

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

June 10, 2015

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
Kevin Hintz, Region 9, PEF Region 1 Coordinator
Jeffrey Dyber, Albany, LM Chair
Rob McDonough, Albany, Exec. Board (Central Office)
Tim LeBarron, Albany
Mike Calaban, Albany
Sharon Parker, PEF
Debra Greenberg, PEF Field Representative

Management:

Mark Cadrette, DEC Director of Employee Relations
Paula Laime, DEC Employee Relations
Julie Gibson, DEC Employee Relations
Nina White, DEC Employee Relations
Edward Kucskar, DEC Health and Safety Director
Sherri Montross, DEC Assistant Director of Personnel
Nancy Lussier, DEC Director of Management and Budget Services
Jeffrey Stefanko, Assistant Commissioner of Administration

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 and management have agreed to the following dates for labor/management meetings in 2015:

Wednesday, March 11, 2015 - Central Office - Complete

Wednesday, June 10, 2015 - Central Office

Wednesday, September 2, 2015 – Region 1 Office
Wednesday, December 2, 2015 - Central Office

2. Budget

What is the current FTE fill level? Has the maximum fill level (BFL) of 2,949 changed? How many new hires and new promotions have been approved, but have not been filled?

Management's response: The authorized fill level is 2,946, with a current fill level of 2,868. There are 100 outstanding unrestricted waivers (new hires) and ten restricted waivers. A promotion package containing 40 restricted waivers is in the works and will go out this week. The promotion package will raise the number of restricted waivers to 50 and the total waivers to 150. Attrition is heavy this time of year. The plan is to do quarterly fill packages.

What is the status for the latest round of approved waivers? PEF has heard that 50 or more unfilled waivers are out there waiting. What is the breakdown of these unfilled waivers in relation to new hires and promotions?

Management's response: See previous response.

During the March 2015 labor/management meeting, management discussed how the proposed budget for 2015-2016 will affect DEC staff. Now that the State has enacted a budget for the 2015-2016 fiscal year, please discuss any changes from the proposed budget to the enacted budget that would affect DEC employees.

Management's response: There are no changes in the enacted budget that would impact DEC employees. Refer to Management and Budget's website for highlights of the enacted budget.

Does the enacted budget include legislative changes to programs that could affect DEC staff that were not included in the proposed budget or differ from the proposed budget? If so, please discuss these changes and their impacts on staff.

Management's response: There were changes made but nothing that would impact staff.

3. Pollution and Energy Reduction

PEF and management met on March 5 to discuss management's proposed Work from Home policy and PEF's request for a telecommuting agreement. Management indicated that they would consider PEF's comments and revise the draft policy. When will a revised draft policy be made available to PEF?

Management's response: The policy has been revised and is currently being reviewed by regional directors, division directors and executive staff. Comments are due back to Employee Relations by the end of June. Once comments are received, management will revise the draft yet again and share that revision with PEF. Management hopes to have that done by the next scheduled labor management meeting in September.

4. Health & Safety

PEF and management met on February 9 to discuss the draft clothing policy. Management indicated that they would consider PEF's comments and revise the draft policy. When will a revised draft policy be made available to PEF?

Management's response: Yes, management will make the draft policy available to PEF and hopes to do so by June 2015.

PEF requests that a Hearing Conservation position (Industrial Hygienist) be added to the Health and Safety Unit (HSU). The HSU does not have the staff to schedule audiometric testing for all required DEC field staff, conduct field testing per each Division SOP for hazard assessments, follow-up on results from the hearing tests that show hearing loss or conduct training on hearing conservation. These are OSHA requirements in the Hearing Conservation Program.

Management's response: The Health and Safety unit added an Industrial Hygienist last week and recently briefed the Assistant Commissioner for Administration on staffing and budget issues within the unit. Management will continue to try to fill vacancies within the unit.

5. Personnel

PEF has concerns about managers dissuading employees from bringing issues to their union representatives and filing workplace violence complaints. Can management address this issue?

Management's response: Management reaffirms that supervisors should not dissuade staff from seeking out their union representatives to discuss any employment issues, including those involving alleged workplace violence incidents.

At the December 2014 L/M meeting, management agreed to resume sending approved hiring waivers to PEF on a monthly basis. On May 4, PEF received waivers from both March and April. Please send PEF waivers on a monthly basis, as agreed upon.

Management's response: Management commits to sending received waivers to PEF on a monthly basis.

Please provide an update on efforts to implement an office closure notification system for DEC employees?

Management's response: DEC plans to use NYALERT for its office closure notification system. Management has met with representatives with NYALERT and has provided them with a listing of DEC employees and DEC assigned cell phone numbers and email addresses. Employees can add personal contact information to their NYALERT account. Management is waiting on NYALERT to consolidate the spreadsheet we provided and to get back to us with the next steps.

The Stony Brook (slide cards) and Stamford offices (employee ID) require employees to swipe their employee identification cards or slide cards to enter the office buildings. Which other offices require employees to use their IDs or other keycards to enter DEC buildings? Are the times that the employees swiped their cards recorded?

Management's response: Management provided a listing of Regional Offices equipped with Card/Swipe/Key fob Security (see attached). Management is not aware that employee swipe times are recorded.

Many DEC employees have State credit cards for travel. Does DEC provide employee dates of birth, social security numbers and/or other personal information to the credit card companies?

Management's response: Management provides only the last four digits of the social security number; no dates of birth are provided.

When a supervisor is on vacation or other type of leave, what is DEC's policy on assigning a staff member to be "in charge" during the supervisor's absence? Can a lower grade employee be put "in charge" of a higher grade employee?

Management's response: Currently DEC does not have a policy on this subject. Management advises that the higher level supervisor be "in charge". The supervisor should be at a higher grade level than the employees being supervised. Under no circumstances should an employee supervise someone at the same grade level.

Can DEC clarify the Smoking Policy to allow the use of nicotine delivery systems that don't expose other employees to vapor or smoke?

Management's response: Not discussed at this meeting.

Since the implementation of the Z-Scaler, some PEF members have experienced delays in accessing the internet, denials in accessing websites needed to perform their jobs, and denials in downloading software needed for work. What steps will DEC take to minimize the impact of Z-Scaler?

Management's response: This is exclusively an ITS issue. ITS standardized all statewide internet software security. DEC has established a protocol with ITS for supervisors to request access to websites that would otherwise be blocked, assuming there is a legitimate business need.

The DEC Office of Employee Relations (OER) sent the memorandum to DEC staff concerning the rollout of Z-Scaler. What role does OER play in the Z-Scaler program? What types of access does OER staff have to DEC staff computers, through Z-Scaler or otherwise?

Management's response: Management now has real time access to internet usage logs for DEC employees.

The new DEC Vehicle Policy (CP-61) states that the Department may “monitor and record by visual, documentary, or electronic means the use of DEC vehicles.” What types of monitoring and/or surveillance will DEC be implementing? This issue can affect a term and condition of employment.

Management's response: Language was included to be consistent with the statewide vehicle usage policy issued from the Governor's Office. DEC does not currently monitor vehicle usage in this way and has no current plans to do so.

A recent change has been made in LATS without notice to affected users. Supervisors of overtime-eligible employees now need to log-in to LATS and click on each individual overtime entry for each employee to approve/verify each overtime claim, with the LATS system automatically kicking out the supervisor in between each verification. For a supervisor of spill response employees, who typically have overtime on most days, this new process requires three log-ins for each overtime time slot (10-14 entries) per spill responder for each time card. This is very time-consuming for a supervisor who previously could review the time sheet and approve all overtime claims in one step for each employee. Can management explain the change in LATS overtime approval and go back to a much more efficient approval process? Will management consult with and notify staff and supervisors when similar significant changes to LATS processing/approval are contemplated/proposed?

Management's response: An explanation of the process is now included on the LATS opening screen and staff have been notified of the change. Supervisors should not be kicked out during the approval process, and LATS administration should be contacted if this is occurring. Management will investigate the possibility of group approvals for individual overtime entries related to on-call phone logs.

Region 4 staff are concerned about their promotional opportunities. Region 4 has filled most of its management positions with transfers from the Central Office instead of through promotions. Can management consider the equity of this situation?

Management's response: Management is now aware of the situation and can look into this as future positions become available. Management is open to further discussions on this issue as PEF brings them to their attention.

6. Civil Service

With the new Environmental Engineer 3 and 4 lists, we anticipate that our members will complain if they are excluded from position-specific lists because they do not meet the minimum qualifications specified for the position. How can employees lodge complaints against and challenge the minimum qualifications for a specific position? What steps does DEC and Civil Service take to verify that the requested minimum qualifications are absolutely necessary for the position?

Management's response: The duties descriptions will be posted on Management Budget website. If an employee feels they met the selection criteria but are not on the list they should let the Director of Personnel know. Any issues or concerns should be brought to the attention of the Director of Personnel.

DEC Personnel has indicated that they cannot provide the forms and instructions for the selective certification of EE3 and EE4 eligible lists "because this is part of the confidential exam process". PEF believes that transparency is very important for the selective certification process, as the decisions made in the process will affect our members' careers. Can DEC release all of the documents related to the selective certification process? If some documents must remain confidential, please provide justification.

Management's response: Per Civil Service, that part of the examination process remains confidential; however, Civil Service is speaking with their counsel's office and we will relay the answers about what can be released.

PEF has become aware of several CSEA-type clerical titles being ‘consolidated’. Is this the result of the recent civil service survey of job duties and titles that DEC staff were asked to complete? What about potential consolidations of PEF-represented titles going forward?

Management’s response: No, the survey had nothing to do with the consolidation of the clerical titles. Civil service is working on the consolidation of titles. We believe HR titles may be the next to be consolidated.

Exams for the Pesticide Control Specialist series have not been held since 2008. When will new exams be held for this series? Has DEC requested new exams from the Department of Civil Service?

Management’s response: Management has met with program’s directors about this issue. The exams have not yet been scheduled, but we are well aware that this is a priority.

The Governor’s Office of Employee Relations (GOER) has been denying out-of-title grievances for Engineering Geologist 1’s (EG1’s) who are performing Engineering Geologist 2 (EG2) work because the grievants do not supervise staff. As EG2’s do not generally supervise and the DEC has been generally supportive of the grievances, can DEC ask the Department of Civil Service to alter the EG2 classification standard to remove references to supervision?

Management’s response: Currently the classification standard indicates supervisory responsibilities in the distinguishing characteristics; however, the standard says “may supervise” in the illustrative duties. Personnel will reach out to Civil Service and provide the outcome when received.

7. Other Issues

At the December 2014 L/M Meeting, PEF requested 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. Management indicated that DEC is petitioning the Civil Service Commission for time restoration for that day. Please update PEF on the status of DEC’s petition.

Management’s response: Not discussed at this meeting.

At the March 2015 L/M meeting, management indicated they would ask the training director if a notification and a link could be provided for employee feedback during mandatory on-line training. What is the status of this initiative?

Management's response: Not discussed at this meeting.

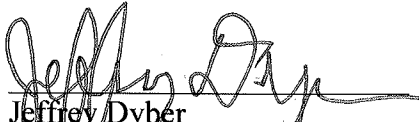
At the March 2015 L/M meeting, management indicated that they would follow up with the DEC training office on how central office contractor training completions are tracked. Please provide an update on this issue.

Management's response: Not discussed at this meeting.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 7/7/2015



Jeffrey Dyber
L/M Chair, PEF/encon

Date 7/7/2015

Regional Offices Equipped With Card Swipe/Key Fob Security

Region 1

Stony Brook Regional Office

Region 2

Hunters Point HQ – DEC floors

Region 3

New Paltz HQ

Region 4

Schenectady HQ
Stamford Sub-Office

Region 5

None

Region 6

Utica Office (OGS)
Watertown (OGS)
Herkimer Sub-Office – Key Fob Entry

Region 7

Cortland Sub-Office – Key Fob Entry
Kirkwood Sub-Office – Key Fob Entry

Region 8

None

Region 9

Buffalo – Key Fob Entry
Allegany – Key Fob Entry

