

**STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION LABOR/MANAGEMENT – Meeting Minutes**

December 11, 2014

Attendance:

PEF:

Carl Fritz, Region 1
George Stadnik, Region 2, Exec. Board (Regions 1-4)
Keith Browne, Region 3, Div. 169 Leader
Joseph Battista, Region 3, Div. 169 Secretary
Christopher O'Neill, Region 4, Assistant LM Chair
Frank Flack, Region 6, Exec. Board (Regions 5-9)
Rich Coriale, Region 6, Statewide Health and Safety Co-Chair
Terry Tyoe, Region 6, Div. 169 Assistant Leader
James Sacco, Region 9
Jeffrey Dyber, Albany, LM Chair
Holly Clark, Albany
Denise Hobson, Albany, Div. 169 Treasurer
Rob McDonough, Albany, Exec. Board (Central Office)
Tim LeBarron, Albany
Bruce Giddings, Albany
John Munn, SUNY East Campus
Sharon Parker, PEF
Debra Greenberg, PEF Field Representative
Geraldine Stella, PEF Health and Safety Office

Management:

Mark Cadrette, DEC Director of Employee Relations
Paula Laime, DEC Employee Relations
Nina White, DEC Employee Relations
Edward Kucskar, DEC Health and Safety Director
Marline Agnew, DEC Director of Personnel and Payroll Services
Nancy Lussier, DEC Director of Management and Budget Services
Jeffrey Stefanko, Assistant Commissioner of Administration
Mark Malinoski, Director of Operations
Everett Chamberlain, Chief, Transportation Services Bureau

PEF's questions and statements are in bold face type. The information placed in [brackets] consists of issues from prior L/M meetings retained for additional discussion or for which a response is forthcoming.

Management's questions and statements are in italics.

1. PEF Labor/Management Committee Issues

PEF proposes the following dates for Labor Management meetings for 2015:

Wednesday, March 11, 2015 - Central Office
Wednesday, June 10, 2015 - Central Office
Wednesday, September 2, 2015 - Regional Office TBD
Wednesday, December 2, 2015 - Central Office

Management's response: Tentatively, Management agrees with above dates.

2. Pollution and Energy Reduction

PEF proposes setting up a joint L/M subcommittee to negotiate a telecommuting agreement and jointly formulate DEC's telecommuting policy. Does management agree to this proposal? If so, when will management send PEF a list of their subcommittee members? When will the subcommittee begin meeting?

Management's response: Management agrees to meet with a PEF subcommittee before the next L/M meeting to discuss PEF's vision of the telecommuting policy. Management will seek executive level involvement in the meeting.

Currently, management and PEF have different visions of an acceptable telecommuting policy. PEF supports a policy where employees can: telecommute up to two days per week year round, appeal if their supervisors deny their participation, participate in compressed work schedule or VRWS program, and perform any assignment that can be effectively performed at home. In contrast, management's proposal limits telecommuting to ten days per year, limits telecommuting work to non-recurring projects, does not allow participants to combine telecommuting with other alternative work schedules, and does not include an appeals process. As PEF's vision of a telecommuting policy is reflected in our comments on management's proposal, how will PEF's comments be addressed?

Management's response: PEF's comments will be addressed at the next subcommittee meeting.

PEF believes that our proposed policy would save energy, significantly reduce greenhouse gas emissions, and improve employee productivity and morale. To help us achieve a mutually agreeable policy, we would like management to discuss the reasons for their proposal.

Management's response: Management agrees to discuss their reasoning for the draft outline at the subcommittee meeting.

PEF is seeking information regarding the (10) ten day limitation.

3. Health & Safety

PEF is elevating our issues with medical monitoring from the Statewide Health and Safety Committee to this forum. PEF believes that the DEC is not following Division SOPs for medical monitoring of field staff. There is no follow-up or surveillance on staff that have been identified to have work-related health issues during these exams. Scheduling of medical monitoring exams are not being done in a sound manner to detect when staff have been exposed to chemicals during their work shift. In addition, the Division SOPs are outdated and are not in compliance with all aspects of OSHA 1910.120.

Management's response: Management disagrees that the divisions' SOP's are not being followed. Management does however agree that they are the policy that should be followed in their respective divisions. The Department's medical monitoring program is a compliance program and was never intended to be a comprehensive medical surveillance program. Management will provide DEC titles of employees who are included in the hearing conservation program simply based on job description. Management agrees to provide existing noise dosimeter data.

The Health and Safety unit needs to be elevated to the bureau level. Currently, it is a unit under the Office of Employee Relations. One supervisor and three staff members are not adequate to perform required field testing to ensure employee safety, schedule medical monitoring exams, track and follow-up on health related issues and move the health and safety unit in a more progressive direction to protect worker health and safety. At this time, PEF will present a PowerPoint presentation to DEC Executive Staff. The purpose of the presentation is to establish DEC's Health and Safety Program as an agency priority, obtain a budget line item for health and safety and elevate the Health and Safety Unit to the bureau level.

Management's response: Management continues to discuss H&S office staffing issues with executive staff and is working to fill the current staffing vacancies. Management is currently working with ITS to create a database solution that should be able to provide more medical monitoring information per PEF's request.

PEF has received the draft clothing policy from management and has provided comments. PEF would like to meet with management to discuss and finalize the policy. When will management be able to meet with PEF's representatives?

Management's response: Management agrees to meet with PEF to discuss their comments on the clothing policy before the next Labor/Management meeting.

4. Contracting Out/State Vehicles

During the September 2014 L/M meeting, PEF suggested that DEC formulate policies that require contractors to comply with the ethical aspects of the public officer's law. Will management implement this suggestion?

Management's response: Management will look into seeing whether or not that is a viable option.

Allowing contractors to use State vehicles has exacerbated vehicle shortages in the Central Office and in the Regions. This issue will worsen for Regions 1 and 2, which are currently adding new contract employees. PEF requests that management make arrangements to give State employees priority over contractors when assigning vehicles.

Management's response: Management believes all employees should have equal access to vehicles while trying to complete the agencies mission.

PEF is concerned about delays in putting new state vehicles into service. How many new vehicles have (and have not yet) been put in service in each region and central office? What is the status of the remaining new vehicles and when will they be put into service?

Management's response: Management explained that the reason for much of the distribution delay is changes at DMV. Management provided updated vehicle purchasing information to PEF which will be attached to the minutes (see attached).

5. PEF Use of DEC Resources

Management recognizes that the State permits union use of e-mail for legitimate labor/management purposes under the terms of the PEF contract side letter. Management is concerned with PEF Encon representatives use of the DEC e-mail system.

PEF's response: Not discussed at this meeting.

6. EOL Code Usage

DEC will provide union representatives and supervisors EOL guidelines to educate everyone in the appropriate code usage. In addition, we want to confer regarding a formalized process for supervisory approval and category for EOL charge.

PEF's response: Not discussed at this meeting.

7. Outside Speakers

Management would like to discuss the outside presenters that PEF invite into DEC facilities when DEC provides space for PEF meetings.

PEF's response: Not discussed at this meeting.

8. Budget

What is the current FTE fill level? Has the maximum fill level (BFL) of 2,916 changed? How many new hires and new promotions have been approved, but have not been filled?

Management's response: There are 50 outstanding unrestricted and 12 restricted waivers that have been approved, but not filled. There are a lot still pending. The current fill level FTE 2,870.

What information and expectations does DEC have about the Governor's proposed budget for 2014-2015? Will the maximum fill level (BFL) increase, decrease or remain the same? Will DEC's budget increase, decrease or remain the same? Will there be any significant changes to the budgets for any of DEC's programs?

Management's response: Management has no information yet on the Governor's budget. The call letter indicates a flat budget.

Where do oversight cost reimbursements to DEC for Division of Environmental Remediation (or other Division) staff time received from remedial parties go...to DEC budget, DER budget, State general fund, or other?

Management's response: Not discussed at this meeting.

9. Civil Service and Personnel

In the past, the State has conducted promotion exams for the Environmental Program Specialist (EPS) 2, 3, and 4 exams at the same time. This year, the State only offered exams for the EPS 3 and 4 titles. Why didn't the State offer the EPS 2 exam along with the EPS 3 and 4 exams?

Management's response: Civil Service instituted a new process for higher level exams and held them all at the same time. Technical exams which typically would be the two level in the series will be held separately.

The Department of Civil Service has informed PEF that the EPS 2 exam will not be held until 2018, which will be eight years since the previous EPS 2 exam. PEF requests that the DEC ask the Department of Civil Service to hold the exam sooner to ensure promotional opportunities for all employees in the EPS 1 title series.

Management's response: The EPS 2 exam has been requested and hopefully will be held in the 2015-2016 fiscal year.

What is the process for an employee to inquire regarding possible improprieties in the canvass/interview/hiring process for a specific position? Should the employee inquire directly with the Department of Civil Service, the DEC Personnel Director, both, or other?

Management's response: Management indicates that there is no formal process, however employees are encouraged to bring all concerns to the attention of the Personnel Office. In the event that their concerns are not addressed to their satisfaction, they may certainly reach out to the Department of Civil Service.

PEF stated that concerns can also be raised with stewards.

The use of email canvassing continues to raise questions by employees. Can/will management require a standard statement for emails used to canvass for positions stating the policy that "if no email response is received then a US Postal Service paper canvass letter will be sent"? Furthermore, since email canvasses typically request a resume and HR1 as part of an affirmative response, and that the response is due within 2 days, can the email canvasses be clarified that additional time is allowed for interested employees to prepare and submit the HR1 and resume being requested?

Management's response: Management has revised the email canvass instructions and will provide wording to be included with email canvasses explaining to candidates the email process.

Management clarified that there is no such thing as a “no response” to an email canvass or phone message.

Can canvass emails and letters be required to indicate the position to which the canvass applies? A recent Division of Air Resources Environmental Engineer 3 canvass email was issued with no indication as to which position was being canvassed, and it turned out to be for a position whose In-Site position-specific profile was several weeks old.

Management’s response: Management agrees to provide guidance that directs hiring managers to include specific information related to the position being filled on a canvass letter.

At the September 2014 L/M meeting, management agreed to resume sending approved hiring waivers to PEF. PEF has not received any waivers since that meeting. Have any waivers been approved since the last L/M meeting?

Management’s response: Management provided the most recent waivers shortly before this meeting. Management agrees to provide waivers to PEF on a monthly basis.

Can hiring waivers be re-assigned and what are the restrictions for making such a re-assignment? Division of Air Resources recently canvassed and interviewed for an Environmental Engineer 3 position then ‘re-assigned’ its associated approved waiver to another Environmental Engineer 3 position with its separate position-specific profile and roster.

Management’s response: Management indicated that waivers were not reassigned in the case of the Division of Air Resources. There was a change in priorities prior to the waivers being issued.

If hiring waivers are for “critical fills” then what are the criteria for changing an approved waiver from one “critical fill” to another “more critical fill”?

Management’s response: Management continues to emphasize the importance of filling all positions as quickly as possible.

When DEC requests a waiver for a promotional position, can they include an associated waiver for a backfill of the vacated position?

Management's response: Management indicated not generally because promotions are expensive. Divisions need to prioritize and address staffing needs based on the current financial or workflow or staffing situations.

How does the "hold" system work for someone who is promoted from a PEF position to an MC position, such as Assistant Attorney to Regional Attorney or Environmental Engineer 3 to Regional Director? If the now-MC employee "returns" to the "held" PEF position, does seniority 'bumping' occur or does the employee automatically get their former title/position back? How long does the PEF-MC "hold" last? Is there a "hold" timeframe, is it renewed every year, or other? Can the position being "held" be moved/re-assigned to another work location during the "hold" time period?

Management's response: Management indicated that when employees are promoted into exempt or noncompetitive "Phi" positions (which serve at the pleasure of the Commissioner), the holds are discretionary on the agency's part and there are no impacts on fill levels. The holds can be approved internally for two years, after which they must be approved by the Civil Service Commission. The hold is for a title and grade, but not a specific location.

10. Parking

At the September 2014 L/M meeting, PEF suggested that Management look into getting parking placards from NYC for Region 2 employees' personal vehicles. Please provide an update on the status of this issue.

Management's response: Current parking placards are assigned to DOT employees who have permission to do state work in their personal vehicles or contract employees working for DOT. If PEF provides Management with justification and numbers Management agrees to discuss the issues with the Region 2 Director.

OGS recently updated the interim status report for parking in downtown Albany and the start date for entry into the 625 Broadway lot is now in 1985. Can Management look into alternative covered parking for central office employees?

Management's response: Management has already met with the Albany Parking Authority in 2013 to discuss parking arrangements at the garages adjacent to the building without much success. Management is willing to revisit the issue and pursue PEF suggestions.

11. Other Issues

PEF requests that employees in western New York who were not able to report to work for

all or part of November 18th due to the blizzard be placed into paid status for the entire day without charging leave. Road closures and travel bans and advisories in western New York justify excusing absences for that day.

Management's response: Management has already initiated the process to petition the Civil Service Commission for time restoration. The Civil Service Commission has a very high standard which must be met before restoring employee accruals.

During the September 2014 L/M meeting, PEF suggested that responsibility for the License Event Notification System (LENS) program be shifted to Operations. Will management implement PEF's suggestion?

Management's response: Not discussed at this meeting.

Currently, there is no mechanism for DEC employees to provide feedback on the mandatory online training classes. As these classes are given annually, feedback can be a valuable tool for the provider to improve the classes for future years. Can management provide a mechanism for employees to provide feedback to the provider of these classes?

Management's response: Not discussed at this meeting.

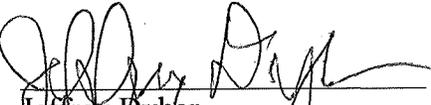
At the September 2014 L/M meeting, management indicated that they would follow up with the DEC training office on how contractor training completions are tracked. Please provide an update on this issue.

Management's response: Not discussed at this meeting.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 1-15-2015



Jeffrey Dyber
L/M Chair, PEF/endon

Date 1/15/2015

FY 14/15 VEHICLE PURCHASE STATUS

BACKGROUND:

- Number of vehicles approved for purchase in the FY 14/15 Business Case: **248**
 - o FY 14/15 funded vehicles: 158
 - o FY 15/16 funded vehicles: 90

STATUS

- All 158 of the FY 14/15 funded vehicles that have been order.
 - o 69 have been received.
- FY 15/16 funded vehicles.
 - o 22 have been ordered with a required delivery date of not earlier than 4/15/15.
 - o Remaining 68 will be ordered later this Fiscal Year.

OTHER COMMENTS:

- The Vehicle Purchase Business Case for FY 15/16 is under development.

**Vehicle Distribution Plan
FY 14/15 Purchases**

Region 1	-	6		
			Law Enforcement	101
Region 2	-	2		
			Forest Protection	53
Region 3	-	7		
			Subtotal	154
Region 4	-	7		
Region 5	-	12	Spills	5
Region 6	-	8	FW & MR	6
Region 7	-	8	Public Affairs	2
Region 8	-	8	Air Division	3
Region 9	-	8	Saratoga Tree Nursery	2
C.O. Pool	-	10		
			Subtotal	18
			Subtotal	76

TOTAL = 248