

**STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION LABOR/MANAGEMENT COMMITTEE MINUTES**

December 4, 2008

Attendance:

PEF:

David Persson, LM Chair
Karl Berger, LM CoChair
Chris Spies, Region 1
Carl Fritz, Region 1
George Stadnik, Region 2
Keith Browne, Region 3
Densford Escarpeta, Region 3
Andy Marcuccio, Region 4
Kristofer Alberga, Region 5
Terry Tyoe, Region 6
Frank Flack, Region 6
Jim Kersten, Region 9
Kevin Hintz, Region 9
Wayne Bayer, Albany
John Donlon, Albany
Mark Hyland, Albany
Mike Kanuk, SUNY-East
William Wurster, Albany
Denise Hobson, Albany
Tim LeBarron, Albany
Holly Clark, Albany
Kuldeep Gupta, Albany
Ed Bradley, PEF
Josephine Rice, PEF

Management:

Joseph Lattanzio, DEC Director of Employee Relations
Carole LaVigna, DEC Director of Personnel
Mark Cadrette, DEC Director of Health & Safety Unit
Carl Gonzalez, DEC Employee Relations
Gail Balluff, DEC Employee Relations
Nina White, DEC Employee Relations [Minutes]
Jennifer Nicosia, Guest of Civil Service

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

Management's responses are in italics.

It was mutually agreed that the minutes will be finalized within 30 days of the meeting.

1. **Privatization**

Form B ("State Consultant Services Contractor's Annual Employment Report) must be submitted each year that the contract is in effect.

Form B captures historical information, detailing actual employment data for the most recently concluded state fiscal year. This form is submitted by the Contractor to the Department, OSC and Civil Service by May 15th of each year. OSC and Civil Service are required to report on this information by July 1st and September 30th, respectively.

What is DEC's analysis of report? How can DEC justify the \$64.06/hour per contractor compared to the average cost of a PS&T unit employee?

What compelling reasons will justify further contracting out?

For 2007-2008 DEC reported 132.28 contractors as required by Chapter 10 of the Laws of 2006, the Procurement Stewardship Act. How many are still employed by DEC? 16.5 million dollars being spent on contractors. 4.5 hrs work received \$25,000. PEF would like the number of contractors reduced. PEF provided chart of how much is spent for contractors. \$71 million in unreported contracts. Would like an explanation of what DEC's analysis of this report is.

Management's response: We are limited to a specific target for staff. That target is 3506 as of March 31, 2010.

Core Mission Budgeting

Does DEC have enough employees (FTEs) to provide essential services?

How many contractors are employed in the \$182.6M Low Priority Programs?

Please identify the 7 FTE positions that are proposed to be cut.

Management's response: The Department must prioritize its responsibilities and workload within the limits set in the inacted budget.

The original PEG Plan called for a \$100,000 facilities savings up to 1.5% to be identified by 1/09. What facilities savings are already identified?

Management's response: Still being analyzed. Hopefully energy conservation can account for the savings.

What are the structural imbalances in the Conservation Fund, Environmental Regulatory Account, Clean Air Fund, and Natural Resources Account and how are they being addressed?

Management's response: Management to follow up.

Lands & Forests

Did the Executive support the Lands & Forests plan for more Foresters, Real Estate Specialists, Land Surveyors, Environmental Program Specialists, Citizen Participation Specialists, Natural Resource Planners, and Geographic Information Specialists (GIS) in Budget request? If not, why not? Lands & Forests did not get these positions.

Management's response: As stated previously, Executive supported additional staff for a variety of offices. Again, just four items were approved in the final Budget. Three were for Invasive Species and one for the Canal Mitigation Task Force. All are General Fund items. All will be Civil Service titles (two Biologists, a Forester in the Invasive Species Unit and an Engineer or Environmental Program Specialist for the Canal Mitigation Task Force.)

Marine Resources

Will permit application fees be reinstated for the Tidal Wetlands (Art. 25 - Part 661, Protections of Waters (Art. 15 - Part 608) & Fresh Water Wetland Programs (Art. 24)? If so, when? These fee's will allow the Marine Habitat unit vacancies in East Setauket (central office), REG'S. 2 & 3 to be filled including hiring of a dedicated Marine Enforcement Unit ECO's & Program Attorney's, support staff, marine fish habitat restoration projects & marine access projects (for fishing - piers/wharfs & boat ramps).

Will a salt water fishing license be implemented by NYS DEC before the Federal Gov't implements it for NYS & retains the fees? If so, when? Will it be contracted out similar to DECALS? Wants a Marine Resource Fund established so money goes back to Marine Resources.

Management response: Discussions with legislature, DOB and the Governor's Office are on-going.

If/when we have a marine recreational fishing license, it would be issued via DECALS like other sporting licenses would be.

Bulk Storage

Legislation modified both the PBS AND CBS statutes for equivalency with EPA's UST regulations and the Energy Policy Act of 2005.

Will implementation of this legislation require additional technical and legal staff?

Is DER using a 2 year grant from EPA to contract out (CDM) inspections at federally regulated facilities?

Management's response: Implementation of changes to the ECL in July 2008 regarding PBS and CBS requirements will not, by itself, require additional technical and legal staff. Steps to implement the changes include, 1) promulgation of implementing regulations (typically takes 1.5 - 2 years to complete), 2) providing associated guidance to staff and the regulated community (on-going), 3) developing and implementing an operator training program (concurrent with the development of regulations), and 4) adjusting DEC inspection procedures. These tasks can be completed with existing staff. According to DER staff, yes, they received a federal grant just for the purpose of catching up on the backlog of inspections of underground storage tanks; they are using a pre-existing standby contract.

What are funding sources?

Management's response: Funding sources to implement the new changes to the bulk storage requirements in the ECL come primarily from a combination of the NY Environmental Protection and Spill Compensation Fund (the "Spill Fund") and federal grants.

Contracting Out Computer Services

Has DEC filled positions from other higher grade titles and provided alternative promotional opportunities?

Has DEC replaced IT contractors with PS&T unit employees? Do they have to be on an eligible list? Concerned they may be of more value than PEF DEC employee because of their expertise. PEF is opposed to Insourcing.

Management's response: Personnel staff met with managers of DIS to further discuss the idea of In-sourcing as a means of eventually being able to offer contract employees permanent NYS/PS&T positions. The Office for Technology was able to provide detailed information on how they went about this process. It will require collaboration between DEC, Civil Service and the Division of the Budget and must start with the identification of current contract employees duties, along with an explanation as to why these duties cannot be performed by current DEC employees. DIS is now preparing duties descriptions for each contract employee. Once Personnel receives this information, the requests will be evaluated and the Next Steps will be discussed. Personnel has not idea where these contractors are. Ultimately there will be an eligible list. Come in on entry level, open competitive level. If person had prior service, there is a provision to allow contractor to start at a higher level based on training & experience. Example of a Research Scientist. Non-competitive, specialized in their work. Generally one step for each year. If they have masters degree could be hired at higher rate. Non-competitive position no way to test for that.

Policy on Travel in Proximity of Official Station or Home

Will DEC establish a reasonable reimbursement policy that provides for reimbursement in excess of the "lesser of mileage rule" for business-related mileage when an employee is not in travel status? Currently paying the minimal. Will the Dept consider more? DOT & Labor use portal to portal. Something posted on website. 60-Day issue may discourage employees to submit their travel voucher. Need to make employees aware that they can still get reimbursed. Some Supervisors are not approving travel vouchers if it goes beyond the 60-day time limit. Please follow up with Nancy Lussier.

Management's response: No new information. Please send email to Joe regarding this. Trying to change wording on the 60-day limit because of corporate card amounts need to be processed. Dept. Not aware of any situations. Working with Management & Budget on this issue.

The Bicycle Commuter Benefits Act that was signed into law by president Bush on October 3, 2008 as part of the Wall Street Bailout allows for employer reimbursement of up to \$240/year for bicycle commuters. How is this being implemented by DEC? It would be ironic if this most environmentally sound of the commuter fringe benefits pursuant to IRC Section 132(f) would not be offered by our agency. Dec 1st email sent to Joe.

Management's response: We have heard nothing on this program to date from GOER. While this program would be attractive to DEC, it would be considered a statewide benefit for all Agencies and, as such, would be subject to Negotiation at the GOER/Big PEF level. Will follow-up.

2. **Work Schedule Flexibility**

Did GOER approve CPP submission?

Management's response: Yes.

When will DEC management implement CPP?

Will the current participants be grandfathered into the CPP program?

Management's response: Update: Written policy has been issued. Applications due to Division/Regional Directors by March 6, 2009. Current pilot participants must reapply.

3. **Diversity**

Diversity of the workforce includes age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, or marital status. How does DEC propose to increase diversity?

Management's response: Diversity of the workforce is ongoing through various recruitment efforts in conjunction with the Bureau of Personnel and the Department of Civil Service. The Bureau of Affirmative Action works daily in cooperation with Divisions, Regions and Executive Staff to enforce the Department's policy on Equal Employee Opportunity as outlined in OAD 13.

Has DEC completed edit of the June 2, 1997 Affirmative Action Plan?

Management's Response: No. The Draft remains pending review/approval in the Legal Office.

What are DEC's specific goals and timetables for the prompt achievement of full and equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans?

Management's Response: Achievement of full and equal employment opportunities is an ongoing Department initiative. The goals & timetables are in accordance with the Law and are outlined in the Draft AA Plan.

Has DEC Legal completed review of this plan?

Management's Response: The revised AA Plan remains pending review in the Legal Office.

When will DEC provide the Freedom of Information Law request dated June 30, 2008 seeking copies of the Agency's Diversity Workplan and latest utilization report?

Management's Response: A response to the June 30, 2008 FOIL request was provided in July 2008. The Bureau of Affirmative Action was unaware that PEF was unsatisfied with the response that was provided. The Diversity Work plan is the Affirmative Action Plan which is under review in Legal and the utilization summary information is contained within the Annual Reports that were provided in the FOIL Response.

The utilization plan/report is available to all at <http://www.cs.state.ny.us/hr/docs/2008.pdf>. This provides up-to-date information on DEC's workforce utilization, however, it is not entirely accurate in the sense that the seasonal population at the time the report is run is included in this count (thus the 4,330 employees). So in actuality the percentages are also skewed. But the same holds true for all agencies with a large seasonal population. The seasonal population also accounts for the majority of the "unknown" employees as these employees typically do not report ethnicity.

The Bureau of Affirmative Action remains ready to respond to request for information from PEF and looks forward to working with the union to achieve Department goals.

Does DEC give sexual harassment prevention training to 400 people EACH year? Which regions are in most need of diversified programs? Make a request for info to be provided in future. Should not have to FOIL to get this info. Should be on C.S. website. We have an award winning Diversity program here at DEC.

Management's response: Sexual Harassment prevention Training is provided annually to Department employees in the most efficient manner possible. The Department cooperates with other State agencies to take a collaborative approach to providing training to NYS employees. At least 400 DEC employees are trained each year. Additionally, refresher sessions are available via the GOER Online Training Site to all employees at any time. The GOER training, while not a replacement for classroom training, meets the requirements of the Law and is an immediate and viable resource.

4. Promotional Ladders

- a. **Did Fish & Wildlife develop justifications for individual Natural Resources titles to be reclassified for parity with Environmental Quality? Executive had the Natural Resources and Geographic Pay Differential packages since December 2005. Is any part of the original package still being pursued?**

Management's response: As far as we know, nothing has been developed, nothing has been submitted and no progress has been made.

5. Environmental Management Systems

Tabled

6. Civil Service

- a. **How many FTE DEC positions are currently filled?
How does DEC intend to meet target without attrition?
Will DEC participate in a retirement incentive, if approved?**

Management's response: 3697.7. We do intend to make our target with attrition.

We have not heard of any decision to offer a Retirement Incentive. If a program is offered, the Department will certainly consider participation.

- b. **Did DEC fill all waivers?**

Management's response: Yes.

- c. **Did Civil Service approve Job Classification Standards with professional titles of Environmental Engineering Technician and Environmental Analyst?**

Management's response: No, not yet.

- d. **When will DEC ask Civil Service for the downstate geographic pay differential for the Biologist 1 and Biologist 2 (Marine) in Region 1 and 2? Bureau of Marine Resources organizational chart dated 10/15 shows that the entire Bureau (all programs; all regions) has 27 funded vacancies of 92 funded positions. The fact that the high percentage of vacancies in BMR is "historic" and ongoing just proves that salaries are too low to recruit and retain Marine Biologists 1 & 2 in programs in downstate offices. Note that there are 14 contracted items and 92 total "funded" items in BMR, including 27 vacant items. The ratio is 2 contractors for every 13 "funded" items BUT with only 65 filled State items the ratio of contractors to filled State items is 16 out of 65 or nearly 1:4 or 25%.**

In Region 2, two dredging items (Biologist 1 - Marine) became vacant in 2004 & 2006, & the Jamaica Bay Damages Account item (Biologist 1 - Marine) became vacant in early 2008. The Region 3 regulatory item (Biologist 1 - Marine) became vacant in late 2007. This is not "historic".

The US FDA annually evaluates that program for compliance with the National Shellfish Sanitation Program. FDA's annual report noted that the unit is understaffed and in jeopardy of non-compliance.

East Setauket office BMR H/Q: Marine Resources-Shellfisheries Surf Clam (Item 37251) Biologist 1 Marine position vacant since January 2008 and; Marine Resources-Shellfisheries Sanitation Program (Item 37333; public health protection) Biologist 1 Marine position vacant since January 2008

Additionally:

How is Management implementing Commissioner Priority for "Succession Planning" in regard to the Shellfisheries Section Head, Biologist 3 Marine (Item 37329) position, which became vacant in July 2008 due to retirement? This Section Head supervises three units which implement the Department's Shellfish Sanitation Program which protects public health & welfare by performing sanitary surveys of shellfish areas as mandated by ECL13-0307; and,

Shellfish Inspection Unit The Food Inspection unit has significant public health protection functions which are supposed to have priority for backfilling.

Management's response: The Division of Fish, Wildlife and Marine Resources must first obtain conceptual approval from the DEC fiscal office before the Personnel Office will review and submit such a request to Civil Service. Further, Civil Service will not put the time in to evaluate a geographic pay differential request without assurance that it would have DOB approval. A package was submitted by

Division to DEC fiscal and was ultimately denied.

What are now listed as the Division's highest priorities?

Management's response:

Biologist 2 (Ecology), Region 2, Habitat Bureau

Biologist 2 (W), Central Office, Wildlife Bureau

Biologist 2 (W), Region 4, Wildlife Bureau

Biologist 2 (W), Ray Brook, Wildlife Bureau

Research Scientist 4 (Vet. Med.), Central Office, Direction

Biologist 4 (E), Central Office, Habitat Bureau

Biologist 3 (M), East Setauket, Marine Bureau

Lab Technician, East Setauket, Marine Bureau

How and where does management plan to accommodate the newly created Region 1 Assistant Director, Emergency Response Coordinator Position?

Management's response: No new position has been created. The Emergency Response Coordinator duties will continue to be assigned to the Regional Supervisor of Natural Resources, who reports to the Regional Director. Returned to his original program. Will follow up.

e. Has Civil Service scheduled the Biologist 2 exam?

Management's response: Yes. The Biologist 2 and 3 exams are scheduled for April 18, 2009. The exam announcements will be issued on January 30, 2009. Bio 4 coming up also.

Has Division of Budget approved the Engineer-in-Training proposal?

Management's response: No, DOB has not yet approved this traineeship proposal.

f. 42% of State workforce will be 55 within five years. What is the succession plan?

Management's response: Developing succession planning processes will be a priority. Executive would strongly welcome written suggestions from PEF.

g. Acting Positions

According to the latest Remediation Roster (September 11, 2008), the Remedial Bureau A Labs Section Chief, Remedial Bureau B Chief and Section D Chief, and Remedial Bureau D Section A are acting. Is this still the case?

Management's response: Remedial Bureau Labs Section Chief Sharlin Liu is still acting as the Section Chief. Remedial Bureau B, Bob Cozzy is still acting as the Bureau Chief. Remedial Bureau A, Sally Dewes is still acting as Section Chief.

In Solid & Hazardous Materials, Bureau Program Management - Division of Planning &

Analysis Section Chief and Hazardous Waste Radiation Management Bureau Chief are also acting.

Region 1 Natural Resources Supervisor

Management's response: Bob Phaneuf is still acting as Bureau Chief for Hazardous Waste and Radiation Management. According to program, no one is acting as Section Chief for the Planning and Analysis Section. Will follow up.

Shellfisheries Section Head, Biologist 3 Marine (Item 37329)

Management's response: This position is vacant. Jim Gilmore, the Bureau Chief of Marine Resources, is overseeing the unit.

h. Interns

Does DEC have guidelines/directives explaining to full time student interns the impact of the Ethics Law two-year ban when being employed by DEC? (Dave Persson will follow up with Carole LaVigna)

Management's response: For unpaid interns, we are not aware of anything. For paid interns, the agreement may have wording that deals with ethics, including the two-year ban. The Office of General Counsel has wording in their agreement with the law students who are contract employees. That Office indicates that Ethics Opinion 91-01 is possibly relevant to the inquiry:

<http://www.nyintegrity.org/advisory/ethc/91-01.htm> Update: Dave Persson provided additional information from DOT L/M Committee to Carole LaVigna.

7. Laboratory Consolidation

When is the next DEC, Ag & Markets, DOH, DOT, & State Police meeting to discuss the possibility of " identifying state laboratory resources in the Capitol region to try to coordinate planned and future laboratory design and construction projects so that co-location at a common site and efficiencies through use of shared facilities and infrastructure is considered. "

Did DEC share PEF's comments on the Health & Safety content of the CUH2A Document - "Study - Rough Order of Magnitude ROM & Program Validation", Final Draft, Dated, August 18, 2006, the Consolidated Laboratory Collaboration Effort. Where is DEC planning to relocate the DEC SUNY East labs?

Management's response: An informational gathering meeting was held by the Division of the Budget at the State Capitol on 5/22/08. In addition to DOB, the following agencies were represented: DEC, DOH, Agriculture & Markets, DOT, OGS, the Dormitory Authority and the Governor's Office. The State Police did not attend. On 8/12/08, OGS hosted an informational meeting for the agencies listed above and introduced CUH2A. The consultant provided a description of four (4) laboratory consolidation projects across the country and described successes and failures. No further meetings have been scheduled at this time.

DEC will share PEF's comments on the Health and Safety content of the CUH2A document at the appropriate time.

What is the staffing plan for the heavy duty Automotive Emissions Laboratory (AEL) at NYSERDA's Saratoga Technology & Energy Park (STEP) lab? What lists of staff (titles and numbers) has DAR provided for the diesel lab and the consolidated lab? Is design complete?

What is funding source?

Management's response: As reported at previous meetings, additional staffing requirements and plans will be developed as the new facility progresses towards construction and occupancy. Any State building under construction must meet the State Building Code.

DAR has provided lists of staff for the diesel lab and the consolidated lab. There has been no discussion of having NYSERDA staff there. The design has been completed.

No funds were approved in the SFY 2008-09 Budget for a Consolidated Lab. The Department continues to explore funding options.

8. Scheduling of L/M Meetings

PEF/ENCON invites the Commissioner to attend the next meeting. Proposed meeting dates: March 12, 2009; May 21, 2009; October 8, 2009 in Region 6; January 7, 2010.

Management's response: We will extend an invitation through Deputy Commissioner Jack McKeon.

9. Environmental Monitors

- a. Will DEC prepare an Environmental Impact Statement for the proposed Commissioner Policy to replace Organization and Delegation Memo #92-10? In response to PEF's March 2004 request, has the Department assembled information regarding how many independent environmental monitors the Department has caused to be hired? If not, why is the Department still avoiding answering this request after three years?**

What is the status of the new administration's review of this item?

Management's response: This matter is still under review.

- b. During October of 2004, DEC gave a public notice of its intent to change from On-Site Environmental Monitors being DEC career, civil servants to allowing the regulated entity to hire a private third-party consultant (a.k.a. "Independent Environmental Monitor") to perform this critical function of safeguarding public health. When will the analysis of these comments be completed? Who is doing this review? What is the expected time frame for completion of this review?**

Management's response: This matter is still under review.

What is the status of the new administration's review of this item?

Management's response: This matter is still under review.

10. **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.

- a. **PEF/encon requests written description of the NYS Threat Levels and security enhancements as implemented by the agency and Region. Any employee who is required to be available for immediate recall and who must be prepared to return to duty within a limited period of time must be compensated as per programs established pursuant to Article 7.17(a), Article 7.17(b), Chapter 33 of the Laws of 1999 and possibly Article 7.18 and Section 130.8 of the NYSCSL. Originally, OGS had threat levels. Before agenda item gets dropped, Dave Persson would like to follow up first with OGS. Was not resolved through H&S forum that is why it is on this agenda.**

Management's response: Mark Cadrette to follow up with Glenn Milstrey.

- b. **Does DEC support a Safety Incentive Differential request to Civil Service that expands the criteria to include employees that conduct investigations at hazardous substance spills or other hazardous substance emergencies; or inspect hazardous substance facilities sites (e.g., manufacturers, storage facilities, active/inactive waste sites); investigate and/or manage the cleanup of inactive hazardous waste sites? PEF offered to assist management's working group in draft revisions to the SID guidelines, which would be more accommodating to DEC before submittal to Executive Office for review and approval prior to submission to Civil Service.**

Management's response: Management provided PEF with the "SID" enrollment forms and payment roster per their request.

- c. **Has OGS identified the funding allocation for AEDs in yearly increments through fiscal year 2009-10?**

Management's response: The Department's AED program is almost fully implemented. All anticipated equipment purchases have been made and the remaining AED units that have yet to be distributed will be installed in the Spring of 2009. Purchased 300 units. Recently purchased 10 additional units. Do not anticipate purchasing any more.

The Health & Safety Unit continues to coordinate and track AED inspections, responder training and annual AED drills. About 700 trained responders. Can this item be dropped? Yes.

- d. **What is DEC doing to prepare for potential avian flu epidemic or pandemic? Will meetings and/or field work be suspended to safeguard staff health? Is telework an element of the Department's Continuity of Operations? Will DEC provide anti-viral medications to "essential" staff who will be required to work and be exposed to avian flu and to family members of "essential" staff being required to work and be exposed to avian flu?**

Management's response: Nothing to report. Mark Cadrette will follow-up.

- e. **Right-to-Know (RTK):** On December 19, 2003, PEF filed a statewide complaint with the Attorney General. On April 18, 2006 the Office of the Attorney General reminded DEC that 12 NYCRR § 59-1.9(a)(4) requires that safety & health programs shall provide for and encourage employee involvement in the structure and operation of the program, so that they will commit their insight and energy to achieving the goals and objectives of the safety program. When will management post results of occupational exposure survey on Insite and provide training materials on the potential health effects of occupational exposures? Employees need to know what category they are in and should receive an exit exam if they are being dropped from the program according to policy. Would like to see an appeal procedure developed.

Management's response: Nothing to report. Money comes out of MOU for Medical Monitoring. Would need to update policy. Does not feel employees have been eliminated from the program. About 2,000 employees are currently in the Medical Monitoring program. Do not grandfather employees in. EHS makes a determination of who is seen. Mark Cadrette will follow-up.

NOTE: PEF also made additional comments on the Medical Monitoring Program. OAD 11 & OAD 15 must be implemented regarding employee notification of risk category and medical monitoring examination frequency. The additional Categories 5, 6 and 7 create confusion. Health & Safety also should develop a formal appeal process.

11. **625 Broadway**

- a. PEF/encon requests "WALK"/"DON'T WALK" lights with countdown numbers at the southeastern and southwestern corners of the intersection of Water Street and Colonie Street (across Water Street). Employees parking in the Corning Preserve Boat Launch also request signals at the northeastern and southeastern corner of the same intersection (across the 787N off-ramp/Colonie Street).

Management's response: The Department will attempt to address this concern during this fiscal year.

- b. PEF/encon requests a "pedestrian crossing" sign be placed in the middle of Orange Street (the same as those successfully piloted on Pearl Street).

PEF/encon requests an update of the developments from the Executive staff's request that OGS and the Department address this issue and others related to the garage entrance at 625 Broadway.

Management's response: The Department will attempt to address this concern during this fiscal year.

- c. PEF/encon requests discussions with security and OGS regarding the new proximity ID cards for entrance to garage during work hours M-F and the blanket restriction on weekend building access. When will management brief PEF?

Management response: PEF has filed a grievance and an Improper Practice Charge on this matter which is currently being processed and is being addressed in that forum(s).

- d. **What are the arrangements to provide ID cards for those employees who are exercising their rights to not use their DMV identification number as their employee ID number and their**

DMV information to create an ID card? Regions 1, 2 &3 have their own cards.

Management's response: PEF has filed a grievance and an Improper Practice Charge on this matter which is currently being processed and is being addressed in that forum(s).

- e. **When will DEC brief PEF on the new 625 Broadway access policy?**
Management stated that a briefing would be held on this item. The briefing was never held.

Management's response:

12. Office Moves

- a. **Was the New Paltz Phase 2 (Renovation of Existing Building) complete by for November 2008?**

Management's response: Phase 2 is just over 90% complete as of the end of November. Due to slow change order approval resulting from minor changes, the anticipated move-in date is the end of February 2009.

- b. **Does management continue meaningful discussions for PS&T unit members in the context of Joint Labor/Management Quality of Worklife Committees?**

Management's response: The Region 3 Regional Director has agreed to conduct quarterly labor/management meetings to discuss this and other matters of interest to the employees of Region 3.

- c. **When will Galesi Management Corporation install Region 4 exterior lighting on north side of building to provide ample illumination on all parking areas, pathways, and sidewalks for safety of employees and visitors?**

Management's response: Town approval was received and the exterior lighting is now being installed. It is anticipated that the new illumination will be operational in the near future.

DEC

PEF/ENCON

Joseph A. Lattanzio

David Persson

DATE

3/3/09

3/9/09