

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

**June 22, 2006**

Attendance:

**PEF:**

David Persson, LM Chair  
Karl Berger, Albany LM Co-Chair  
Chris Spies, Region 1  
Joseph Battista, Region 3  
Terry Tyoe, Region 6  
Tara Blum, Region 7  
Jim Kersten, Region 9  
Andy Marcuccio, Schenectady  
Wayne Bayer, Albany  
Bill Wurster, Albany  
Denise Stephens, Albany  
Robert McDonough, Albany  
Tim LeBarron, Albany  
John Donlon, Albany  
Holly Clark, Albany  
Kuldeep Gupta, Albany  
Dylan Keenan, Albany  
Mark Hyland, Albany  
Jim Kemenash, 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  
Mark Cadrette, DEC Health & Safety Unit  
Carl Gonzalez, DE 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.**

**I. New Business:**

**A. Discussion**

**1. Privatization**

**What are the number of contracts for consulting services, value of contracts, the number of contract employees performing such consulting services, types of services provided by such contract employees, the number of hours they work and their total compensation under the contract, at the Department of Environmental Conservation?**

*Management's response: As a result of recent retirements, our filled positions number is down to 3,315 as of 6/14/06. As of today's meeting, that number is probably higher. We have 92 unrestricted waivers. We are in the process of putting together a second round of waivers to be submitted. Since January 2005, the Department has hired 292 new people. The number of promotions and reclassifications since that date is 403. The Department acquired 36 new items in the 2006-07 budget, and our target figure is now 3,371. In January 2005, we were actually at 5 or 6 above our target.*

**A contract for consulting services means any contract entered into by DEC for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental health and mental health services, accounting, auditing, paralegal, legal, or similar services.**

**What were the appropriations, including reappropriations made for FY05-06 and recommended for FY06-07 for contracts for consulting services?**

*Management's response: Guidance has recently been issued by OSC regarding contract reporting. It will pertain to contracts approved after 7/19/06. [See Budget Bulletin G-226 issued on 6/19/06; <http://nysosc3.osc.state.ny.us/agencies/gbull/g-226.htm>.]*

**Contracting Out Computer Services**

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

*Management's response: The fiscal year invoices are just being processed so a complete, accurate accounting is not yet available.*

**Do Information Technology (IT) contracts with consultants cost between 53 percent and 62 percent more than what it would have cost to use public employees (including benefits)? Will DEC support the Article 15 professional development needs of PEF represented State IT employees?**

*Management's response: DEC would support Article 15.*

**PEF requests an update on the DECALS and MCI (WorldCom) remaining sportsman education application responsibilities and OSC approval of the contract amendment past May, 2006? When will DFW&MR take over operational responsibility for application?**

*Management's response: The no cost contract extension has been approved by OSC. The extension for the additional five (5) years of operation is in negotiations. DEC continually monitors the status of technology and the point of sale industry for future opportunities.*

**As the Comprehensive Wildlife Conservation Strategy (CWCS) transitions to an implementation phase, did DEC use \$2,937,728 State Wildlife Grants funding to add six (6) new staff?**

*Management's response: Currently, we are in the process of filling 10 Biologist 1 positions, one in the Central Office and nine in the Regions, to help implement the Comprehensive Wildlife Conservation Strategy that was approved by the United States Fish & Wildlife Service in May this year. All ten of these positions are permanent NYS employees. In short, of the 12 positions either filled or being filled to deliver the State Wildlife Grants Program, all are permanent NYS employees.*

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

*Management's response: The State Wildlife Grants Coordinator is a Biologist 2 (Aquatic), a permanent NYS employee. This position was filled via internal promotion in 2003. In 2005, we hired an Environmental Program Specialist 1, also a permanent NYS employee, to assist with federal grant management and administration of the State Wildlife Grants Program.*

**What is funding source for Hudson River Coordinator?**

*Management's response: This position is funded from Special Revenue-Federal.*

**2. Work Schedule Flexibility**

**a. What is status of CPP policy and survey?**

*Management's response: We are very close. The project has been broken down into two active committees: one surveying all the participants; the second is a L/M policy and guidelines committee. The Policy Committee has circulated a final draft to the entire committee. After another meeting of the full committee (yet unscheduled), the policy and guidelines will be finalized. We are utilizing the survey to finalize the guidelines.*

**3. Diversity**

**Diversity of the workforce includes as 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: As of April 2005, the Department is 88% White males and females.*

**Has DEC completed edit of the Affirmative Action Plan?**

*Management's response: The Plan is still being edited.*

**4. Promotional Ladders**

**a. Please provide the updated table Comparison of Environmental Quality and Natural Resources Allocations? When is the next meeting scheduled?**

**Will Natural Resources staff be reallocated for parity with Environmental Quality?**

*Management's response: Updated table is being provided. The next meeting is scheduled for 7/17/06.*

*We are still considering the best approach to assuring Natural Resources/EQ parity. We may look to handle this on an individual basis rather than submit a large package.*

**b. Is DEC planning any title consolidations 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 can knowledge, skills, and abilities be used instead of supervisory responsibilities in job descriptions for titles above SG-18?**

*Management's response: DEC is not planning any title consolidations for the development of parallel career tracks; however, the Personnel Office will review any proposals.*

*Job duties and responsibilities, not knowledge, skills and abilities, are considered by Civil Service when they evaluate job descriptions. Supervision is not a requirement for Environmental Engineers at the G-15, G-20 or G-24 levels; the Biologist 1, G-18, and Biologist 2, G-23, titles do not require supervision.*

**B. Information**

**1. Budget**

**a. How many DEC positions are currently filled?**

*Management's response: As of 6/14/06, the Department had 3,315 filled positions.*

**b. If an ERI is offered, how will the agency determine titles eligible for participation?**

*Management's response: It is our understanding there is an Early Retirement Incentive in the works; however, we have no details at this time.*

**2. Civil Service**

**a. Did DEC fill all 98 waivers by June 19?**

*Management's response: No. Extensions have been approved for those who couldn't make appointments by June 19.*

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

*Management's response: The classification standard for the Engineering Geologist title series was issued by Civil Service in April 2006. Civil Service is still reviewing the Environmental Engineering Tech and Environmental Analyst draft standards.*

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

*Management's response: This is still pending in the Fiscal Office.*

**Is the geographic pay differential approximately \$5,000 to \$20,000 for Biologist(Marine) Series for trainee levels G-13 & G-14, to G-18 (Biologist) and final at G-23 (Biologist 2)?**

*Management's response: An appropriate geographic pay differential has not yet been established. These figures were proposed by the Division of Fish, Wildlife & Marine Resources, who submitted this directly to the fiscal office where it is still pending review.*

**d. Acting Positions**

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

*Management's response: We have and will continue to do so.*

### **3. Laboratory Consolidation**

**Where 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?**

*Management's response: The location of the proposed consolidated lab has not been chosen at this time. Also, at this time, it is anticipated that the lab will be a consolidation of DEC divisions with no plans to involve other agencies. The goal is to provide sufficient lab space for current workload and mission. We are conducting collaborative meetings with SUNY Rockefeller College. The Department will work through the OGS Lease Division to locate a facility.*

**Will DEC build a heavy duty Automotive Emissions Laboratory (EL) in Malta with funding from the Clean Water/Clean Air Bond Act under NYSEERDA? Will DEC use NYSEERDA'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: DEC, with guidance and assistance from OGS, will be building the Alternative Fuel Vehicle Research Laboratory (AFVRL) at NYSEERDA's Saratoga Technology & Energy Park (STEP). DEC is partnering with NYSEERDA in this endeavor as described in the Governor's 2006-07 Budget. The AFVRL will provide for:*

- 1) Comprehensive emissions fuel efficiency testing for light, medium and heavy duty vehicles, including those utilizing alternative fuel sources;*
- 2) Flexibility to test the full spectrum of emissions levels, ranging from near-zero emissions to older vehicles with high emissions;*
- 3) Sampling and testing of particle and toxic chemical emissions within integral laboratories to enable routine on-site comprehensive vehicle measurements; and,*
- 4) Support for mobile emissions testing for both on-road and off-road vehicles and equipment.*

*Among several sources of funding, it is anticipated that approximately \$4 million from the Clean Water/Clean Air Bond Act will be made available to help fund the AFVRL. Current funding sources do not include the EMEP.*

**Fish and Wildlife opted out of the process to secure a new lab facility to stay in Delmar and Albany and do not want to fund this effort with Division funds. What is impact to the project?**

*Management's response: The decision by Fish and Wildlife to not participate will not have an impact on the project.*

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

**The next meeting is scheduled for September 21, 2006 on Long Island.**

*Management's response: Management is agreeable.*

### **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:*

**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 will be completed?**

*Management's response:*

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 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.**
- b. **18 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); investigate and/or manage the cleanup of inactive hazardous waste sites.**
- c. **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: Nothing new on the AED program. The DEC Implementation Plan has been submitted to OGS, and we are waiting to hear back from them. We have been informed that they will not be contacting us until they hear from all agencies. To date, only half of the State agencies have submitted their plans which were due to OGS on March 31, 2005.*

- 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 ? What provisions are being made to allow staff to work from home ? Will DEC provided anti-viral medications to "essential" staff that will be required to work and exposed to avian flu and to family members of "essential" staff being required to work and exposed to avian flu ?**

*Management's response: The Emergency Response Team is coordinating our efforts regarding the issue of Pandemic Influenza. Meetings are being held and the involved Programs are being surveyed for their input. Programs which may be affected are making preparations for dealing with the Avian Flu issues such as massive bird die-offs, collection and disposal. Solid & Hazardous Materials and Fish, Wildlife & Marine Resources are developing SOPs to address these issues.*

- e. **Right-to-Know (RTK): On December 12,2003, PEF filed a statewide complaint with the Attorney General. On December 14, 2005 the Office of the Attorney General asked how DEC plans to identify the specific toxic substances to which employees are routinely exposed. Has DEC compiled the list of toxic substances that employees are routinely exposed to provide appropriate training material?**

*Management's response:*

3. **625 Broadway**

- a. **PEF/encon requests that an electronic pedestrian crossing button be installed on Water Street.**
- b. **Does 625 Broadway meet requirements for the Green Building Annual Eligibility Certificate under Article 19 of the Tax Law?**

*Management's response: Electronic pedestrian crossing button issue remains unresolved.*

*Yes, 625 continues to meet Green Building standards.*

4. **Office Moves**

- a. **Is the projected date for the Region 4 move still late 2006?  
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: Yes, the late 2006 date is still in place*

*The Regional Director has assembled a multi-disciplined building team which includes a representative from both PEF and CSEA.*

- b. **What is schedule of design contract 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 Joint Labor/Management Quality of Worklife Committees?**

*Management's response: The preliminary design sketches, which are being modeled after the Warrensburg office, should be ready in the next 2-3 weeks. The bid date will be November 2006 with construction to begin by December 2006. The project includes an addition and renovation of the existing space.*

*The Region 3 Director has agreed to the formation of a group to share ideas and involve employees in the process.*

**DEC**

**PEF/ENCON**

*Joseph A. Lattanzio*

*David J. Pansson*

**DATE**

**August 14, 2006**

**August 14, 2006**