

**Proposed Agenda**

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

**June 9, 2004**

**Region 8 Avon**

Attendance:

**PEF:**

David Persson, LM Chair

Karl Berger, Albany LM Co-Chair

Katy Murphy, Region 1

George Stadnik, Region 2

Keith Browne, Region 3

Terry Tyoe, Region 6

Don Nelson, Region 7

James Kersten, Region 9

Kevin Hintz, Region 9

Mike Keenan, Albany

Wayne Bayer, Albany

Holly Clark, Albany

James Trossbach, Albany

Pamela Swanigan, Albany

Fred Becker, PEF Field Representative

Josephine Rice, PEF

***Management:***

Sean Hanna, DEC Region 8 Regional Director [guest]

Joseph Lattanzio, DEC Director of Employee Relations

Nancy Lussier, DEC Director of Budget Services

Carole LaVigna, DEC Director of Personnel

Gail Balluff, DEC Employee Relations

Carl Gonzalez, 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. How many employees work for DEC under the personal services contracts with Environmental Facilities Corporation, NYSERDA, New England Interstate Water Pollution Control Commission, SUNY Research Foundation, Natural Heritage Trust, and computer consultants.**

*Management's response:*

- b. **What is the projected date for the Region 4 move to the industrial park? 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:*

- c.(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 June 2004?**

*Management's response:*

- c.(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:*

- d. **PEF requests a spreadsheet of the 32 Memoranda of Understanding with SUNY including dollar value and purpose. e.g. Cayuga Community College (RACNE), \$258,144.96 for DEC Brownfield Outreach with SUNY Buffalo (Center for Integrated Waste Management), and SUNY East (WMD)**

*Management's response:*

**2. Civil Service**

- a. **How many positions are filled?**

*Management's response:*

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

*Management's response:*

- c. **What is the DEC plan for examanations? Are any DEC promotion examinations scheduled in 2004 that will use the Promotion Test Battery.**

*Management's response:*

- d. **When will Management and Budget submit 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 parenthetics) for appointments in Regions 1 and 2? PEF requested information on the actual funding amount involved.**

*Management's response:*

- e. **Did the work group compare organizational charts and review the Fish and Wildlife report to address fiscal issues management and support salary grade parity between the career ladders of the Natural Resources and Quality divisions?**

*Management's response:*

- f. **PEF/encon requests that DEC backfill more than one EE2 position. The Commissioner has still not answered our April 7, 2003 and October 16, 2003 letters 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:.*

- g. **How will DEC recruit candidates for the Associate Bacteriologist (Marine) position if there is no Senior Bacteriologist (Marine ) title to provide a pool of qualified candidates?**

*Management's response:*

### **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.**

**3.(a) PEF/encon requests an electronic copy of the Emergency Preparedness Response Plan.**

**3.(b) When will 30 employees receive 160 hours of training to enter imminently dangerous to life and health weapons of mass destruction environments? What is the first responders' curriculum?**

**3.(c) 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.**

**3.(d) PEF requests information regarding the equipment installation and alterations to room D101 at the SUNY lab which received OGS approval. Also, PEF requests information regarding the increased chemical, biological and radiological detection equipment, as well as nuclear and explosive responsibilities that have made it necessary for the Division of Solid & Hazardous Materials to request 3950 ft<sup>2</sup> for the pesticide laboratory at the SUNY East Campus, additional space for a Homeland Security Response preparedness laboratory and a secure sampling equipment preparation and storage laboratory. In addition to these, 2500 ft<sup>2</sup> of secure, covered, heated(garage) outside space, with power supply sufficient for the storage, operation, and maintenance of up to six - 10,000 lb. Homeland Security Trailers is required. Is the \$300,000 worth of equipment that was purchased October 2003 still under warranty?**

**3.(e) Did DEC modify the Respirator Policy?**

**3.(e) How will DEC expedite the placement of AEDs in state agency buildings? How many Regions have AEDs? PEF was informed that the ban on purchasing AED's has been lifted by GOER.**

*Management's response:*

#### **4. Privatization**

**Why did DEC hire work traditionally performed by PS&T employees by approving contracts for third party contractors to perform long term monitoring and sampling of Class 4 Hazardous Waste Sites?**

**Did DEC request hiring freeze waivers to use Federal Funds for these positions?**

*Management's response:*

**Will the M/A. Com (Tyco International) contract for the design, construction, network operations, and ongoing maintenance for Statewide Wireless Network (SWN) for State, federal and local governmental entities that operate within New York State's geographic borders displace staff in Engineering & Technical Services specifically the Laboratory Equipment Designers/Communications?**

*Management's response:*

**Why did DEC hire two NEIWPC Marine Biologists in Region 1 (Stony Brook), work traditionally performed by PS&T employees?**

**Why doesn't DEC Division of Fish, Wildlife & Marine use state matching funds for the Sport Fishing Tax - Wallop-Breaux/Dingel - Johnson - Federal Grant money to fill vacant federally funded items?**

**Did DEC request hiring freeze waivers for these positions?**

*Management's response:*

## **5. Environmental Management Systems (EMSs)**

**New York State Department of Environmental Conservation (DEC) Commissioner Erin M. Crotty announced a final DEC policy that sets forth how Environmental Management Systems (EMSs) and other environmental performance improvement tools will be incorporated into DEC programs.**

**The policy also seeks to test the use of EMSs at DEC facility operations. How will DEC demonstrate the application of these systems at its own operations?**

**If DEC is to develop and implement an EMS, has the DEC estimated the costs, including: an investment of internal resources, including staff/employee time; costs for training of personnel; costs associated with the hiring of outside consulting assistance, if needed; and costs for technical resources to analyze environmental impacts and improvement options, if needed?**

*Management's response:*

## **II. Old Business**

### **1. Cultural Change**

**What is the source of funding for cultural change training to incorporate the concepts of systems thinking, creating learning organizations, and environmental sustainability throughout the everyday work of the organization?**

*Management's response:*

**2. Out-of-State Fire Crews**

**When will Commissioner Crotty and/or Regional Director Gerald Mikol respond to PEF's November 21, 2003 letter regarding DEC's policy with respect to employees participating in out-of state firefighting crews? Is there Federal reimbursement for time? Why are trained employees for prescribed burns, out-of-state fire crews and NYS fires not used when available to do the work?**

*Management's response:*

**3. iExpense**

*Management's response:*

**4. Continuing Education requirements for NYS Professional Engineers**

**Did DEC Education and Training obtain accreditation for seminar, workshop, and course CEU credit for all engineers and surveyors?**

*Management's response:*

**5. Environmental Monitors**

**As stated at the October 2, 2003 meeting, has DEC developed a new policy to embody Organization and Delegation Memo #92-10? How many 3<sup>rd</sup> party environmental monitors has DEC caused to be hired?**

*Management's response:*

**6. 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:*

**7. 625 Broadway**

- 7.(a) PEF/encon objects to the unilateral decision by management to remove previously existing doorstops which allowed increased handicapped mobility and access by disabled staff and citizens. When will management complete installation of compliant hold open devices for Vinny's cafeteria, Jerry's News, EAP, mail rooms, nurse's office and library?

**8. Pre-Tax Transportation Program**

When will GOER include all Agencies in the (NYC) pilot program PEF again requests that Commissioner Crotty write a letter to suggest to GOER and the Governor that they support a fully implemented Statewide pre-tax transit program. If this is not possible, the Capital District should be added to any pilot transit program. The transit pre-tax program is congruent with the Department's mission and the DEC Bus Subsidy Program has proven the effectiveness of transit subsidies. If the current negotiations result only 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:*

**9. 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 final draft.

*Management's response:*

**10. Failure to Provide Travel Advances**

When will Fiscal Bulletin 354 for Travel Advances and other Fiscal Bulletins be updated? During the State Fair, what steps will DEC take to ensure that travel advances continue and not on a first come, first serve basis? This method is still unacceptable to PEF. PEF asked if employees could be given meal advances, such as is the practice in other agencies.

*Management's response:*

**11. Contracting Out Computer Services**

**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.**

*Management response:*

**12. 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:*

**13. Labor/Management Training**

**PEF/encon requests that joint LM Training be tabled.**

*Management's response:*

**14. Scheduling of L/M Meetings**

**The next Labor/Management meeting is September 23, 2004 in Region 8. PEF in requests that Commissioner Crotty attend. A Commissioner last attended a meeting June 15, 1995, over 9 years ago!**

*Management's response:*

**15. 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:.*

**16. 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:*

**17. Acting Positions – Still pending**

**Albany**

**Solid & Hazardous Materials**

**Is the Pesticide Reporting Section Chief filled?**

*Management's response:*

**REGION 1 Is the Regional Spills Engineer position filled?**

*Management's response:*

**REGION 2 Is the Regional Solid Waste Engineer position filled?**

*Management's response:*

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

*Management's response:*

