

**STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION LABOR/MANAGEMENT COMMITTEE REPORT
December 3, 2003**

Attendance:

PEF:

David Persson, LM Chair
Karl Berger, Albany LM Co-Chair
Chris Spies, Region 1
Joseph Battista, Region 3
Andy Marcuccio, Region 4
Mike Grove, Region 5
Frank Flack, Region 6
Terry Tyoe, Region 6
Thomas Gragg, Region 7
James Kersten, Region 9
Kevin Hintz, Region 9
Mike Keenan, Albany
Wayne Bayer, Albany
Holly Clark, Albany
James Trossbach, Albany
John Donlon, Albany
Tim LeBarron, Albany
Kuldeep Gupta, Albany
Vimal Minocha, Albany
Jim Kemenash, PEF Field Representative
Josephine Rice, PEF

Management:

Carl Gonzalez, DEC Employee Relations
Carole LaVigna, DEC Director of Personnel
Kathi Lederach, DEC Bureau of Personnel
Everett Chamberlain, DEC Director of Fleet Management
Gail Balluff, DEC Employee Relations
Marie Furlong, DEC Employee Relations

PEF's questions and statements are in bold faced type.

Management's responses are in italics.

I. New Business:

1. Budget

- a. Please provide Strategic Planning Update. DEC has been hiring private contractors/consultants, to perform services that are vital to the taxpayers and the agency. These contractors, by nature, are short term and have no permanent association with the agency. They have to be trained when they start the project, just like a new hired employee would be and all skills acquired during a project leave with them after a short time, when they supposedly finish the project. The taxpayers end up paying dearly, both short and long term, for these contracts and this can be avoided if the agency directs its efforts towards bringing in new skilled workers to get the job done instead of contracting the work out. What is DEC's plan to limit hiring of contractors to only when absolutely necessary and investing in hiring new talent and developing a long term pool of skilled workforce.**

Management's response: We are still awaiting updated information from the Executive Office. As soon as we receive this, it will be provided in the minutes.

- b. On September 19, 2003, pursuant to DOB Bulletin H-1025, what was DEC's recommended full-annual savings of new or renewal contracts for state operations, aid to localities, capital projects and installment purchase financing for April 1, 2003 to March 31, 2004? What changes or additions did DEC make to the initial report?**

Management's response: This continues to be a work in progress. We will provide updated information as an attachment to the minutes when available.

- c.(1) Has DEC received cash ceiling information and justified non-personal spending, and personal services beyond October 31, 2003.**

Management's response: Additional allocations were distributed on 11/17/03.

- c.(2) Has DEC developed an annual plan for the \$168 million that the Legislature budgeted for Superfund program? How will the \$15 million in Technical Assistance grants be spent? Will the 55 associated positions be new or transfer positions?**

Management's response: Planning is still underway.

- d. Has DEC filled the 37 secondary backfill waivers?**

Management's response: There may be a couple appointments still pending, but virtually all have been filled.

- e. Is the project date for the Region 4 move to the industrial park still April 2004? Has management engaged in meaningful discussions for PS&T unit members in the context of a Joint Labor/ Management Quality of Worklife Committee, which shall make recommendations to the Regional Director? In this regard, Andy Marcuccio should be the PEF steward contacted.**

Management's response: There is nothing new to report on the new Region 4 building. Updated information will be provided when available. When appropriate, the Regional Director has agreed to the formation of a group to share ideas and involve employees in the process.

- f.(1) What is the status of the additional 28,000 square feet at the New Paltz office? Is the schedule to start construction project still January 2004?**

Management's response: The design and contract documents have now been completed by the consultant and were received by the Department on 11/26/03. These are now undergoing final review. We plan on having this project go out for bid in January with construction estimated to begin in April.

- f.(2) Does management continue meaningful discussions for PS&T unit members in the context of a Joint Labor/Management Quality of Worklife Committee?**

Management's response: Yes. The Regional Director will continue to schedule meetings with appropriate staff. The regional director will continue to solicit comments/suggestions from all staff and will continue these meetings as appropriate.

- g. PEF requests copies of current 23 Memoranda of Understanding with SUNY. PEF provided examples from previous minutes: Cayuga Community College, SUNY Buffalo, RACNE Hazardous Waste Management, SUNYE.**

Management's response: It appears there are approximately 23 such MOUs that may be currently active. The Department is having some difficulty identifying and locating these MOUs. We will continue to explore the feasibility of providing these to PEF. As these MOUs may be spread amongst many DEC divisions, we ask that PEF provide more specific identifying information if possible. This may assist the process. Management will follow up with the Regional Directors.

- h. Has DOB approved the 427 new vehicles? Did DEC revise OAD-17 for compliance with Budget Bulletin D-1110?**

Management's response: There are actually 382 vehicles pending procurement approval. For SFY 2003, 45 vehicles were purchased prior to the vehicle moratorium being implemented by DOB.

OAD-17 has been revised per Budget Bulletin D-1110. It will be forwarded to DOB later this month for their review and approval. Copies of the draft policy have been sent to all unions for review and comment with a requested due date of COB 12/10/03.

- i. In 1999, Governor Pataki proposed a comprehensive legislative package that included a modest increase in sporting license fees designed to sustain the Conservation Fund and improve hunting fishing and trapping opportunities in the state. How does management propose to keep their promise of maintaining and enhancing programs when the Division of Fish, Wildlife and Marine Resources has experienced a 20% reduction in staffing since 1999? PEF requests the information be provided within 2 weeks.**

Management's response: Management has no information to provide at this time. We are still awaiting a response from the Program which, when available, will be included in the minutes.

2. Civil Service

- a. How many positions are filled?**

Management's response: As of the Payroll on 11/19/03: 3,255 filled positions.

- b. Did Civil Service approve Job Classification Standards with professional titles of Biologist, Chemist, Engineering Geologist, and Environmental Engineer.**

Management's response: Civil Service issued a classification standard in November 2003 for EPS 2, 3 and 4. Civil Service is still reviewing the others.

- c. **What is the DEC plan for exams and are any changes planned in the minimum qualifications? Please provide us with a list of all possible promotion examinations that DEC may hold in 2004 that are likely to only use the Promotion Test Battery.**

Management's response: Promotion examination plans for 2004 are still tentative. Approximately 2 months before an exam is announced, Personnel Office staff and appropriate program managers meet with Civil Service to determine minimum qualifications and test format.

- d. **Is there a schedule for submission of the Division of Fish, Wildlife, and Marine Resources fiscal impact forms for the request to Civil Service for increased hiring rate for the 55 Biologist 1 and Biologist 2 (all parentheses) for appointments in Regions 1 and 2? PEF requests information on how much funding will be involved.**

Management's response: No.

- e. **How does management propose to address fiscal issues management to support salary grade parity between the career ladders of the Natural Resources and Quality divisions? Does Management have all organizational charts for comparison? e.g. Regional forestry manager is a Forester 3, G-25 vs regional Fish, Wildlife and Marine Res. managers that are Bio-2, G-23.**

Management's response: This is a discussion/decision that Management will have/make at the appropriate time. We do not yet have all organization charts. The next work group meeting will be in January 2004.

- f. **PEF/encon requests that DEC backfill more than one EE2 position. The Commissioner has still not answered our April 7, 2003 letter or the October 16, 2003 follow up letter on the subject. There are 67 EE1s currently on the EE2 promotional to backfill the 46 EE2 positions vacated due to the retirement incentive and backfilling EE3 positions. The engineers on the EE2 promotional list deserve to be equitably compensated for the professional work they perform so DEC can meet its mandates and fulfill its mission.**

Management's response: The EE-1/EE-2/EE-3 question will be looked at as part of the next set of waiver development, which will look at the overall priority needs of the Department. That process is just beginning and there is currently no time frame for its completion.

3. Health & Safety

Specific updates and actions on all outstanding H&S agenda items are itemized within the Statewide Health & Safety Labor/Management Committee meeting minutes which are available on the OER website and through the respective union representatives.

PEF/encon requests a copy of the Emergency Preparedness Response Plan

Management's response: As stated previously at the last Statewide L/M meeting, this and all health and safety matters will be addressed via the Statewide Health & Safety Committee forum.

PEF/encon requests written description of the NYS Threat Levels and security enhancements as implemented by the agency and Region. PEF/encon is concerned that threat level implementation be uniform in DEC and OGS buildings, as it may affect terms and conditions of employment.

Management's response: As stated previously at the last Statewide L/M meeting, this and all health and safety matters will be addressed via the Statewide Health & Safety Committee forum.

What is the curriculum for the 100 employees to receive Incident Command System and/or Interagency Joint Operation Group (IJOG) training?

How were the 100 employees selected? Was age discrimination used in the selection process? Please provide a list of PS&T employees.

Who are the 24 Level A employees that will use the SEA Positive Air Pressure Respirators and Full face Butyl rubber respirators? Where are the three trailers? Will the employees receive adequate training to enter imminently dangerous to life and health weapons of mass destruction environments? A letter concerning this issue was given to Management.

Management's response: As stated previously at the last Statewide L/M meeting, this and all health and safety matters will be addressed via the Statewide Health & Safety Committee forum.

How will DEC expedite the placement of AEDs in state agency buildings? How many Regions have AEDs? PEF is disappointed there is not a positive response to this item. PEF understands that the ban on the purchase of AEDs by agencies has temporarily been lifted by GOER.

Management's response: As stated previously at the last Statewide L/M meeting, this and all health and safety matters will be addressed via the Statewide Health & Safety Committee forum.

4. Continuing Education requirements for NYS Professional Engineers and Surveyors

PEF/encon desires that DEC Education and Training certify and offer CEU course for all licensed engineers and surveyors employed by DEC as is currently done by DEC for attorneys.

Management's response: DEC and other agencies met with a representative from the State Education Department on December 8, 2003. As we understand the requirements of the law, only technical courses can receive accreditation. We are working with the programs to put together a package of those types of courses in an effort to obtain agency accreditation.

5. Blocked Website

What exactly is the criteria for blocking web pages, some that are being blocked are media related? Is the criteria consistent for Albany and the regions? PEF requests a list of the blocked sites.

Management's response: We are blocking objectionable sites, security risk sites, and those with potential liability to the Agency. Example categories would be Adult Material, MP3 download, gambling, Games, Illegal, Hate, Auctions and Spyware to name a few. Update: The blocking is done by the software based upon categories. The software uses a proprietary method in which sites are categorized based upon the content of the site. The software is applied consistently to all DEC locations. A web page will be set up with category statistics.

6. Fiscal Bulletin 410 -Travel Agent Services

On Nov. 12, 2003, Nancy Lussier sent a mass email to DEC employees, announcing that effective November 23, 2003, the Department will be transferring its travel service to Advantage Travel for offices located in Sullivan, Ulster, Dutchess, Columbia, Greene, Delaware, Otsego, Schoharie, Albany, Rensselaer, Schenectady and Saratoga Counties. This email further stated that to be eligible to utilize Advantage Travel each employee who travels must complete a Business Traveler Profile, which should be submitted by November 14th, if possible.

PEF is concerned about the lack of Article 28 notice to the union; the reply time of two days; the personal privacy risks of supplying credit card & passport numbers to an outside contractor; the limitation of choice of room & car rental types; and the fact that optional information was not

identified in the text of the mass email nor on the form itself. In particular, the limitation of room & car choices appears to be an unilateral change in a term & condition of employment. PEF requests that optional information (e.g., home phone number) be clearly labeled on the form. PEF also requested a follow up meeting on this subject.

Management's response: Management met with PEF on this issue. We believe all PEF's concerns were addressed and answered: There is no limitation on room or vehicle choices; the profile must be submitted before any travel (utilizing Advantage) can take place; and credit card and passport information is only required if the employee is going to use those instruments as a basis for personal identification and/or booking the service. The Fiscal Office is in the process of updating the form to "colorize" the optional blocks.

II. Old Business

1. Privatization and Organizational Development

Do the Public Officers' Law, Vehicle Use Policy, and Out Of State Travel Requests, and Compressed Workweek schedules apply to contract and grant hires? When contract employees act as agents of the State (enforcement matters), aren't they covered by the Public Officers' Law? In terms of out of State travel request, why is there a disparity between contract employees who can be granted permission by division heads while ENCON permanent employees are required to get permission from Executive? The fact that contract employees are permitted to opt for compressed work week type schedules has an adverse impact on the morale of permanent DEC employees who are unable to do so at this time. Management requested to respond to these questions within three weeks. In regards to contract employees, given the fact that some of these employees have access to restricted data, what security and screening procedures are in place to ensure that said data will not be compromised?

Management's response: Contractors are not subject to the Public Officers' Law or Out-of-State Travel Requests. Compressed work week schedules are not intended to apply to anyone other than permanent DEC employees. Any individual in the employ of DEC and utilizing a DEC vehicle is subject to the DEC Vehicle Use Policy.

Why did DEC use US Forest Service Forest Land Enhancement Program (FLEP) funds for educational programs and technical assistance to forest landowners, work traditionally performed by PS&T unit, to Cornell Cooperative Extension and Cornell University? Did DEC request hiring freeze waivers to use Federal Funds for these positions?

Management's response: The 2002 Farm Security and Rural Reinvestment Act (PL 107-171), amending the Cooperative Forestry Assistance Act of 1978 (PL 95-313) authorized the "Secretary of Agriculture to establish the Forest Land Enhancement Program to provide financial assistance to State Foresters and to encourage the long term sustainability of non-industrial private forest land, through State Foresters, in more actively managing the non-industrial private forest lands and related resources of those owners through the use of State, Federal and private sector resource management expertise, financial assistance, and educational programs." PL 107-171 further provides the "Secretary, acting through State Foresters, shall implement the program in coordination with the State Forest Stewardship Coordinating Committee and in consultation with other Federal, State and local natural resource management agencies, institutions of higher education and a broad range of private sector interests."

The Interim Final Rule for the Forest Land Enhancement Program (Code of Federal Regulations, Title 36, part 230, subpart (c), section 230.36 required the development of a 'State Priority Plan' to guide FLEP implementation in each participating state. New York's State Priority Plan is a product of the State Forester and State Forest Stewardship Coordinating Committee that received concurrence from the U.S. Forest Service.

New York's State Priority Plan designates the State Extension Forester to conduct education and outreach to enhance landowner understanding of sustainable forest management and opportunities for technical and financial assistance. The Educational Program component of the State Priority Plan identified the intention to establish two full time forester (extension specialist) positions to provide educational and technical assistance to private forest landowners, per Cornell University hiring protocols.

The State Extension Forester (at Cornell Cooperative Extension), is designated by the Conservation State Research Education and Extension Service (CSREES) to direct forestry educational programs within the land grant cooperative extension system. In development of the State Priority Plan, the State hiring freeze that existed at the time, and is still in effect, was a consideration that prompted exploration of alternatives to meet technical assistance needs identified for program implementation. Cornell University, through the State Extension Forester's office, was identified as being in a position to meet this need in addition to the FLEP educational component.

The Interim Final Rule, sec. 230.32(g), further provided that "FLEP financial assistance may be disbursed by the Forest Service to a third party that will assist in program delivery. The Forest Service may disburse funds directly to a third party, which may include but is not limited to Federal, State or local agencies, and landowner, non-profit, or private organizations with written approval by the State Forester." Technically, DEC did not give U.S. Forest Service Land Enhancement Program (FLEP) funds to Cornell Cooperative Extension or Cornell University. The FLEP funds used for outreach and education were granted directly to Cornell University by the U.S. Forest Service based on the State Priority Plan and did not come to or through the DEC.

Section 9-0713 of the Environmental Conservation Law which provides general authorization for landowner forestry assistance from DEC does not specifically speak to DEC involvement in educational and outreach activities.

DEC did not request hiring freeze waivers to use Federal funds for these positions. During the development of the State Priority Plan, a State hiring freeze was in effect. It was clear that requests for hiring approvals, even using Federal funds, were futile and would be a waste of scarce time and staff effort to pursue. Previous efforts to obtain hiring waivers under the current freeze to fill Federally-funded forester positions were not acted upon resulting in the loss of those funds as the grants expired with funds unspent and objectives not accomplished. Grant time frames and need to implement the FLEP program promptly forced the development of alternative arrangements for staffing and financing this Federal program.

The State Priority Plan identified Cornell University as a cooperating private organization that would provide educational and technical assistance. No federal funds were received by DEC that were subsequently directed to Cornell University. The U.S. Forest Service granted funds directly to Cornell University based upon its request and proposal to meet FLEP purposes identified in the State Priority Plan.

Why doesn't DEC use FEMA funds to hire DEC employees to administer grant instead of IAGT personnel?

Management's response: No information to provide at this time. When available, a response will be included in the minutes. Update: Once again, the DEC has not hired ANY IAGT staff. We are partnering with SUNY/Cayuga Community College/Regional Application Center North East (RACNE). The RACNE, part of SUNY, has widely recognized existing expertise and capabilities in the Geospatial sciences. RACNE is hiring staff to work along side our existing NYSDEC staff in order to accomplish the program goals and outputs. If funding from DEC stops, these RACNE staff may be reassigned by the College to other RACNE projects or programs, depending upon available funding. Under existing DOB hiring freeze restrictions, it is currently impractical/impossible to hire DEC staff in order to meet federal output requirements within the given time frames of the grants. Given the uncertain nature of funding for this program and the changing policies at the federal level, Program is not convinced that hiring permanent, long-term staffing to carry out the flood plain mapping program is the most efficient and effective method of accomplishing our program goals.

The Division of Water is currently reevaluating which elements of the flood plain mapping program are essentially and most effectively carried out by DEC staff, which elements are best carried out by our partners such as the RACNE, and which elements are more appropriately carried out through an open procurement process. These discussions are now ongoing with staff, the RACNE, FEMA and our Contracts and Legal Offices.

**Why did DEC hire work traditionally performed by PS&T employees by approving contracts over \$3 million State Wildlife Grants for wildlife conservation projects?
Did DEC request hiring freeze waivers to use Federal Funds for these positions?
Why did DEC contract with Bagdon Environmental for wetland mapping?**

Management's response: No information to provide at this time. When available, a response will be included in the minutes.

2. Environmental Monitors

Is there a new policy to replace Organization and Delegation Memo #92-10? PEF requests copies of the cost benefit analysis to change this policy. How many 3rd party environmental monitors has DEC caused to be hired? PEF has been told that a new policy memo will be developed and asks when it will be issued/what are the contents?

Management's response: This question has been asked and answered. There is no further information to provide, and we request that it be dropped from the agenda.

3. Boards and Commissions

On September 19, 2002, PEF/encon submitted a FOIL. When will the Office of Legislative Affairs provide a complete membership list for all Department boards and commissions, and a list of all Department personnel approved to represent the Department on all non-Department appointed boards, commissions, or other similar panels? Such lists should include

names, addresses, and expiration terms of members. PEF requests that the roster include the titles for personnel.

On what boards and commissions is the Department represented?

Management's response: This question has been previously asked and answered. Please refer to the minutes of the March 13, 2003 meeting. Every Division affected by this listing is making an effort to update the information and then the request will be honored. Management's current list is internal, incomplete and inappropriate for distribution. Management suggests PEF follow up with the FOIL Officer on their request.

4. 625 Broadway

(a) The DEC Albany office needs convenient and easily operable means of entry into and exit from 625 Broadway, as well as full accessibility to mail rooms, nurse's office and training rooms, first floor meeting room, and heavy glass doors in EFC and 13th/14th floor for the physically disabled throughout the building. PEF/encon requests that DEC urge Picotte management to use some of their \$3,339,737.50 Green Building Tax Credit savings to finance the necessary renovations to upgrade the building for full accessibility. Door openers should be installed and threshold lips corrected. PEF offered to work with management.

Management's response: This is a Central Office issue and it is being addressed by the Central Office Health & Safety Committee.

(b) Despite the fact that nearly 2000 DEC employees have been at the 625 Broadway offices for over 2 years, neither the City of Albany and/or the State of New York have yet to install a sidewalk from the most northern-most section of the Water Street parking lot nor has a legal crosswalk been marked on the pavement across Water Street for individuals to use who pay NYS OGS to park there.

What improvements for pedestrians coming from the Water Street parking lots to 625 Broadway were made this construction season? PEF believes that this is a dangerous situation and an accident waiting to happen.

Management's response: This is a Central Office issue and it is being addressed by the Central Office Health & Safety Committee.

5. Pre-Tax Transportation Program

Due to the cancellation of the New York City pre-tax transit pilot program and the negotiations currently taking place to implement a new program, PEF requests that Commissioner Crotty write a letter to GOER and the Governor that supports a fully implemented Statewide pre-tax transit program because this program is congruent with the Department's mission. If the current negotiations result in a plan for a pilot program limited to New York City, will DEC request that GOER include DEC employees, especially since the cost of public transportation has recently increased by 25 to 33%.

Management's response: PEF has previously asked that this issue be tabled, and Management agreed. We have no new information to provide. The Department has no plans to consider this program at this time.

6. Employee Time and Attendance Handbook

PEF believes it is incumbent upon DEC to provide timely and accurate information to its employees. Various sections of DEC's Employee Time and Attendance Handbook have been superceded by later documents such as the Fair Labor Standards Act, PEF Contract, Office of State Comptroller (OSC) Bulletin # G-180, OSC Travel Manual (10/98) & OSC Traveler's Guide (10/98). For example, Section 5.1.6 conflicts with federal and state laws and regulations concerning time worked and should be corrected to read as follows: "Time spent by employees for actual travel and/or service performed while traveling is compensable work time provided that the travel is between the employee's residence and a work site other than their official station." PEF/Encon provided errata concerning other discrepancies to management at the November 29, 2001 Labor Management meeting. When will Management and Budget distribute a revised edition of the Employee Time and Attendance Handbook, which has not been updated since January 3, 1994? PEF requests a one month review of the draft. PEF reminds Management that at the October meeting Management made the commitment to make PEF part of the review/comment process before finalization.

Management's response: This handbook is now undergoing a final review.

7. Failure to Provide Travel Advances

When will Fiscal Bulletin 354 for Travel Advances be updated?

During the State Fair, what steps did DEC take to ensure that travel advances continue and not on a first come, first serve basis? This method is still unacceptable to PEF. We request that you increase the monies available. PEF asked if employees could be given meal advances, such as is the practice in other agencies. PEF requests that social security numbers should not be used in the on-line travel voucher system.

Management's response: This item was asked and answered in the minutes of the 10/02/03 meeting.

8.(a) Contracting Out Computer Services

What are the actual itemized listing of expenditures by vendor for SFY 2003-04, budget costs, and purpose of contracted out computer support?

Management's response: Please refer to Attachment A of the minutes.

8.(b) PEF requests an update on DECALS and MCI (WorldCom) remaining five (5) DECALS applications including the internet sales application, the ad hoc query application and the sportsman education application responsibilities and OSC approval of the contract amendment. Did DEC recover costs from MCI (WorldCom)? How much over budget were the costs to design, implement, and retrofit the new DECALS program? If there was \$30 million in sales, how much is DEC paying them?

Management's response: On August 18th sales for the upcoming hunting season began. The system has been performing effectively with over \$30 million in sales. DEC continues to work with MCI on correcting defects and to set priorities on the remaining five (5) DECALS applications. The contract amendment is still in the process of development. Tax & Finance continues to handle phone sales that exceed MCI's capacity. Management to follow up on whether a copy of the contract is available.

9. Internet Acceptable Use Policy

PEF's improper practice charge alleged that EnCon violated the Taylor Law when it unilaterally issued an Internet Acceptable Use policy in October, 1997. Will a revised policy be issued by the Governor's Office for Technology on personal use of the internet?

Management's response: There has been no activity on this matter since the last meeting on March 11, 2003 at PERB. We still have not received any notice from the Governor's Office for Technology

on the issuance of a policy addressing personal use of State Internet services. This matter remains on hold at PERB until January 7, 2004.

10. Labor/Management Training

PEF/encon requests that joint LM Training be tabled.

Management's response: Agreed.

11. Scheduling of L/M Meetings

The next Labor/Management meeting is March 11, 2004 PEF requests that Commissioner Crotty attend. A Commissioner last attended a meeting June 15, 1995, over 8 years ago!

Management's response: We will extend PEF's invitation to Commissioner Crotty to attend the next meeting.

12. Pollution and Energy Reduction Committee (PERC)

Has the Executive approved the nine (9) out of ten (10) days compressed work schedule as a permanent offering in the Central Office and transmitted the request to the Department of Civil Service for formal approval of the program in the DEC Central Office? Has the Executive reapproved the telecommuting expansion in the Central Office which was put in abeyance in Nov. 2002?

The full implementation of these two programs in the central and regional offices would reduce pollution across the State and concurrently improve employee morale and productivity. Thus, PEF requests that the CPP and telecommuting programs be offered to all regions without delay.

Management's response: A decision on both programs currently remains at the Executive level.

13. Laboratory Consolidation

Will DEC build the \$25 M three bay light duty Automotive Emissions Laboratory (AEL) with funding from the Clean Water/Clean Air Bond Act under NYSERDA?

Management's response: No new information to provide at this time. As stated during the last meeting, SUNY East is no longer the designated site for this laboratory. It was determined that the available (SUNY East) land was unsuitable for this purpose. The Department is now in the process of determining whether or not to build this laboratory somewhere else. If a determination is made to build on an alternate site, the Department will work with OGS toward this end.

14. Acting Positions

Albany

Solid & Hazardous Materials

Is the Pesticide Reporting Section Chief filled?

Management's response: No.

REGION 1 Regional Spills Engineer position filled?

Management's response: No.

PEF requests that waivers be submitted for the vacant positions and that they in fact be filled.

Management's response: So noted.

DEC

PEF/ENCON

David J. Penson

DATE

February 13, 2004

IT Contractor Report as of 12/02/03

| <u>Vendor Name</u> | <u>Cost to date</u> |
|-----------------------------------|---------------------|
| Annese & Associates | \$49,700.00 |
| CMA Consulting | \$38,400.00 |
| Genesys Consulting Services | \$117,737.75 |
| IBM | \$29,827.20 |
| IMG | \$298,791.96 |
| Keane | \$116,146.00 |
| Phoenix | \$156,000.00 |
| Raytheon | \$2,750.00 |
| Systran/Dyntek Services | \$243,397.00 |
| TRC | \$108,465.00 |
| Grand Total Purchases | \$1,161,214.91 |

[12/02/03]