

**PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
LABOR/MANAGEMENT REPORT
June 13, 2002**

Attendance:

PEF:

David Persson, LM Chair
Karl Berger, Albany LM Co-Chair
Chris Spies, Region 1
George Stadnik, Region 2
Hassan Hussein, Region 2
Thomas Rudolph, Region 3
Les Eggleton, Region 5
Terry Tyoe, Region 6 Utica
Frank Flack, Region 6 Watertown
William McCarthy, Region 7
James Kersten, Region 9
Kevin Hintz, Region 9
Dylan Keenan, Albany
Mike Keenan, Albany
Wayne Bayer, Albany
Holly Clark, Albany
Kuldeep Gupta, Albany
William Wurster, Albany
Joseph McDonald, Albany
Jim Kemenash, PEF Field Representative

Management:

Joseph Lattanzio, DEC Director of Employee Relations
Richard Randles, DEC Director of Management & Budget
Nancy Lussier, DEC Director of Budget Services
Carole LaVigna, DEC Acting Director of Personnel
Jean Edouard, DEC Director of Health & Safety
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

Why does DEC management oppose A. 11048 DiNapoli, which passed the Assembly on Earth Day(4/22), that proposes to finance HW Site Remediation Projects and provides \$200 million for cleanup including monies from Environmental Facilities Corporation Bonds; and provides for cleanup of hazardous substance sites? Without passage of Superfund, PEF believes there will be significant negative environmental and health impacts if DEC does not have funding and authorization to be proactive in investigations and assessments of potential hazardous waste sites.

Management's response: The Department considers all positions/arguments of each bill. The decision to support or oppose is ultimately made by Executive. Management believes this is an internal policy matter and not appropriate for discussion in the Labor/Management forum.

Will Superfund staff be funded by SRO–Site Investigation and Construction Account instead of the Capital Budget line for Solid & Hazardous Waste Management–the Hazardous Waste Remedial Fund, Hazardous Waste Cleanup Account?

Management's response: Yes. The 2002-03 enacted budget includes an appropriation on State Operations, SRO, Site Investigation and Construction Account for both personal services and non-personal services.

How will Manufactured Gas Plants (MGP) sites be monitored and funded? Where is the funding coming from for the 30 orphan MGP sites?

Management's response: The sites will be monitored by State Superfund staff and monitor staff. The sites are remediated by the various utilities with State oversight. The utilities pay for our staff cost. Management to provide follow up.

How will the cuts in the EPA Superfund program negatively impact DEC's budget and work plans? If EPA can not accept NY nominations to the National Priority List (NPL) for expensive long term investigations and remediation (e.g. Cayuga County Groundwater Plume, Ellenville Scrap and Iron in Ulster County, and Crown Cleaners in Jefferson County), how will NYSDEC fund these investigations and remediations?

Management's response: Should federal funding not be available for contaminated or potentially contaminate sites then they would be addressed in the same fashion as non-federally funded projects are at this time. The Department would pursue responsible parties to ensure they fund remedial activities to the extent possible, and the remaining sites and/or activities would become State lead projects which require State funding. Impact on the budget and workplan in any given year would be dependent upon the scope of work projected for that fiscal period.

Per a 4/30/02 meeting with the Director of EPA's Emergency and Remedial Response Division, they are continuing to accept nominations to the NPL. The three sites specified were proposed by the State last summer, and EPA's Region II proposed them in the 9/13/01 issue of the Federal Register. Acceptance to the NPL is pending a determination by EPA Headquarters, and Region II indicated during a meeting the first week of June that they expect them to be approved.

Update: PEF notes that as of July 10, 2002 EPA still has not accepted the three sites in question to the NPL.

O&M work on NPL sites presently done by EPA or their contractors is being cut in the Federal Superfund Budget as well as other cuts in the Federal Remedial, Removal and Assessments Budgets. Where will DEC obtain staffing and funding for the increased responsibilities for Federal National Priority List O&M sites?

Management's response: This statement is not accurate per discussions with EPA Region II. They are aware of neither O&M budget cuts nor any change in the manner such work will be funded. However, as noted above, should federal funding not be available then the State would obtain responsible party funding to the extent possible and remaining sites and/or activities would become State lead/State funded projects. Impact on budgets and workplans would be dependent upon the scope of O&M work projected.

Update: PEF reports that the EPA cleared payment of \$2.5 million for the GCL Tie and Treating site, Sidney, N.Y.

Has DEC urged the Governor and the NYS Congressional Delegation to oppose Department of Defense amendments that could prevent enforcement of environmental laws on military bases and/or requested DOB to do an economic impact analysis on NYS, if these amendments pass?

Management's response: The Department shares its concerns with the appropriate parties on various State and federal issues throughout their respective legislative sessions. Management believes this is an internal policy matter and not appropriate for discussion in the Labor/Management forum.

PEF disagrees that this is not an appropriate forum to discuss this matter.

Will the Department's license fees set by legislation sustain Conservation Fund program capability in 2002-03, fund 400 positions, 276 of which are F&W positions. and address the \$2.5 million SFY 2002-03 deficit and the projected \$15.5 million SFY 2004-05 deficit? How long will contingency plan for SFY 2002-2003 last with the \$5.3 million deficiency appropriation?

Management's response: The Governor's Article 7 Bill was passed by the Legislature. The fees will sustain the program dependent on future license sales and expenditure rates.

What is the purpose of the \$1,279,000 increase in the non-personal service appropriation for the Fish, Wildlife and Marine program?

Management's response: The increase is for the automated hunting and fishing licensing system (DECALS) and for fixed costs related to utilities: \$79,000 is for utilities; \$1.2 million is for the DECALS program.

Is the DECALS automated license sales operational at the 625 Broadway office?

Management's response: As of June 3, 2002, DECALS at the Central Office is fully operational.

What is the schedule for the Region 4 move? When will management engage 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, George Stadnik should be the PEF steward contacted.

Management's response: The projected date remains April 2004. There is no detailed schedule available at this time.

Regarding the Worklife Committee, this is a Region 4 issue and should be raised at the local Labor/Management level. Accordingly, Management requests this topic be dropped from Statewide Labor/Management discussion.

What is the status of the additional 28,000 square feet at the New Paltz office? Is the schedule for Stein White Nelligan to complete design and award construction projects still Fall 2002? What is the status of an additional \$2.5 million in funding for fiscal year 2002-2003?

Did management initiate 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, Keith Browne should be the PEF steward contacted.

Management's response: Our Architect, Stein White Nelligan, is expected to complete the Schematic Design Phase by the end of June 2002. At this time, it looks like the final set of contract documents for construction will be ready for December 2002 bid opening. Construction work would start in late February 2003 and continue for about 12 months before the building would be ready for occupancy. The \$2,500,000 in needed additional funding has been included in the enacted Capital Projects budget for FY 2002-03.

The Regional Director has previously committed to the concept of forming a group to communicate information to employees in the region. Management suggests PEF contact the Regional Director to initiate committee activity. As this is a regional issue, Management requests the topic be dropped from further Statewide Labor/Management discussion.

Has the Department procured one Toyota Prius and two Honda Civic hybrid vehicles?

Management's response: Yes. The Department ordered one Toyota Prius and two Honda Civic hybrid vehicles. All three have been delivered and are pending payment, registration and plates. Once assigned, one Honda Civic will operate in Region 1, and the other two vehicles will be assigned to the Central Office Vehicle Pool. Management requests this item be dropped from the agenda.

PEF concurs.

What is the cost of contracting-out the writing of the Whitney-Lake Lila Unit Management Plans?

Management's response: The procurement of services to support Department development of a Unit Management Plan for the Whitney-Lake Lila area has been rejected for technical reasons by the Office of State Comptroller. It is unknown at this time whether another procurement of services will be pursued for this project.

2. Staffing

PEF/EnCon objects to the reassignment of an exempt Special Assistant to function as Chief of the new Forest Preserve Bureau in the Division of Lands and Forests. This action completely disregarded the Forester 4 promotion list and is a flagrant violation of the Civil Service Law, Sections 44 and 61. The other bureau directors in this division are all competitively classified. In

particular, two bureau directors with similar responsibilities are both competitive Foresters 4, which is the appropriate title for this function. In fact, DEC had a vacant Forester 4 position posting #02-28 and an approved budget waiver, which expired May 29. A lengthy promotion list for Forester 4 exists; in addition, a new exam was recently held which should produce a new list relatively soon.

Management's response: Management notes PEF's objection. The matter is currently under review by the Civil Service Commission. The Commission has requested an organizational chart from the division, and preparation of the chart is in progress.

PEF requests a copy of the organization chart when it is prepared.

Management's response: When available, Personnel will share the chart with PEF.

When will Civil Service publish the Work Force Management Plan–Program Analysis for FY 01-02, FY 02-03 and FY 03-04?

Management's response: DEC's plan was signed by the Commissioner and submitted to the Department of Civil Service on May 9, 2002. Civil Service expects to send their report to the Legislature soon.

PEF requests a copy of the Work Force Management Plan–Program Analysis when it is released.

Management's response: When the Department receives a copy, we will share it with PEF.

What promotional exams are being planned with Civil Service? PEF wants to look at past examination announcements for titles with greater technical skill required for the upper level jobs. PEF requests a meeting with the Bureau of Personnel to discuss what is appropriate content and format for promotional exams.

Management's response: Exams are tentatively scheduled this fiscal year for: Mineral Resources Specialist 2, 3 and 4; Mineral Resources Technician; Biologist 1 (Marine); Director, Forest Ranger Services; Forest Ranger; Citizen Participation Specialist 1, 2 and 4; Mined Land Reclamation Specialist; Real Estate Specialist 1 and 2; Environmental Program Specialist Trainee; Environmental Chemist 4; Environmental Engineer (Civil) 1 and 2; Environmental Engineer 4; Air Pollution Meteorologist 2, 3 and 5; and Engineering Geologist. PEF may send comments directly to the Department of Civil Service. The Agency Personnel Office, in concert with the Department of Civil Service, will determine appropriate content and format for promotional exams.

Did DEC identify titles for development of parallel career tracts 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? Will promotion exams test knowledge, skills, and abilities to assess the competence of people to be chosen for those titles?

Management's response: Personnel met with a PEF representative to discuss this. It was agreed to gather information, identify specific problems and then meet again.

Is DEC planning any title consolidations?

Management's response: No.

Will DEC apply to the Task Force on State Work Force Management and Employee Deployment to eliminate targeted positions through the Early Retirement Incentive?

Management's response: The Department has just received program instructions, which are now under review. Management does not have an Agency position at this time.

The program is designed to mitigate layoffs. DEC currently has no plans to lay employees off during 2002-03. The agency is reviewing the pool of candidates who could be eligible for the 55/25 retirement option. The Budget Bulletin detailing the program will be posted on the OER website.

What eligible titles has DEC targeted into which employees affected by layoff can be transferred or reassigned?

Management's response: We haven't targeted any titles at this time.

Since 10/17/01, in addition to the approximately 50 waiver approvals for annual salaried positions and several hundred approvals for hourly positions for Belleayre, Operations and other Department programs, how many DEC waiver requests has DOB approved? How many approved waivers are not filled?

Management's response: Since October, we have received approval for a waiver package of 48 items. All were used but four. In addition, we have received approval for the ECO/Ranger training academy and approval for our hourly positions. Another package of waivers is expected to be sent out shortly.

What is the status of the three DOB waiver packages (Division, Hatcheries, and Shellfish Inspectors) for the Division of Fish & Wildlife? What positions are involved?

Management response: We have no information on these "waiver packages" except that they have not been submitted to DOB.

When will Management request that Civil Service increase hiring rate for Biologist I (Marine), Bacteriologist (Marine), and Senior Bacteriologist (Marine)?

Management's response: The Division of Fish, Wildlife and Marine Resources is still collecting data to support an increased hiring rate.

Is there a schedule for submission to Personnel?

Management's response: No there is not, but Personnel will share any schedule they receive

from the division with PEF when it is received.

When will DEC establish a joint L/M subcommittee to support salary grade parity between the career ladders of the Natural Resources and Quality divisions?

Management's response: The Division of Fish, Wildlife & Marine Resources has an internal working group looking at compensation levels for Biologists 1-4 as compared to other comparable State and federal titles. This internal working group is currently collecting and distilling baseline information. The group will analyze the information and make a recommendation to the Division Management Team regarding what, if any, action is supported by the data. It is premature to determine the necessity to establish a joint L/M subcommittee at this time.

PEF EnCon supports the formation of a joint L/M subcommittee to support salary grade parity. PEF EnCon is disappointed that the Department has not kept its commitment on this issue which was made in the June 2001 minutes.

Management's response: We disagree with PEF's opinion that a L/M sub-committee is necessary.

Has Region 4 identified a funding source for the Supervisor of Natural Resources position, Item No. 09403, exemption request?

Management's response: No.

The Environmental Chemist 2 (Quality Assurance Assistant) position for development, management, review, and approval of Quality Assurance Plans and Standard Operating Procedures in the Division of Water and Civil Service title of Coastal Program Specialist (Coastal Training Specialist) in Region 3 are funded through the non-profit New England Interstate Water Pollution Control Commission (NEIWPCC). Can management document that the EPA grant money can not be used for personal services? What is duration of the contracts/projects? Does that grant include other NEIWPCC positions in the Division of Water? Are there other EPA grants that are used to pass through money to NEIWPCC? Is there a restriction on personal services for those monies?

Management's response: Work being done by NEIWPCC in Region 3 is to implement the Hudson River Estuary Management Plan and is funded by the Environmental Protection Fund (EPF) which is statutorily restricted in its use to preclude paying for personal service for this purpose. Work being done on Quality Assurance is being done pursuant to an agreement between the EPA and NEIWPCC directly. We do not believe the funds EPA is granting to NEIWPCC are restricted as they use the funds in part to hire staff. Management to provide follow up information.

DEC facilities have non-DEC employees performing work similar to and/or equivalent to the functions described by PS&T Civil Service titles. Examples that PEF is currently aware of include Natural Heritage Trust, various computer contractors, NEIWPCC, SUNY, etc. PEF requested a listing of all these situations at the March 13 Labor Management meeting. The listing should include company and/or institution; number of employees; location, title and salary and function. PEF explained that not only does this diminish the career opportunities of DEC employees, but due to the possibility of job losses in future budgets, this information may also be relevant to Article 22 of the PEF contract. PEF offered to meet & discuss this further if management so desired. PEF

is disappointed that it will have to seek other means including the Freedom of Information Act.

Management's response: This information is not readily available, and we do not have the resources to assemble it. Management suggests PEF use other means to gather this information. While Management does have the need to contract for outside services from time to time, as is its right, there is no known instance where this has resulted in a loss of employment by permanent employees.

Is the reorganization of DER contingent upon reauthorization of the State Superfund?

Management's response: The Governor's proposed legislation to reform and refinance the program has no impact on current discussions related to the distribution of workload in DER, and there will not necessarily be a "reorganization." Overall increases to DER workload from newer initiatives such as voluntary clean-ups, Brownfields and manufactured gas plants, as well as an increased post-September 11 emphasis on emergency response and bulk storage inspection activities, are driving the process. DER's focus is on evening out the current unequal distribution of work and gaining efficiencies (i.e., streamlining procedures, eliminating duplication of effort) which could result in reorganization.

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. PEF requests status updates on the following outstanding issues for the L/M record:

- SID
- Right to Know Training
- AED (budget resource for purchasing)
- Regional Emergency Evacuation Plans

ICWMD (Incident Command Weapons of Mass Destruction): PEF EnCon specifically requests an explanation of this new program and PEF requests Management to share all information as it may impact health and safety at DEC both at the State and local level. PEF recommends they be involved in this program.

Management's response: These and all health and safety issues are discussed and addressed at the Statewide Health & Safety Labor/Management Committee meetings. Information on specific Health & Safety Committee agenda items are detailed within the Health & Safety Committee meeting minutes and are available on the DEC Office of Employee Relations website at:

<http://internal/home/oer/lmcommittee.htm>.

We believe ICWMD may be a Statewide initiative. If PEF can provide additional information on this initiative, Management will follow up.

4. Online Employee Orientation Program

The union also offers benefits to employees. PEF requests the PEF website www.pef.org be linked to the Online Employee Orientation Program.

Management's response: Management would prefer that employees work directly with their union representatives to obtain this information; however, Management is willing to discuss the possibility of doing this in the future.

5. Boards and Commissions

PEF requests 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 believes that these are public records that should be readily available to the citizens of the State.

Management's response: The Department retains only an internal working list of this information, which we believe may be incomplete, not current and inappropriate for distribution.

6. Identity Theft

There should be a written DEC policy concerning the subject of the compromise of data security in relation to state employees' personal information.

PEF suggests that this policy should define what personal information is; time limits by the State for notifying employees that personal information has or may have been compromised; notification of what information has been compromised; outline the actions that the State will be responsible for handling; outline the responsibilities of the employee; and include "outsourcing" or contracted services companies or bureaus as being under the umbrella of this policy. (See attached position paper for further details.) PEF also raised concern about personal employee information on the DEC website.

Management's response: We acknowledge PEF's concern on this important issue. However, at this time, we believe it would be more appropriate for this issue to be initially raised at the Statewide (GOER/union) level. Specific incidents should be brought to the attention of Management.

7. 625 Broadway

The DEC Albany office needs convenient and easily operable means of entry into and exit from 625 Broadway, as well as full accessibility for the physically disabled through out the building.

Management's response: Accessibility for the physically disabled has been an ongoing Central Office issue. We believe this issue is currently being addressed appropriately at that level; and, therefore, not appropriate for discussion at the Statewide level.

PEF disagrees and believes unresolved issues should be brought to the Statewide level.

II. Old Business

1. TransitChek

Did GOER complete the assessment relating to cost and implementation TransitChek for DEC

employees and recommend a Downstate Metropolitan area pilot program to that end? PEF asked DEC to communicate its willingness to volunteer in a pilot to GOER.

www.transitcenter.com

Management's response: The Assessment Study has been completed. PEF Headquarters has received a copy. The matter is currently in the Request for Proposal (RFP) process.

2. Employee Time and Attendance Handbook

When will Management and Budget distribute this errata to January 3, 1994 version of the Employee Time and Attendance Handbook?

Management's response: The Handbook is under development and will ultimately be posted on the website.

Is the 1994 version of the Handbook still in effect?

Management's response: Yes, that version is still in effect.

3. Training

Did DEC apply for the Continuing Education Grant, funded under the Public Service Training Program contract appropriation to support new or existing educational endeavors in the areas of academics, professional certification, and/or professional licensure?

Management's response: Yes we did submit two applications in May: one to supplement tuition reimbursement and one to assist the attorneys with the Continuing Legal Education. GOER expects to issue their decision on the grants on July 1, 2002. Update: The supplemental Tuition Reimbursement Grant was approved for \$30,000. The continuing Legal Education application was denied.

4. Negative Interviews and Inappropriate Declination Seeking

PEF requests that the topic be dropped.

Management's response: Agreed.

5. Failure to Provide Travel Advances

What steps did DEC take to ensure that travel advances continue and not on a first come, first serve basis? This method is unacceptable to PEF. We request that you increase the monies available. A corporate card is an unacceptable alternative because it does not cover all the expenses a travel advance does, such as daily meal allowance for overnight trips. In addition, credit card holders are not eligible for travel advances.

Management's response: Funds are available for travel advances on a "date of need" then first come, first serve basis. No further adjustments will be necessary. Management suggests we drop this issue.

PEF disagrees this issue is resolved and awaits to see what happens during the State Fair time period.

6. Inadequate Per Diem Rate

Putnam County isn't listed on the CONUS list, thus giving trips to Putnam the standard minimum rate (\$55) for receipted travel, but the motels in Dutchess charge the Dutchess County rate (\$74). An employee, who stays in Dutchess is only eligible for the standard rate, if the work is in Putnam. A waiver of the standard rate is available, however It might simplify things if the Department could (by whatever process) make the Putnam rate routinely the same as that for Dutchess. Westchester is a lot higher (\$114).

Management's response: The Department has looked to establish a pattern of requests to support an increased rate. To date, no pattern has been demonstrated.

7. Contracting Out Computer Services

What are the budget costs of contracted out computer support for SFY 2002-2003 and actual itemized expenditures for SFY 2001-2002?

Management's response: The projected contracted out computer support costs for FY 2002-03 is \$1,596,700.

The actual itemized listing of expenditures by vendor for SFY 2001-02 is still not yet available.

8. Intranet/Internet

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: The Improper Practice (IP) case remains on hold at the Public Employment Relations Board (PERB) until July 1, 2002. Settlement discussions remain ongoing between PEF and GOER. The Governor's Office for Technology has not yet issued any policy addressing personal use of State Internet services.

9. Labor/Management Training

LM Training is postponed until the State Budget is finalized.

Management's response: Yes. The Department will continue to work with PEF towards developing and scheduling this training in the future.

10. Scheduling of L/M Meetings

PEF asked that the next Labor/Management meeting date be rescheduled from September 12 to September 19 because of 9/11 memorials. PEF requests that Commissioner Crotty attend. A Commissioner last attended a meeting June 15, 1995. One meeting per year should be in a Region on a rotational basis. The last regional meeting was June 3, 1999 in Region 3.

Management's response: Management agrees to the September 19th meeting date in the Region 7 office and will invite the Commissioner to attend a future meeting. Management is also agreeable to holding one meeting per year in a region if this can be accomplished. Update: The next meeting has been scheduled for September 19, 2002 at the Regional (7) Office in Syracuse.

11. Pollution and Energy Reduction Committee (PERC)

Since Management has stated that the expansion of compressed work schedules (CWS) and telecommuting to the regions is contingent upon success in Albany, PEF is encouraged that the Central Office CWS pilot started in February 28, 2002 with a six month evaluation period.

It also should be noted that the Region 3 Telecommuting pilot was reopened to interested employees in September. If DEC wants to require using a DEC computer for network access, then DEC must truly embrace telecommuting and provide computers to ALL employees meeting the guidelines.

The New York Metropolitan Area has already had 5 ozone alert days this year. PEF requests that the CPPP program be offered downstate without delay.

Management's response: The Compressed Pay Period Pilot Program has been running since February 28, 2002. Although some minor problems have occurred, in general the Pilot seems to be working well. It is still our expectation that this program will be a success. The issue of providing DEC computers for telecommuting participants continues to be addressed by the PERC Committee. Management will not extend the CPPP program to any other Regions at this time.

Will DEC expand commencement of workday beyond 7:30 AM to 9:00 AM? Similar to both CWS and telecommuting, this program allows participants to avoid commuting during both the morning and evening rush hours. Thus, early arrivals and their corresponding early departures decrease traffic congestion, which achieves reductions in both pollution emissions and fuel consumption.

Management's response: Not at this time. The earlier start times were utilized last year only in connection with the Northway construction project. The only authorized start times remain between 7:30 A.M. and 9:00 A.M. Management suggests this subject be dropped.

12. Laboratory Consolidation

What is the schedule for SUNY construction of the \$25 M three bay light duty Automotive Emissions Laboratory (AEL) with funding from the Clean Water/Clean Air Bond Act under NYSEKDA?

Management's response: A construction schedule is not established at this time.

13. Acting Positions

Albany Is the EE4 Director of the Bureau of Technical Support in Air filled?

Management's response: No.

Is the G31 Director of Air Research filled?

Management's response: No.

REGION 1 Regional Spills Engineer position filled?

Management's response: No.

Regional Real Properties Manager position filled?

Management's response: No.

REGION 2 Is the SG-31 Section Chief in Air Unit filled?

Management's response: No.

Is the SG-31 Regional Solid & Hazardous Materials Engineer filled?

Management's response: No.

Is the Regional Hazardous Materials Engineer (G-27) position filled?

Management's response: No.

REGION 3 Regional Water Engineer position filled?

Management's response: No.

REGION 6 Regional Fisheries Manager position filled?

Management's response: No.

REGION 7 Is the Regional Air Engineer position filled?

Management's response: No.

Is the Natural Resource Supervisor position filled?

Management's response: No.

Is the Wildlife Manager position filled?

Management's response: An appointment has been made to this position from the promotion list.

REGION 8 Will the EE2 vacated by the new Regional DER Engineer be backfilled?

Management's response: The Water Program is hoping to backfill the EE2 position, however, funding concerns must first be resolved.

15. Contracting Out

The new Onondaga Lake Monitor, a contract employee of the Central New York Regional Planning & Development Board, position issue is tabled pending PEF review.

Management's response: Agreed.

DEC

PEF/ENCON

Joseph A. Lattanzio

David J. Pensom

DATE September 6, 2002

September 5, 2002

PEF/Encon Position Paper on Identity Theft

OVERVIEW

Identity theft is a very large issue, and while there are regulations and laws regarding it, there are virtually no policies regarding what to do in the event of an occurrence. The worker is powerless when it comes to the control of data that an employer holds.

With the recent events that have occurred in the State of California concerning the compromising of employee data, and the resulting confusion that has been caused by it, the State of New York should have in place a written and enforceable policy that outlines actions and responsibilities of both the state workforce administration and state workers in the event of such an occurrence here.

Just as there are written policies ranging from agency to state level in the event of a physical catastrophic incident or event occurring, the compromising of personal data (*through either negligence or accident*) can be just as devastating to individuals.

This policy should also include any outside agency or service bureaus contracted by the State¹ that a compromise occurred; set limits as to the amount of time the State or Agency has to notify employees; provide help and assistance in rectifying any damage done; and keep information available on the status of the problem; as well as information on steps taken to ensure that the problem will not occur again.

PROPOSAL

There should be a written DEC policy concerning the subject of the compromise of data security in relation to state employees' personal information.

This policy should set (among other things):

1. Personal information shall include but not be limited to payroll information, health record information, financial information, and other similar information held by the state for which the state is responsible to protect as private.
2. Time limits by the state for notifying employees that personal information* has or may have been compromised.
3. If a breach of security of personal information occurs, notification of what information has been compromised and when the information was compromised.
4. Outline the actions that the state will be responsible for handling (*i.e. notifications, etc.*) in the case of a compromise.
5. Outline the responsibilities of the employee, and suggestions of a course of action to be taken, depending on what kind of information has been compromised.
6. Inclusion of "*outsourcing*" or contracted services companies or bureaus as being under the umbrella of this policy.

¹ For instance, it is believed that Chase Manhattan Bank in NYC has responsibility for distribution of payroll funds to all other banks for the state payroll direct deposit. If a compromise occurred there, the responsibility of reporting such a security breach would be the same as if it occurred at the Comptrollers office.