

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

**June 29, 2005**

Attendance:

**PEF:**

David Persson, LM Chair  
Karl Berger, Albany LM Co-Chair  
Chris Spies, Region 1  
George Stadnik, Region 2  
Keith Browne, Region 3  
Andy Marcuccio, Region 4  
Terry Tyoe, Region 6  
Frank Flack, Region 6  
Tara Blum, Region 7  
James Kersten, Region 9  
Mike Keenan, Albany  
Dylan Keenan, Albany  
Wayne Bayer, Albany  
Holly Clark, Albany  
William Wurster, Albany  
James Trossbach, Albany  
Kuldeep Gupta, Albany  
Antoinette Norfleet, Albany  
Denise Stephens, Albany  
Mike Kanuk, SUNY East  
Robert McDonough, Albany  
Tim LeBarron, Albany  
Jim Kemenash, PEF  
Josephine Rice, PEF

***Management:***

Jack McKeon, DEC Assistant Commissioner for Administration  
Joseph Lattanzio, DEC Director of Employee Relations  
Carole LaVigna, DEC Director of Personnel  
Mark Malinoski, DEC Assistant Director of Operations  
Jean Edouard, DEC Director of Health & Safety Unit  
Carl Gonzalez, DE Employee Relations  
Gail Balluff, DEC Employee Relations  
Marie Furlong, DEC Employee Relations [Minutes]

**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.  
Updates to be forwarded when available.**

**Joe Lattanzio acknowledged PEF/Encon for their financial and moral support of the recent DEC Conservation Day picnic. Their support helped to make the event a success.**

**Since the last meeting, PEF/encon and Management met and agreed to reformat the agenda. It was decided the agenda would be in three (3) parts: major issues for discussion; informational exchange; and unresolved topics. The points of discussion for today are privatization, work schedule/flexibility, diversity, and promotional ladders.**

**PEF expressed its concern regarding the timeliness of the minutes. They reiterated their desire for a thirty (30) day turnaround of the draft minutes. Management does not expect this to be a problem in the future.**

**I. New Business:**

**A. Discussion**

**1. Privatization**

**Elimination of government services by civil servants is not cost effective and reduces opportunities for advancement.**

**Civil Service titles can perform scientific studies and analysis, remedial engineering and spill cleanup.**

**How many contract employees currently are employed at DEC?**

**A contract employee is any employee of a consultant or contractor that performs work on behalf of DEC, whereas the employee does not have state Civil Service status.**

**Title 6, Section 615.2 of the Environmental Conservation Law defines contractor as, "a municipality, natural person or business entity, that is a party to a contract as defined in this section; this term includes general or prime contractors, subcontractors, vendors, consultants, subconsultants, provider of professional services and suppliers."**

**Similarly, ECL defines a Contract as, "any State grant, loan, agreement, or any other instrument by which the State provides or otherwise makes available assistance in the form of funds or the services of State personnel."**

**Furthermore, please identify the contract or MOU from which these employees are paid.**

**Adirondack Lakes Survey Corporation;**

**American Littoral Society;**

**Environmental Protection Fund contractors;**  
**Institute for the Application of Geospatial Technology (IAGT);**  
**Natural Heritage Trust;**  
**Nature Conservancy;**  
**New England Interstate Water Pollution Control Commission;**  
**Regional Application Center for the North East (RACNE);**  
**Science & Technology Foundation;**  
**SUNY;**  
**SUNY Research Foundation;**  
**SUNY - Sea Grant - NEMO Program**  
**Cornell**  
**Syracuse SUNY ESF**  
**and various computer contractors, such as but not limited to : WorldCom, Hewlett Packard, Compaq.**

*Management understands that contracting is a major issue for PEF. The main way we are dealing with this issue is by looking to meet our targeted fill level. If we have an ability to turn contractual costs into personal service costs, we will look into it. Every agency has a numerical target (ceiling) which it cannot exceed. Our number one goal is to get the number up to 3,330 by looking at ways through next year's budget to move some money. Legislation on "contractuals" was passed by both houses of the Legislature. Civil Service had the lead on commenting on this issue to the Governor's Office.*

**PEF Discussion:** PEF is concerned on contractors in the Central and Regional Offices. DOW has several companies operating through Cayuga College, about 20 employees. \$10 million over the past 5 years; \$20 million to RACNE. Work going through DOW. There seems to be a conflict with Civil Service policy on patronage. 4/05 listing of 4<sup>th</sup> floor DOW positions. The contractors are brought in, not introduced, sit among us. 55 CO contracted out positions, 30% of DOW full time staff (based on 183 employees). Total of 239 people on the floor. 20% decrease in DOW staff; 15% decrease in regional staff. It appears fill number is going down; contractors seem to be going up. Information linking fills with contractor hirings. Negative effects: ethics. They represent themselves as DEC. They are not bound by Civil Service Law. Potential for ethics violations and patronage issues. Training: We spend time training consultants. We are seeing a lot of turnover. They receive expensive training and then they leave. No commitment to the agency. They get out of State training not available to civil servants. Restricted travel not applicable to consultants. PEF members are asked to train the consultants. Morale: Long time employees are adversely affected promotionally by the hiring of outside consultants for DEC positions. Hiring: Jobs are being posted outside the building (e.g., at RACNE). Hiring bias against DEC employees. The descriptions are mirror images of Civil Service positions. If Civil Service has lists, why are we hiring outside the Department.

**Diversity:** Through hiring contractors, we are not promoting diversity within the Department. We question whether the Department is being cheated. **Funding:** The money is going outside the Department by hiring NEIWPC and RACNE. We have spending plans that show that contracting out is not saving the State money. We are interested in knowing fringe benefit numbers. Concerned about the loss of control of Encon business. In some cases, due to retirements, there is no one available to train the new employees/consultants. We are concerned about losing the institutional knowledge. Contractors are interfacing with the public. We are solving problems short term. People who recommend hiring other consultants.

*Management's response: Do you believe these are duties identical to duties performed by PEF State employees or are they performing duties that otherwise would not be done?*

**Yes, they are replacing civil servants. As the filled position number goes down, frequently, the positions are posted outside the building only. Most of these posted jobs are identical to civil service jobs. In discussions with consultants, PEF has been told these consultants do not meet Civil Service qualifications for the positions. They are not qualified to take Civil Service exams, yet they are getting promotions ahead of DEC employees who are on a list for the title.**

**Opposed to targeted retirements, PEF has observed a direct correlation between the massive retirements and the hiring of consultants. PEF believes the Legislature needs to add positions to the DEC budget.**

*Management's response: PEF has presented a very comprehensive briefing on this issue. At the present time, there is no "one for one." It may appear one for one but it is not done intentionally. We are trying to reach our number of fills. The Department submitted a waiver request to DOB on 5/03/05 for 135 items; ten (10) of which were DOW items. On 6/28/05 we sent in a request for 67 waivers. Most of our contracting out is in the field. Through NEIWPC, DOW is using federal funds to hire. The DEC budget has a personal service dollar amount. We are struggling to backfill positions as quickly as possible. Management is trying to be less conservative to speed up the hiring process. In many cases, we are getting automatic backfills. Looking ahead, our waivers include items of employees we expect to retire. If we can figure out how to move NEIWPC funding over to DEC, we can work on getting federal funds from the EPA.*

### **Contracting Out Computer Services**

**What are the projected listing of expenditures by vendor for SFY 2005-06, budget costs, and purpose of contracted out computer support?**

*Management's response: The Department is currently updating its revenue and expenditure projections. Accordingly, this question is not answerable at this time.*

**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. What is the impact of Patriot Plan section 14 to the Conservation Fund? At current license sales level, when will the fund require another increase in the cost of a license or general fund bailout? What is the current annual cost of DECALS maintenance/operating costs including the Harvest Reporting System? When will DFW&MR take over operational responsibility for application?**

*Management's response: The internet sales application is complete and in operation as of August 2005. Remaining application development work is under negotiation with the vendor, as is the contract amendment.*

**In which divisions do these contract employees work? At what locations do these employees work? Do they work side-by side state employees and do they supervise state employees? Are they covered by the same Ethics Law restrictions as state employees?**

*Management's response: Management to follow up.*

- a. What funds are used to employ contract employees, are they paid out of appropriations allocated in DEC's budget for non-personal/contractual services? Does the Comptroller approve all contracts used to pay DEC contractors or are some let through SUNY? If so, do the contracts avoid the normal approval process? Has the Comptroller's office found any problems with the way you are paying your contractors like RACNE?**

*Management's response: OSC approves all contracts.*

- b. Are any appropriations allocated for personal services used to pay DEC contract employees? If yes, why is DEC using money allocated by Legislature to hire state employees to hire contract employees?**

*Management's response: As stated previously, the answer is no.*

- c. How much of the Environmental Protection Fund is used to pay contract employees?**

*Management's response: Management to follow up.*

- d. Are DEC contract employees paid the same base salaries, not including the cost of benefits, as DEC state employees for doing the same work? Are they required to work the same hours and to complete the same time sheets as DEC state employees?**

*Management's response: As stated previously, salaries vary for contract employees. The time sheets would be the responsibility of their employers.*

- e. What percentage of a contractor's salary does DEC pay for benefits, administrative overhead, and profit? What is the comparable state employee fringe benefit cost?**

*Management's response: Management to follow up.*

- f. Why does DEC pay a contractor an administrative fee? Does the work covered by the administrative fee duplicate personnel and other functions already performed by DEC administrative staff? Wouldn't it be less expensive for DEC to hire a state employee and not have to pay an additional administrative and profit fees to hire a contract employee to do the same work?**

**In response to Management's request for PEF to clarify what they mean by "administrative fees," PEF provided the following explanation: In a type of contract (e.g. IAGT/RACNE) where salaries/duties are comparable with PS&T salaries and duties, there is an administrative fee that ranges from 10-20%. If DEC hired employees to perform the function, they could easily absorb the administrative tasks and net savings of 10-20%. In fact, since most of the IAGT/RACNE employees work in DEC offices, it does seem like a waste of money to pay extra for administration.**

**Other contracts charge extra for "overhead." The overhead charges are approximately 130% of the labor costs. (This is in addition to the labor costs. So, if labor is \$100,000, then overhead is an additional \$130,000.) Sometimes a fixed fee for profit is added on top. Also, depending on the nature of the contract, some of the administrative duties are billed as "main office" functions that are not subject to the overhead rate.**

*Management's response: Management is not able to further respond to this question at this time.*

- g. According to budget calculations, will the U.S. Forest Service allocation continue to support DEC Foresters in the Bureau of Private Land Services Forest Stewardship program or will this too be contracted out to Cornell University or some other private group?**

*Management's response: Asked and answered previously. We have not contracted out with any private group. Although future funding is undetermined at this time, it is expected to continue at the current level. No additional information is available to provide at this time.*

- h. Will the initial work being done with State Wildlife Grants funding survey, inventory and planning efforts leading to the development of the required Comprehensive Wildlife Conservation Strategy (CWCS) be completed by October 1, 2005? As the program gradually transitions from a planning phase to an implementation phase, will DEC seek to use \$2,937,728 State Wildlife Grants funding to add staff for program implementation where that is the best option?**

*Management's response: The Department has submitted a grant application to the U.S. Fish & Wildlife Service that includes provision to add DEC staff for implementation of the Comprehensive Wildlife Conservation Strategy. We expect that grant to be approved in the next few weeks and intend to seek waivers to the hiring freeze to add six (6) new staff before the end of the 2005-06 fiscal year. One of these positions will be in the Central Office; the remainder will be in Regional or field offices.*

**The State Wildlife Grants program coordinator waiver was approved and the position, a Biologist 2 in Albany, was filled. Why is this position now to be a contract Environmental Program Specialist 1?**

*Management's response: Management to follow up.*

- I. Has DEC hired two NEIWPC Marine Biologists in Region 1 (East Setauket), work traditionally performed by PS&T employees? Why doesn't DEC Division of Fish, Wildlife & Marine Resources use State matching funds for the Sport Fishing Tax - Wallop-Breaux/Dingel - Johnson - Federal Grant money to fill vacant federally funded items?**

*Management's response: No positions have been filled as of this date. DEC is negotiating a contract with NEIWPC to provide staff services: two (2) full time employees to implement National Estuary Programs for Long Island Sound and Peconic Bays. This contract will be funded with EPA grant funds that the Department will pass through to NEIWPC this year. In future years, the funds will go from EPA directly to NEIWPC. Within the Department's overall filled position ceiling, we do use Wallop-Breaux and matching funds to fill critical vacant positions. Like all other hiring actions, a waiver to the Statewide, all funds hiring freeze must be obtained from the Division of the Budget before these positions can be filled.*

- j. Empire State Outdoors Television Program**

**Does NY Network (SUNY) now have the \$500K Empire State Outdoors contract?**

*Management's response: It is not a contract. NY Network is a State agency so we have an MOU with them for this.*

**2. Work Schedule Flexibility**

**The achievement of any organization's goals depends on the ability of its people to perform efficiently and effectively. Flexible work arrangements provide a means to that end.**

**Flexible work arrangements can attract quality applicants, to retain and motivate employees, and to reallocate labor to better meet shifting organizational needs. Where standardization of policy and practice was once the only guiding principle for human resource management, the increasing diversity of the workforce such as age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, or marital status and the ability to be flexible are new objectives that demand a broader approach that includes flexible work arrangements.**

**The term "flexible work" encompasses a variety arrangements that include: flextime, alternative work schedules, compressed pay periods, VRWS, carpooling, incentives for use of mass transit, and telecommuting.**

**The full implementation of compressed work week and telecommuting 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.**

**PEF shared a copy of their May 12<sup>th</sup> memo to Commissioner Sheehan. On March 7 the draft policy was distributed. PEF had meetings on the T&A Manual. PEF is willing to meet with Management to discuss this. PEF compiled their comments into the 5/12 memo. PEF believe start times before 7:30 a.m. should continue to be allowed. They believe this helps with a reduction in traffic and fuel usage. DEC benefits by having greater coverage early in the morning. It accommodates Department and employee needs (child care, elder care). Many employees commute with other non-DEC employees. It would be disruptive. The early start time allows employees to have a second job to cover their financial needs. The policy appears to inhibit flexibility.**

*Management's response: Your comments are very comprehensive. If it is clearly work related, starting early will not be an issue. This is not an attempt to inhibit working early or late. Some managers expressed a feeling of "loss of control" with the varied start times. Management is trying to strike a balance. We are looking to fulfill the needs of the employees and the Department. The policy will not go into effect July 1 as previously announced.*

- a. **Successful use of workplace flexibility requires a transformation in the mind set and skills of managers and in the policies and systems of the workplace. What educational effort will follow issuance of Employee Time and Attendance Handbook?**

*Management's response: Training will be held on the new package.*

- b. **Environmental Management Systems (EMS)**

**Will DEC include EPA's BEST Workplaces for Commuters( <http://www.bwc.gov/>) in its EMS?**

**If DEC is to develop and implement an EMS, has 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: The EMS pilot project developed for the Godfrey Point Sign Shop over the last year is a fairly basic product that covers the compliance and environmental aspects of the facility as well as targets for improvements. The project team includes the Region 6 regional enforcement coordinator, regional operations manager, regional permit administrator and Central Office Operations and Pollution Prevention staff.*

*EPA's BEST Workplace for Commuters Program was not included in the scope of this pilot project. Given that Godfrey Point is a sign production shop in a rural location with only three full time employees and one half-time employee, such consideration would not seem appropriate for this particular case.*

*The pilot project was intended to not only gain some experience on how to build and implement an EMS but also to give a sense of what the resource implications of such an effort entail. The pilot was done entirely with internal existing resources. The final ingredients of the Godfrey Point EMS and ongoing implementation will allow further assessment of the resources required and how the assessment may be extrapolated to any future efforts. Any future effort at another facility that might involve outside consultant assistance would require the preparation of an RFP to obtain bid proposals with details on expected costs.*

### **3. Diversity**

*Management is looking at Department numbers for women and people of color. Our numbers are not good. Focusing on the Environmental Engineer series, for example, women are desperately under-represented. We do have an Affirmative Action Plan in place, and we are trying to improve the situation. The Department is striving for ethnic diversity. Management to forward a copy of the Affirmative Action Plan to PEF Headquarters (J. Kemenash).*

PEF will forward Management its comments on the Affirmative Action Plan.

**4. Promotional Ladders**

- a. What actions are pending at DOB that address fiscal issues management and support salary grade parity between the career ladders of the Natural Resources and Quality divisions? Who is the DEC management contact?**

*Management's response: There is nothing pending at DOB that specifically addresses the Natural Resources/Environmental Quality parity issue. The DEC Management contact is Nancy Lussier. Management will continue to support PEF/Management discussions on this issue. Many employees expressed their frustration over narrow career ladders at the December SEED meeting. The Department needs to look at whether we can work around some of the Civil Service rules.*

- b. Did DEC or Civil Service identify titles for development of parallel career tracks based on the work responsibilities for master professional titles of Biologist, Chemist, Engineering Geologist, Environmental Analyst, Environmental Engineer, Environmental Radiation Specialist, and Environmental Program Specialist? How will promotion exams test knowledge, skills, and abilities to assess the competence of people to be chosen for those titles?**

*Management's response: Neither DEC nor Civil Service has identified titles for the development of parallel career tracks. If/when this occurs, the scope of the examinations will be discussed at that time.*

**B. Information**

**1. Budget**

- a. How many total DEC positions does the Department of Civil Service currently authorize, including exempt, non-competitive, and competitive class positions? How many of these positions are currently filled?**

*Management's response: 3,257 jobs are currently filled. Management does not track the number "authorized" since it is a meaningless figure.*

- b. Did DEC fill all positions that were authorized to be filled under the enacted SFY2005-06 budget appropriations for DEC? If DEC did not fill all these positions, why did you fail to fill them?**

*Management's response: As stated above, we are making every effort to fill each one.*

- c. DER is in the process of developing ways to reduce by 6500 the backlog in spill**

**investigations in the NYC and lower Hudson River valley by temporarily reassigning staff from other regions and programs. What programs and responsibilities in other DER programs will be neglected or triaged by this short staffing compensation initiative?**

*Management's response: DER does not expect any programs or responsibilities to be "neglected" or "triaged" by this initiative. This work is being assigned to all but one Bureau within the Division. This allows for the work load to be managed effectively without adversely affecting other Division duties and responsibilities.*

**d. What plans does DEC have to reduce the 40,000 site backlog in inspections and investigations of bulk storage facilities and spill investigations? Are there any staffing increases planned to reduce the inspection cycle from the inadequate once every 40 to 100 years?**

*Management's response: DER does not have a backlog of 40,000 site backlog in inspections and investigations. Inspections are carried out pursuant to the Division Work Plan on an annual basis after consideration of resources and priorities. DER has not proposed any staffing enhancements for bulk storage inspections.*

**e. The Conservation Fund is projected to be over 5 million dollars in the red on 3/31/05. How will the Dept. and the DFW&MR pay its vendors (utility companies, etc) and its employees(travel expenses, etc) until Sept, 2005 when new licenses sales revenues should overcome this deficit?**

*Management's response: We are taking a number of actions which will assure viability of the Fund.*

## **2. Civil Service**

**a. How many waiver requests are pending at DOB?  
How many waiver requests did DOB approve?**

*Management's response: There are 47 waiver requests pending at DOB. The waiver package was sent out on 9/20/05. To date, DOB has approved 314 waiver requests since 4/01/05.*

**b. Did Civil Service approve Job Classification Standards with professional titles of Engineering Geologist and Environmental Engineering Technician?**

*Management's response: Not yet. We are still waiting for Civil Service approval.*

**c. Did Civil Service approve Management and Budget's \$600,000 submission of the Division of Fish, Wildlife & Marine Resources fiscal impact forms that request increased geographic pay differential for the Biologist 1 and Biologist 2 (Marine) for appointments in Region 1 and 2?**

*Management's response: Fiscal impact forms are DEC internal control forms which are managed by the Director of Management & Budget. They are not reviewed or approved by Civil Service.*

- d. 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? Did DEC fill the Bacteriologists (Marine) position? Has DEC reviewed the reclassification of this position once the incumbent is appointable to the Associate level? This is the only laboratory in NYS that is approved by the FDA to examine water samples for year-round monitoring of the sanitary conditions of shellfish harvest areas and supporting NY's shellfish industry.**

*Management's response: If there is no Senior Bacteriologist for promotion or a promotion field of at least 3 candidates, we would recruit and hold an open-competitive exam.*

*Yes, the Bacteriologist (Marine) position was filled on 12/30/04. Reclassification will be reviewed at the time of the request to determine the appropriateness, timing and feasibility.*

- e. Acting Positions - Still pending**

**Albany**

**Environmental Remediation**

**Is the Bureau of Technical Support EE4 position filled?**

*Management's response: Yes. A permanent appointment was made on 4/14/05.*

**Stamford**

**Is the Forester 3 position filled?**

*Management's response: Yes. A permanent appointment was made on 6/16/05.*

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

*Management's response: Noted.*

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

**Has DEC Education and Training established outside source training with the Division of Lands and Forests PDH (Professional Development Hour) credits for Land Surveyors? When will the Air, Waste Management and Water Quality Divisions liaisons complete internal approval for Regional monthly technical seminars for which participants may receive PE Continuing Education Credits?**

*Management's response: The Department has not sponsored continuing ed courses for surveyors. We are not sure when the internal review will be completed for regional seminars. We are now videoconferencing the PE seminars to the regions so regional staff can obtain credit that*

way also.

#### **4. Laboratory Consolidation**

**Is DEC planning to relocate the DEC SUNY East labs? Will the labs be consolidated with other DEC divisions or Agencies at the new site? Will the new location result in expanded lab space and/or additional DEC staff?**

**Will DEC build a heavy duty Automotive Emissions Laboratory (EL) in Malta with funding from the Clean Water/Clean Air Bond Act under NYSERDA? Will DEC use NYSERDA's Environmental Monitoring, Evaluation, and Protection (EMEP) program to provide policy-makers with scientifically credible and objective information on the impacts of pollution associated with energy and electricity generation?**

*Management's response: OGS is requiring that we enter into a lease for our lab space needs, rather than continuing with the sometimes problematic Use and Occupancy Agreement with the landlord. Operations and OGS are currently meeting with all program areas occupying space at SUNY East, plus the Division of Water. The purpose is to document our needs and to develop materials for an RFI for new space that is more functional and will meet the long term needs of the agency.*

*The Automotive Emissions Laboratory issue is under study at the present time. When there is a change in status, we will provide the information.*

#### **5. Scheduling of L/M Meetings**

**The October Labor/Management meeting should be outside Albany in either Buffalo, NYC or Long Island. For 2006, PEF suggests meeting in January, May, July and September.**

*Management's response: It was mutually agreed to hold the next meeting on December 1, 2005 in New York City.*

### **C. Unresolved Topics**

#### **1. Environmental Monitors**

**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?**

*Management's response: As PEF has filed a 11/19/04 FOIL request for information on this program, we do not feel it is appropriate to discuss this any further in this forum. We, therefore, request that this be dropped.*

**Will management please confirm that DEC staff who are monitors at Kodak will be retained to**

**perform their duties at Kodak Park? If While PEF/encon understands and appreciates that the Department must still negotiate with Kodak concerning the monitor issue in the Part 373 permit, the Department has repeatedly stated that existing DEC monitors will be retained.**

*Management's response: Not able to respond at this time.*

**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. How many comments did DEC receive concerning this privatization proposal?**

*Management's response: Not able to respond at this time.*

**Of these how many were favorable; how many opposed this concept?**

*Management's response: Not able to respond at this time.*

**Did DEC receive comments from the business community on this proposal?**

*Management's response: Not able to respond at this time.*

**Did any of these express concern about the wisdom of this change?**

*Management's response: Not able to respond at this time.*

**What safeguards will DEC have in place to ensure monitors hired by polluters will exercise the same due diligence in ensuring that polluters comply with DEC's guidance, permits, regulation, and clean-up orders?**

*Management's response: Not able to respond at this time.*

**When will the analysis of these comments will be completed?**

*Management's response: Not able to respond at this time.*

## **2. 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 an electronic copy of the Emergency Preparedness Response Plan.**
- b. 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 employees who are required to be available for immediate recall and who must be prepared to return to duty within a limited period of time.

- c. **2 DEC employees are now eligible for the Safety Incentive Differential. PEF/encon asks DEC to request that Civil Service expand 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); or manage the cleanup of inactive hazardous waste sites.**
- d. **When will all DEC public buildings be equipped with AEDs? How many Regions have AEDs? PEF/encon requests that DEC work to provide 100% training for staff in use of defibrillators.**

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

**3. 625 Broadway**

- a. **PEF/encon requests that an electronic pedestrian crossing button be installed on Water Street.**
- b. **Why were all compost containers replaced with tall white trash top loaders? Does Waste Disposal meet recycling requirements for the Green Building Annual Eligibility Certificate under Article 19 of the Tax Law?**
- c. **Please provide cost to Divisions to move Solid Waste staff from the 8<sup>th</sup> floor to the 9<sup>th</sup> floor, which displaced Pesticides now located on the 11<sup>th</sup> floor in wake of OGS decision to move a new non-DEC tenant into NYSDEC space?**
- d. **What were the total costs (computer, telephone, lost productivity, etc.) for rearranging/moving most of the 11<sup>th</sup> floor DER 3 times in 3 years?**

*Management's response: As stated previously at the last Statewide L/M meeting, this and all similar matters are addressed via the weekly Central Office Union Update Meetings.*

**4. Office Moves**

- a. **Has the State of New York Office of General Services (OGS) selected a proposal within Schenectady County for a full-service lease agreement, pursuant to the New York State Public Buildings Law, for approximately 29,000 usable square feet of general office space? What is the projected date for the Region 4 move?  
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?**

*Management's response: OGS has been negotiating a lease agreement with the Galesi Group, the current landlord, for a new, one-story facility within the Rotterdam Corporate Park near the existing Regional Office building. While details have not been finalized, it is expected that, if the lease is approved, occupancy of the new facility could occur in late 2006. The Regional Director has assembled a multi-disciplined building team which includes a representative from both PEF and CSEA.*

- b. What is the status of the architect revisions for the additional 28,000 square feet at the New Paltz office? What is the schedule to start the construction project? Does management continue meaningful discussions for PS&T unit members in the context of a Joint Labor/Management Quality of Worklife Committee? What about the move from Tarrytown to White Plains?**

*Management's response: The plans, specs, building code checklist and consultants' responses to our previous review comments have all been transmitted to OGS and the Construction Manager for review. The review is expected to be completed by July 1, 2005. We will be determining the bid schedule based on the content of those responses; however, the earliest bid date now would be late August 2005.*

DEC

PEF/ENCON

Joe Lattanzio

David J. Pansom

DATE

November 9, 2005