

This PEF/encon Report on the March 11, 2004 LM Meeting was prepared by Dave Persson & Josephine Rice

STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION LABOR/MANAGEMENT COMMITTEE REPORT March 11, 2004

Attendance:

PEF:

David Persson, LM Chair
Karl Berger, Albany LM Co-Chair
Chris Spies, Region 1
Keith Browne, Region 3
Andy Marcuccio, Region 4
Les Eggleton, Region 5
Frank Flack, Region 6
Terry Tyoe, Region 6
Don Nelson, Region 7
James Kersten, Region 9
Kevin Hintz, Region 9
Mike Keenan, Albany
Vimal Minocha, Albany
Wayne Bayer, Albany
Holly Clark, Albany
James Trossbach, Albany
Tim LeBarron, Albany
Jim Kemenash, PEF Field Representative
Josephine Rice, PEF

Management:

Joseph Lattanzio, DEC Director of Employee Relations
Nancy Lussier, DEC Director of Budget Services
Carole LaVigna, DEC Director of Personnel
Everett Chamberlain, DEC Director of Fleet Management
Hank Hamilton, DEC Director of Internal Audit [Guest]
Gerald Barnhart, DEC Director of Fish, Wildlife & Marine Resources [Guest]
Robert Haggerty, DEC Division of Solid & Hazardous Materials [Guest]
Donna Wiegel, DEC Division of Environmental Remediation [Guest]
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.
In DEC's proposed budget, what is the amount of personal services contracts and how many employees work for the agency under personal services contracts?**

Management's response: The Regional and Division Directors are scheduled to meet later this month on Strategic Planning.

PEF clarified their inquiry as to what personal service contract positions exist within the agency that were previously occupied by state employees. Management will provide their response in the minutes. PEF stated that contracts were given a 3% pay increase, raising the amount to \$19.3 million, according to the Assembly Ways and Means website. Management was uncertain as to whether they could devote the time to provide PEF with the information that was being requested. PEF suggested an e-mail be sent to all directors, asking for the amount of contract employees working in their divisions. PEF will format a written request defining what they consider personal service contracts once the FOIL information is received in the next 2-3 weeks.

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

Management's response: The Department did not amend the original report; however, this is not information we can give out in the normal course of business.

- c.(1) **What is the projected full-annual 2004-2005 savings for the \$19,366 000 in contractual services at DEC?**

Management's response: Source of figure is unknown, as is the nature of the question.

- c.(2) **Has DEC developed an annual plan for the \$168 million that the Legislature budgeted for Superfund program? PEF's understanding is that \$15,000,000 for Technical Assistance Grants in the new Superfund/Brownfields legislation is still contingent on a yet to be negotiated MOU between the Governor and Legislative Leadership. If correct, how many new positions are dependent upon this? How will the \$15 million in Technical Assistance Grants be spent? Will the 55 associated positions be new or transfer positions?**

Management's response: \$120 million will be for State Superfund (SSF) and the offsite remediation of volunteer sites in the Brownfield Cleanup Program (BCP). \$15 million is for the following three components: Technical Assistance Grants for significant threat sites in the SSF and BCP, oversight of the BCP and the Brownfield Opportunity Area Program. The remaining \$33 million refers to the Prevention and Response Program which is not related to the

Superfund/Brownfield Law that was passed. An annual operating budget and capital plan is required for all types of funding, and this would be no exception. The \$15 million is contingent upon the execution of the MOU by the Governor and the legislature. All the items approved in the first round will be funded from the \$120 million. The first round positions have been posted, interviews are being conducted and DOB has approved waivers. Candidates have not been selected; therefore, it is not known if any items will be filled with laterals.

Will other state agencies get any part of that money? No. There are no additional positions associated with the 55.

d. Did DEC develop the next set of backfill waivers?

Management's response: Assuming that you are referring to retirements, none are expected.

Management: we will not do another round of backfills but may do another set of waivers, which have not yet begun. EE 2's are a possibility.

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

Management's response: Management is in discussions with the landlord and, in the short term, we will continue the current lease. When appropriate, the Regional Director has agreed to the formation of a group to share ideas and involve employees in the process.

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

Management's response: The consultant is completing corrections/changes to the design and contract documents based on DEC Operations' January review. Pending receipt and acceptance by DEC of the revised set of documents, OGS will finalize a Code Compliance review of the documents. The extended length of time for final review has pushed the start of construction date to June 2004. Update: Management has verified there will not be any significant changes in the scope of the project.

The regional director will meet with Keith Browne prior to any construction starting. PEF was directed to contact management if there was any other information they were aware of that wasn't being provided.

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

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

- f.(3) The lease for the Bureau of Marine Resources (BMR) headquarters office in East Setauket expires at the end of March, 2005. BMR advised Central Office Operations nearly two years ago of the need to plan for renewing the lease. Has the Department begun negotiations with the landlord to re-new the lease? Has the Department looked for other suitable locations for BMR headquarters, in order to have a viable plan ready in case the lease is not renewed and a move is necessary ? With two laboratories and the only permit office that issues marine licenses located in the BMR headquarters, finding a suitable location would not be a simple case of leasing space in some basic office park. A last minute decision is really not a tenable option.**

Management's response: The Department is moving forward to extend the lease, and we have indicated this to OGS. OGS will be notifying the landlord.

- g. PEF requests copies of current 23 Memoranda of Understanding with SUNY. 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: It appears there are approximately 32 SUNY MOUs that may be currently active. We will continue to explore the feasibility of providing these to PEF. As these MOUs may be spread amongst many DEC divisions, we ask that PEF provide more specific identifying information if possible. This may assist the process. Management will follow up with the Regional Directors. Management will follow up on the value and purpose of these MOUs. Management will also investigate providing copies of the above-referenced contracts if in fact they are MOUs.

They have been rolled into the new financial management system(FMIS). DOB has just started requiring MOUs to go through their office. Management will provide the full information available from the database. Management explained that state agencies cannot contract amongst themselves. MOUs are not subject to approval by Comptroller. Cooperative agreements exist where there is not exchange of funds. PEF explained that they were particularly interested in testing being done to the environment. Management will investigate the descriptions. PEF requested copies of the three MOUs listed above. Management felt it was dependent on the SUNY system. PEF requested that the spreadsheet include the dollar value and purpose.

- h. Has DOB approved procurement of the 382 new vehicles?**

Management's response: Yes on 2/19/04. Good work by Everett Chamberlain to accomplish this.

- i. Although sporting license fees increased to sustain the Conservation Fund and**

maintain and enhance hunting fishing and trapping opportunities in the New York, Division of Fish, Wildlife and Marine Resources experienced an 83 staff reduction since 2001. How many General Fund items were moved to Conservation Fund and Federal funding? What were the titles and work locations involved?

Management Response:

30 items were moved from general to conservation funds. None were moved federally. Management will provide a list of titles and work locations.

2. Civil Service

a. How many positions are filled?

Management's response: We currently have 3,269 filled positions.

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

Management's response: The Environmental Engineer 2 standard was issued this week. The others are still being reviewed.

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

Management's response: Exam formats are determined at meetings with Civil Service prior to the holding of every exam. Therefore, we don't know which exams will include the battery exam and won't until these meetings are held.

PEF asked if Civil Service can change the minimum qualifications once the announcements are made. Management replied that the exam formats are determined at the scope meetings but there may be opportunities for amended throughout the year.

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: This is still under review.

Management couldn't share financial information or time frames. PEF offered their assistance.

e. Did management 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: Management reviewed organization charts and a draft proposal prepared by Fish, Wildlife & Marine Resources. The work group meeting planned for January 2004 was cancelled and has not yet been rescheduled. Management supports salary grade parity and is available to meet and continue this review.

Lands and Forest has not prepared all documentation. Gerry Kachmor is PEF contact person.

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

PEF: DEC is losing state matching funds and federal grants with these positions. In October the draft response to the April 7th letter was pending signature and approval.

- 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: Personnel and program staff recognize this as a potential problem. Therefore, discussions are being held to address this.

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) When will management respond to PEF's December 2, 2003 letter on Weapons of Mass Destruction Issues that requested data involving terms and conditions of employment.

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

3.(c) When will employees receive adequate training to enter imminently dangerous to life and health weapons of mass destruction environments? What is the curriculum for the 100 employees to receive Incident Command System and/or Interagency Joint Operation Group (IJO) training?

3.(d) 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.(e) 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 ft² 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 ft² 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? Are fit tested employees provided Level A SEA Positive Air Pressure Respirators and Full face Butyl rubber respirators?

How were the employees selected? Was age discrimination used in the selection process?

3.(f) 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 AEDs has been lifted by GOER.

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

Commissioner Tuffey did address the majority of these topics that will be reflected in the minutes. He will attend future meetings and forward information updates as they become available. The Department will purchase AEDs in the regions.

PEF asked for a response to the 12/2/03 letter. Management replied that Commissioner Tuffey attending the H & S meetings was their response to the letter.

PEF was concerned that the OSHA training has shifted from defensive to offensive. PS & T employees should be placed at Level A. PEF was also concerned with the respirators being inappropriately fitted to individuals. PEF didn't want their members being sent to search for the absence of these programs without knowledge of the testing labs. Management's understanding is that chemical and biological equipment is state of the art. They deferred further discussion to the next H & S meeting. PEF provided management with the curriculum of the offensive training. The H & S team discussed weapons of mass destruction at the last meeting. All of question 3.e. needs to be addressed. Management will report on updates from those meetings.

PEF was made aware that management was seeking 30 immediate offensive responders, which requires 160 hours of training per year. Management will return with the questions. Some initiatives were coming from outside the Department but impact DEC due to nature of employees. PEF felt that within the managerial structures, different people were operating under different notions. PEF requested an electronic copy of the emergency preparedness plans and wanted union to have the opportunity to assist in the process of those plans.

4. 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: The funding source is not known at this time. Management will follow up.

5. 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 train the employees for fighting forest fires and not use their resources when available to do the work?**

Management's response: This is under Executive review.

6. iExpense

Use of iExpense has seriously detracted from productivity of professional program staff and management who must use it on a regular basis. **Why did management make this mandatory before training all employees? PEF requests that a cost-benefit analysis report be generated on the contract to develop iExpense, the cost overruns, and indirect costs of training staff and troubleshooting unexpected problems. DIS has reported that some caution is warranted with the technical and customer satisfaction aspects of iExpense.**

Management's response: Recognizing that there would be a steep learning curve involved, we implemented and trained Central Office employees first and then put them onto the system. Training for regional staff is currently underway. As each region's staff members are trained, they will come on to iExpense. We expect to provide ongoing training as it is needed. DIS has indicated that with MMS (Maintenance Management System), LATS (Leave Accrual Tracking System) and FMIS (Financial Management Information System) including iExpense, PCs in various sub offices will need to be upgraded to be able to function properly.

LATS will be rolled out within this fiscal year. It has only been used as a pilot at this time. Fish and Wildlife will be brought in within the next month. DIS needs to be informed of any excessive slowdowns. Management invited the Setauket staff to the Region 1 training. PEF didn't believe they received any training. PEF had requested a cost-benefit analysis to measure

the productivity. Management is addressing any problems as they occur.

Management announced that CitiBank Visa is new credit card vendor, which employees should also utilize for travel advances. There is no personal credit history requirement. Management will not be conducting a cost-benefit analysis as they are committed to this program. OSC will be closing travel advance accounts. Doris McCarthy is DEC contact.

7. Does DEC have a practice of routinely denying employee VRWS applications for staffing shortages?

Management's response: No, we do not. Since the VRWS program began 20 years ago, approximately six (6) employees have had this privilege denied to them. The Bureau of Personnel is not aware of any recent denials of VRWS requests.

One incidence will be discussed later.

II. Old Business

1. 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: Not yet. We have received sample curricula and are reviewing them to insure they meet the State Education Department (SED) guidelines. We hope to submit these packages to SED in the next few weeks. Management will follow up on whether all engineers and surveyors will be involved.

150 were trained in Albany, but that wasn't made available to the regions. PEF was deferred to SED who owns that training.

2. Blocked Websites

PEF proposes to drop topic.

Management's response: Management agrees.

3. Fiscal Bulletin 410 – Travel Agent Services

PEF proposes to drop topic.

Management's response: Management agrees.

4. Privatization and Organizational Development

Why did DEC hire work traditionally performed by PS&T employees by approving contracts over \$3 million State Wildlife Grants for wildlife conservation projects?

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

Management's response:

Currently there's a hiring freeze for federal funds on these positions. The new funding stream through the Department of the Interior is not guaranteed annually. The matching program is dependent upon the money used for percentage changes. In order to remain eligible, a strategy must be completed by 10/1/05. Most projects chosen are geared towards completing that strategy. They elected not to hire because the nature of the work is highly specialized and of short duration. Once the comprehensive strategy is completed, we will transition to program implementation and may fund staff from that source. PEF expressed their concern with the leakage of jobs and non-competitive titles filling these positions. PEF requested a copy of the plan upon completion. Management replied that the information is available on the Fish and Wildlife website.

5. Environmental Monitors

- a. As stated at the October 2, 2003 meeting, has DEC developed a new policy to replace Organization and Delegation Memo #92-10? PEF requests copies of the cost benefit analysis to change this policy. How many 3rd party environmental monitors has DEC caused to be hired?
- b. **PEF understands that DER is letting 2 contracts (work assignments) with NIMO and NYSEG to hire staff to work on remediation/monitoring and/or investigation manufactured gas plants sites under consent order and/or MOUs with DEC. This is for work presently done by Construction Inspectors, environmental engineers, and engineering geologists. DEC staff should do this work.**

Management's response: The Department is developing a policy document that will embody the environmental monitors policy. It does not merely replace Organization & Delegation Memo #92-10, since that document appeared to have fallen into disuse by 1994 and no longer represented policy in any event. A partial cost benefit analysis was done as part of the Internal Audit process and, as such, it is not released beyond the Executive level. The Internal Audit found that use of DEC and third party monitors are warranted. The Department will assemble information regarding how many third party monitors the Department has caused to be hired. Management to follow up on the number hired and where they are located.

DER issued 2 contract work assignments—not with NIMO and NYSEG—to provide field oversight. We do not view this as using 3rd party contractors.

The pilot running in Regions 3 and 8 ends on March 31. The program will begin expanding into other regions. The new program policy remains under review and will contain test results from this project.

DEC will begin billing facilities on an annual basis to improve the infrastructure and address other problems experienced when facilities were in arrears on the quarterly payments. Regions will then have actual supervision of the monitors and manage those funds for the entire year. Previously it was difficult to track the account balance on a monthly basis. This will streamline the approval process, avoid duplication of efforts and reduce other incidental expenses. Management is discussing

with legal counsel mechanisms of enforcement, such as revoking the permit or shutting the facility down. The monitor must be on site during operations. If for any reason that monitor leaves, the facility cannot operate or engage in any functions that need monitoring, or they will be in violation of their permit.

The work plan also needs to include any anticipated overtime needs for the year. The legislature does not give appropriations for monitors because the fees collected provide funding. However, spending authority is needed in order to access those revenues collected. The hiring freeze applies to monitor positions. The existing requirement for a DEC monitor will be continued under the new permit. DEC will no longer subsidize these facilities. PEF was concerned with having no recourse over private contractors and not being held to the Ethics Law. Management stated that contract is approved by DEC. DEC was underwriting the costs of requiring a 3rd party monitor.

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

7. 625 Broadway

7.(a) PEF recognizes that the requested modifications to thresholds in restrooms at 625 Broadway and the front entrance and on the heavy glass doors outside of elevators on 7th and 13th floors. PEF is still waiting for push-button operated doors for the nurse's, EAP and mail rooms so that the physically challenged are not continued to be denied fair and equal use of all DEC services.

7.(b) Despite the fact that nearly 2000 DEC employees have been at the 625 Broadway offices for over 2 years, neither the City of Albany and/or the State of New York have yet to install a sidewalk from the northern-most section of the Water Street parking lot nor has a legal crosswalk been marked on the pavement across Water Street for individuals to use who pay NYS OGS to park there. PEF raised concerns with the pedestrian corridor posing dangerous situations with the lack of signage and markings. There are statewide implications when people come in from other regions.

What improvements for pedestrians coming from the Water Street parking lots to 625 Broadway are planned for the 2004 construction season?

Management's response: The Central Office Health & Safety Committee is addressing these issues.

8. Pre-Tax Transportation 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: The current plan is to operate a New York City pilot program. State Agencies currently scheduled to participate are the Department of Labor, the Department of Transportation, the Office of the State Comptroller and the State Insurance Fund. The bidding process will begin on 3/15/04 and is expected to be completed during May or June of this year. GOER has stated they ultimately hope to include all Agencies in the (NYC) pilot program but no guarantees are being offered at this time.

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 superseded 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: This handbook is now undergoing a final review. Will make a copy of the draft available when appropriate.

10. Failure to Provide Travel Advances

When will Fiscal Bulletin 354 for Travel Advances 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: Asked and answered previously. With the advent of the iExpense system, a complete review of all Fiscal Bulletins and the travel voucher process was initiated. When the review is complete, the Fiscal Bulletins will be reissued.

It was discussed that an online manual would be helpful for iExpense.

11.(a) Contracting Out Computer Services

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

Why is MCI not listed as a contract?

What are the projected expenditures for SFY 2004-2005?

Management's response: Attached are the contractor services expenditures for FY 2003-04 to date. We do not budget by vendor so there are no budget estimates. In all cases vendors are engaged for their specialized skills that state employees don't have or are just learning. Every effort is made to transfer the skills to the state employees. The Division of Fish, Wildlife and Marine Resources is responsible for the funding of the MCI contract. It is anticipated that the 2004-05 expenditure will look very similar to 03-04.

11.(b) PEF requests an update on DECALS and MCI (WorldCom) remaining five (5) DECALS applications including the internet sales application, the ad hoc query application and the sportsman education application responsibilities and OSC approval of the contract amendment.

How much was over budget? DID DEC recover the costs to design, implement and retrofit the new DECALS program?

Management response: The internet sales application is in testing, ad hoc query, sportsman's ed and the contract amendment are in development. DECALS has not gone over budget. The total contract amount has remained the same. The amendment will include the cost of options originally identified in the contract that DEC has decided to purchase in addition to the original contract deliverables. DEC has imposed approximately \$550,000 in liquidated damages as specified in the contract.

11.(c) Please provide a copy of the Pesticides Reporting Law Electronic Reporting contract. What portion of the contract was done in mainland China?

Management's response: None of the Pesticides Reporting Law Electronic Reporting contract work is done in mainland China, all of it is done in New York State and our contract with Hewlett/Packard is through the OGS backdrop contract process. We pay them with a purchase order.

All of the data entry work associated with the Pesticide Reporting Date Entry contract is done in mainland China. All of the imaging work done in association with this contract is done in the United States. A copy of the contract was provided to PEF.

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: There has been no activity on this matter since the last meeting on March 11, 2003 at PERB. The last notice from PERB stated that this case would remain on hold (at PERB) until 1/07/04. No word from PERB since that notification. We still have not received any notice from the Governor's Office for Technology on the issuance of a policy addressing personal use of State Internet services.

13. Labor/Management Training

PEF/encon requests that joint LM Training be tabled.

Management's response: Management agrees.

14. Scheduling of L/M Meetings

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

Management's response: The invitation will be extended to the Commissioner.

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: A decision on both programs currently remains at the Executive level.

Management is still awaiting some upgrades.

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: No new information to provide at this time. As stated previously, SUNY East is no longer the designated site for this laboratory. It was determined that the available (SUNY East) land was unsuitable for this purpose. The Department is now in the process of

determining whether or not to build this laboratory somewhere else. If a determination is made to build on an alternate site, the Department will work with OGS toward this end.

Division directors will give an overview when it takes place.

17. Acting Positions – Still pending

Albany

Solid & Hazardous Materials

Is the Pesticide Reporting Section Chief filled?

Management's response: The position has not been filled.

REGION 1 Regional Spills Engineer position filled?

Management's response: The position has not been filled.

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

Management's response: So noted.

Attachment A

IT Contractor Report as of 3/09/04

| <u>Vendor Name</u> | <u>Cost to date</u> |
|-----------------------------------|---------------------|
| Annese & Associates | \$49,9352 |
| CMA Consulting | \$38,787 |
| Genesys Consulting Services | \$152,545 |
| IBM | \$178,680 |
| IMG | \$298,791 |
| Keane | \$174,161 |
| Phoenix | \$156,000 |
| Raytheon | \$2,807 |
| Systran/Dyntek Services | \$243,397 |
| TRC | \$146,210 |
| Grand Total Contractor Costs..... | \$1,890,730 |

[03/09/2004]