citizens of New York are served. Protecting the environment is not just an 8:30 to 4:45 office activity.

Recognition of the Professionalism of DEC Staff: Staff has been recognized by the Department in a number of ways for their professionalism in carrying out DEC's Mission. At the recent Albany dialogue then Commissioner Erin Crotty noted the professional commitment of staff to protecting the natural resources of NY State. Not only does removing the option of a 7:00 A.M. start time imply a distrust of the staff by management, it also contradicts the effective and efficient work this Department has accomplished over the many years that an early start time has been practiced. Current work schedules and practices accommodate the Department's needs, while respecting the employee's professionalism and family responsibilities.

Consideration of the Personal Responsibilities of DEC Staff: Many employees maintain a start time before 7:30 A.M. to accommodate child care, elder care and other dependant care responsibilities. For those who are single parents, those who deal with difficult spousal work schedules, and those whose children may require more than the normal amount of attention or supervision, this need is especially important. Many of these employees have already worked out a schedule that allows them to perform needed high-priority duties in their personal lives while still being fully contributing staff members at DEC. For example, a start time before 7:30 A.M. allows some parents the ability to be home when school is over. It also provides the ability to make medical appointments, etc., later in the afternoon without the necessity of using leave credits. An early start time is critically important not only to a single parent and those with ailing or elderly relatives, but also to dual working families who currently are able to have one parent work early, while the other works a later shift.

There are other personal situations which can best be accommodated by an early start time. For example, observant Jews must leave work early on Fridays to make it home before sundown, the start of the Sabbath. Likewise, Fridays are the holiest days of the week for observant Muslims, who must attend extra prayer services and perform other charitable and community services on that day. Work schedules that accommodate these needs also benefit DEC, since a full day of work is achieved because activities necessitated by personal responsibilities are undertaken outside of the employee's work hours.

Environmental and Safety Considerations: DEC's State Implementation Plans encourage various alternate work schedules to achieve one of two goals; either eliminating a vehicle trip altogether, or having it occur outside of the rush hour travel periods. PEF/encon received comments from members throughout the State that due to logistics the current participation of a DEC employee in a car pool with a non-DEC employed spouse or neighbor(s) depends upon the ability to start before 7:30 A.M. A later start time will require that the DEC employee travel to work alone. Public transportation is also less crowded, more dependable, and provides faster service earlier in the day.

Commuting outside of the morning or evening rush hours takes less time and fuel. Stop and go traffic, as well as the seesawing of vehicle speed, waste fuel and increase emissions. The optimum travel characteristic to conserve fuel and minimize emissions is a constant speed above 20 MPH. The personal safety of staff, as well as the general public, is also directly affected. Free flowing traffic is much less stressful. Traveling during non-congested periods and walking from parking and/or transportation points during daylight hours greatly reduces the risk of personal harm. It also minimizes having a logjam of cars trying to park or leave for home, while pedestrians are trying to walk across the same streets.

Job Recruitment, Retention and Morale: The Preamble of Executive Order 68 is “Agencies of government must constantly seek to maximize productivity of operations and the quality of services provided to the people of the State, and at the same time, enhance employment opportunities for qualified persons unable to obtain employment under conventional work schedules.” It is State policy “to encourage and promote the implementation of alternate work schedules” to:

- “provide increased availability of public service . . .”;
- “increase the number and caliber of individuals available for recruitment into State services”; and
- “increase employee morale and reduce absenteeism . . .”

At our March LM meeting, you expressed interest in expanding the diversity of DEC’s work force. Allowing start times before 7:30 A.M. is consistent with this goal.

The juxtaposition of DEC needing a DOB waiver to promote DEC employees, while not needing a DOB waiver for the use of contractors in lieu of DEC civil servants, has caused a serious backlog on numerous promotional lists. In addition, state salaries have not kept pace with the high cost of living. Because of these factors, as well as other individual circumstances, some DEC employees, particularly in the lower grades, have outside employment. Starting times before 7:30 A.M. can accommodate employees with this economic need, while not impinging on their ability to work a full day for DEC. Also as noted above, it allows many parents the ability to work a full day, while accommodating family needs and minimizing the costliness of daycare, etc.

Staff perform a number of tasks that often require starting early, from maximizing daylight hours for field work to accommodating various stakeholders’ schedules for meetings and training sessions. Requiring staff to maintain an early start time to perform monitoring and/or investigative tasks part of the year and then shift to a later start time for the rest of the year only adds a layer of complexity to providing for child care, elder care and other dependant care, or outside employment. These arrangements generally require a pre-set time of coverage throughout the year. Adding the burden of alternating scheduling times throughout the year is neither warranted nor welcomed by those potentially affected.

Summary: Most DEC employees are self-directed and decide when extra or odd hours are needed to get a job done right. Many supervisors understand this and believe that what is important is that the employee effectively performs the job and works the appropriate hours. The March 7<sup>th</sup> memo and the draft policy will negate these mutually beneficial arrangements by restricting the ability of supervisors to allow flexibility and increasing the approval process and documentation surrounding schedules. The more difficult it is to adjust schedules to meet program needs, the less willing staff will be to do it.

In addition, the proposed loss of flexibility between a supervisor and employee to modify work hours for occasional circumstances (e.g., staying late due to an unforeseen late arrival) will also negatively affect DEC because less work will be accomplished. Restricting “individualized work schedules” to unusual circumstances of a short duration goes in the opposite direction that private employers have been offering for years. Many managers now realize that flexibility is a

necessity of modern life and offer multiple ways to accommodate work and employee needs. It also contravenes the sentiments expressed at the SEEDS sessions that DEC needs less micro-management.

PEF/encon's survey of its members found no instances where there was no staff coverage in the late afternoon. We believe the concern over lack of staff coverage after 3:30 P.M. may be attributable to other causal factors, rather than early starts. In particular, DEC needs more staff to effectively carry out its mission, regardless of the time of day. The loss of more than 300 senior employees in 2003 removed a lot of institutional memory and expertise. In many instances, DEC now has a single employee knowledgeable in a particular field of expertise. When that employee is on leave or in the field, our ability to quickly address an issue is severely limited.

Having employees available on widely staggered work schedules increases our ability to get work done throughout the workday. Having at least some staff available early while others work a later shift can make the difference between having work done and material prepared on time for morning meetings, short deadlines, etc. or not. In short, work schedules of this type have provided benefits to the agency as well as to the employee.

Finally, PEF/encon also believes that certain managers are reluctant to openly deal with an employee who requires more direct supervision. That is, entire sections, bureaus and sometimes even divisions are subjected to blanket prohibitions and restrictions, in lieu of a supervisor counseling an employee on an individual basis. Thus, dedicated employees are broad-brushed with unnecessary and counter productive policies.

PEF/encon looks forward to meeting with you and discussing this further. It is our belief that we can offer you a perspective that the supervisory chain of command cannot offer.

CC: Assistant Commissioner Jack McKeon  
Director of Management & Budget Nancy Lussier  
Director of Employee Relations Joe Lattanzio  
Director of Personnel Carol LaVigna  
PEF/encon Stewards