

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

June 12, 2014

Attendance:

PEF:

Jeffrey Dyber, Albany, LM Co-Chair
Christopher O'Neill, Region 4, Assistant L/M Co-Chair
Carl Fritz, Region 1
Alexander Becker, Region 2
George Stadnik, Region 2, Exec. Board (Regions 1-4)
Keith Browne, Region 3, Div. 169 Leader
Joseph Battista, Region 3, Div. 169 Secretary
James Yuchniewicz, Region 4
Frank Flack, Region 6, Exec. Board (Regions 5-9)
Rich Coriale, Region 6
Terry Tyoe, Region 6
James Sacco, Region 9
Mike Calaban, Albany
Holly Clark, Albany
Denise Hobson, Albany, Div. 169 Treasurer
Rob McDonough, Albany, Exec. Board (Central Office)
Antoinette Norfleet, Albany
Aseem Kumar, Albany
John Munn, Albany
Sudhir Mahatma, Albany
Sharon Parker, PEF
Debra Greenberg, PEF Field Representative
Wayne Bayer, PEF Vice President

Management:

Mark Cadrette, DEC Director of Employee Relations
Paula Laime, DEC Employee Relations
Nancy Lussier, DEC Director of Management and Budget Services
Marc Gerstman, DEC Executive Deputy Commissioner
Nina White, DEC Employee Relations

PEF's questions and statements are in bold faced 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 responses are in italics.

1. Prioritized Agenda Items

Consistent with DEC's mission, PEF supports telecommuting at DEC to save energy, decrease pollution and increase employee morale and productivity. PEF wants to enter into a telecommuting agreement with DEC through the process prescribed in the Memorandum of Agreement on telecommuting between PEF and GOER. At the March 2014 L/M meeting, management read an outline of their proposed telecommuting program. PEF believes that a telecommuting agreement can be reached that is acceptable to both DEC management and PEF. Let's discuss the framework of an agreement that would be acceptable to both PEF and management.

Management's response: Management will provide a draft telecommuting proposal within two months and agrees to participate in an L/M subcommittee to negotiate a telecommuting pilot agreement.

For over a year, the Department has had a draft clothing policy to finalize and implement. [When will the clothing policy (ie: protective and field work clothing) be released?] In the meantime, PEF requests that management send an email to all DEC employees notifying them that they may request clothing that is needed for work and that they should contact the Office of Employee Relations if they do not receive the requested clothing.

Management's response: Management will present PEF with a draft clothing policy within a few months and will meet and confer with PEF regarding the final policy.

At the March 2014 L/M meeting, PEF suggested that out-of-title positions be manditorily included in critical fill requests and that program and regional managers be directed to implement this prioritization. Management indicated it would get back to us regarding this recommendation. Will management implement PEF's suggestion?

Management's response: Management continues to address the out-of-title (OOT) work through the critical fill level process. Management is prioritizing these situations and is issuing cease and desist orders in appropriate situations.

At the March 2014 L/M meeting, management indicated that they would share DEC's draft succession plan when it becomes available and that PEF's comments would be solicited before the plan is finalized. Is the draft plan available for our comments? If not, when does DEC expect to provide us with the draft plan?

Management's response: A draft will be sent to Senior and Executive staff for review. PEF can expect a draft to be circulated in approximately four (4) months.

Please update us on the implementation of the License Event Notification System (LENS) program. Since we last discussed this program, have new types of employees been added to the system? How many DEC employees are currently being tracked by the LENS program?

Management's response: Management reported there are 3,324 DEC employees and contractors entered into the system. It is DEC's intention to enter all employees and contractors into the system. Management will check on how we will address out of state employees and contractors.

Management recently stated that DEC will be adding all DEC employees' license numbers to the LENS system. From previous conversations with management, PEF understood that only employees who drive State vehicles will be tracked using the LENS program. To protect the privacy of its employees, DEC should limit the universe of employees whose license numbers are tracked by LENS to those who are required to drive for their jobs. Let's discuss how DEC can protect its employees' privacy during implementation of the LENS program.

Management's response: Management indicated there is an "opt-out" program in place. Employees can contact Internal Audit with their supervisor's confirmation that they do not use a state vehicle and will be considered for removal from the LENS program.

[During the meet and confer on February 6, management indicated that DEC will issue a revised vehicle use policy and that PEF will be provided with a draft of the policy. When will management provide PEF with this draft policy? PEF expects to negotiate the terms of this policy with management.

Management's response: Management is currently revising the policy to include the LENS program language. Management will meet and confer with PEF prior to finalizing the policy. Management will follow-up with a timeline after this L/M meeting.

PEF has several concerns about DEC's recently released remote supervision policy (CP-60):

- **The policy creates the title of "Facility Steward", which can be confused with a union steward. If DEC decides to keep this role, the title should be changed to something other than "steward" to avoid confusion.**
- **Remotely-supervised employees would have an off-site supervisor and a facility steward, who also has supervisory responsibilities. This setup violates the management principle of "unity of command", which means that an employee should only have one supervisor. PEF recommends that DEC follow this principle by assigning only one supervisor to each employee and eliminating quasi-supervisory roles.**
- **Add a requirement that employees must not be assigned any out-of-title work as**

part of this policy.

- As the policy asks supervisors to require their employees to update their electronic calendars, add the following statement to the policy, “An employee’s electronic calendar must not be used for timekeeping purposes.”

Let’s discuss how DEC can alter this policy to address PEF’s concerns.

Management’s response: Management reported the policy has been “temporarily” rescinded; it is currently being revised and will provide to PEF before finalization. Management will notify regional and divisional management that the policy has been rescinded.

2. PEF Labor/Management Committee Issues

Proposed dates for 2014:

1. March 13 - Central Office – confirmed during 12/5/13 meeting
2. June 12 - Central Office – confirmed during 12/5/13 meeting
3. September 10 - Region (Utica)
4. December 11 - Central Office

Management’s response: Management stated the above dates are tentative dates until the labor/management agreement is finalized.

3. Natural Resources

Why is DEC considering creating standby contracts for the natural resources programs? What types of work would DEC include in these contracts? Is this work currently performed by State employees? If not, was the work previously performed by State employees? Why would DEC assign this work to contractors, rather than DEC employees? Has DEC conducted a cost/benefit analysis to determine whether using contractors for this work is more cost effective than using state employees? If so, please provide PEF with a copy of the cost/benefit analysis.

Management’s response: Management does not have a lot of detail but provided a brief background. Management indicated that the contracts will be used for several divisions including Operations. We expect them to be short-term, geographically oriented, and task specific.

How many contract employees and firms are currently performing work for the natural resources programs?

Management’s response: Management is not tracking this information.

4. Budget

What is the current FTE fill level? What is the maximum fill level in the enacted State budget? How many new hires and new promotions have been approved, but have not been filled?

Management's response: The maximum fill level (BFL) is 2,919 and the current fill level (FTE) is 2,881. A critical fill package in April 2014 resulted in 19 approved fills; two of these positions have been filled to date. We are working on a new promotion package and a new critical fill package.

How will the enacted State budget affect PEF members at DEC? Does the enacted budget increase or decrease in the number of PEF-represented employees at DEC from the previous fiscal year? If so, how many PEF-represented employees will be gained or lost? If individual programs will gain or lose PEF-represented employees as a result of the enacted budget, how many PEF-represented employees will be gained or lost in each program?

Management's response: Management reported we have two extra BFL's in the enacted budget.

Does the enacted budget cut funds for supplies, travel, training and other nonpersonnel funding? This funding is needed for DEC employees need to get their jobs done. If there are cuts in nonpersonnel funding, please provide details of the cuts and their magnitudes.

Management's response: Management reported that the non-personal budget is flat from last year.

How many vehicles will DEC be able to purchase as part of the enacted budget? Provide breakdowns of vehicle assignments by location, program and pool vs. assigned.

Management's response: Management indicated there are approvals for 248 new vehicles, and these are all replacement vehicles. Management will provide a listing of vehicle location assignments.

What is the status of the Conservation Fund (CF)? How much of the CF was allocated for 2014-15? Does the CF have a surplus? How many FTEs are being funded by the CF and how many of these FTE's are not in the division of FW&MR? How many contractors does the CF fund?

Management's response: Management reported there is a positive balance. Management will provide PEF with the FTE breakdown and numbers by division. Management does not keep

track of contractors.

What was the effect of the repeal of the marine/saltwater license on both the CF and the federal aid from the sportfish restoration fund? Please provide the impacts on CF budgets for previous fiscal years, the current fiscal year, and future fiscal years. How will the new reduction in fishing license fees and his increase in free fishing days (from 2 to 8) affect both the CF and federal fisheries aid money this year and in the future?

Management's response: Management is not prepared to address this question at this time.

5. Civil Service

Several DEC employees have been asked to participate in focus groups as part of a "job analysis study" for the Department of Civil Service (DCS). The goal of the focus groups are to devise "effective and efficient examination program which will allow agencies to quickly fill vacancies in these critical titles with the most qualified persons available." Does DEC believe that the existing examination programs are not allowing the agency to fill positions with the "most qualified persons available"? If so, why? What changes to the examination process does DCS plan to make?

Management's response: The ability to fill positions quickly and with the most qualified candidates, as determined by the program managers, is dependent on the title, the location and the age of the list. As you know, many examinations have been delayed and eligible lists have been extended.

Will new Environmental Engineer 3 and/or Environmental Engineer 4 exams be administered this year? If so, when will the exams be given? Will the exams be written only or will they include an evaluation of training and experience?

Management's response: Management is not at liberty to discuss the content of the exams before they are announced.

Earlier this year, two Environmental Engineer 3 positions were filled in the Division of Water in Region 1. Can personnel explain which position-specific profiles were used to fill the positions? Generally, is a position-specific profile created for each Environmental Engineer 3 opening?

Management's response: There was one EE3 in Water filled in Region 1, Item 12011. The roster/profile is posted on the Department's In-site. Management has confirmed with program that the duties on the roster are accurate and are the duties that the incumbent, appointed in

April 2014, are performing. The other EE3 position (Water, Region 1) has been filled for several years.

Management asked that PEF forward the specifics on the EE3 position in Region 1 Division of Water.

6. Contracting

How many contract employees have DEC email addresses? How many contract employees have reserved DEC pool vehicles in the past 12-month period? Please provide breakdowns by program and region.

Management's Response: Management does not track the number of contract employees.

7. Health & Safety

At the March 2014 L/M meeting, PEF suggested that DEC institute an employee notification system for office closures. Please update us on the status of this initiative.

Management Response: Management has contacted public affairs about utilizing the LISTServe (GOVdelivery) as a possible way to notify employees of office closures and delays. Management will provide updates to this initiative to the Statewide Health and Safety Committee.

PEF electrical engineering staff is concerned that seasonal and other staff at DEC facilities are maintaining electrical equipment without proper training and are not trained to respond to electrical emergencies, such as a blackout. PEF would like to work with DEC to get our facility staff properly trained to safely perform electrical work at DEC facilities.

Management's Response: Not discussed due to time constraints

Are seasonal employees required to take all of the mandated training courses? If not, what responsibility do their PEF-represented supervisors bear if a seasonal employee does not comply with a policy due to lack of training?

Management's Response: Not discussed due to time constraints

8. Other Topics

As we discussed at the March L/M meeting, employees at the DEC office in Utica have lost

their parking garage and no longer have assigned parking. After the March L/M meeting, management indicated that they had reached out to the Region 6 director on the parking issue at the Utica office and that the director was discussing the issue with OGS. Has DEC found a solution to the parking problem at the Utica office?

Management's response: Not discussed due to time constraints

Since our last L/M meeting, has management learned any new information about parking for DEC staff in Central Office, including when OGS will resume assigning parking permits and the details of their master plan? PEF will also continue to ask for updates from their parent union and will share any information gained at these L/M meetings.

Management's response: Not discussed due to time constraints

Management's Agenda Items:

Smoking Policy – Management is revising the policy and electronic cigarettes will be prohibited. We are currently drafting that language for the revised policy. Management will forward policy to PEF for comments before posting. The vehicle policy will also be revised to forbid smoking of electronic cigarettes.

Employee Organizational Leave (EOL) – Management is looking to develop a process that formalizes the EOL approval process. Management will meet and confer with PEF to further discuss this issue when the policy has been drafted.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 8/5/2014



Jeffrey Dyber
L/M Chair, PEF/encn

Date 8/5/2014

**VEHICLE PURCHASE PLAN
FY 14/15**

LOCATION	QUANTITY	DIVISION	QUANTITY
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
CO Pool	10	Subtotal	18
Subtotal	76		

● **TOTAL = 248**

FY 14/15 – VEHICLE PROCUREMENT
Time Table

- All vehicles to be ordered this Fiscal Year.
- \$5,000,000 to be expended in FY 14/15.
- \$2,600,000 to be expended early FY 15/16.