

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

March 11, 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
Rich Coriale, Region 6, Statewide Health and Safety Co-Chair
James Sacco, Region 9
Kevin Hintz, Region 9, PEF Region 1 Coordinator
Jeffrey Dyber, Albany, LM Chair
Denise Hobson, Albany
Tim LeBarron, Albany
Toni Norfleet, Albany
Sam Stallone, Albany
Sudhir Mahatma, 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
Marline Agnew, DEC Director of Personnel and Payroll Services
Nancy Lussier, DEC Director of Management and Budget Services

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

At the December 2014 labor/management meeting, management tentatively agreed to the following dates for labor/management meetings in 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

As management has not informed us of any problems with these dates since the December L/M meeting, can we consider these dates to be accepted?

Management's response: Management agrees to take minutes at the June 10th L/M meeting. The September 2nd meeting in Region 1 is acceptable. Management agrees that the other proposed dates are acceptable.

2. 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: PEF's goal will be to review the proposed form and memorandum by April 10th and provide a response to Management.

3. 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: PEF listened to Management's concern and disagrees with Management's interpretation. PEF is willing to continue to discuss this issue, if necessary.

4. 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: PEF listened to Management's concern, which centered around Sheriff Apple's appearance at a PEF membership meeting. PEF is willing to continue to discuss this issue if it remains a Management concern.

5. 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: The current fill level is 2,872. There are 17 unrestricted waivers and 26 restricted waivers that the Department is still working on. Management has just received authorization for 74 unrestricted waivers. The current year BFL is 2,910.

Please discuss how the Governor's proposed budget for 2015-2016 will affect DEC staff. 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 and/or staffing levels for any of DEC's programs?

Management's response: Next year's BFL in the Executive Budget is 2,949. As in previous years, the budget remains flat. There are 18 positions for the Young Forest Initiative, a Fish and Wildlife program. Management anticipates eight more jobs for implementation of Executive Order 125, which addresses crude oil spill preparation.

Does the Governor's proposed budget include legislative changes to programs that could affect DEC staff? If so, please discuss these changes and their impacts on staff.

Management's response: Article 7 in the proposed budget transfers funds from the lifetime license account to the capital account to hire eight staff.

PEF and Management discussed how DEC implements succession planning.

Personnel's guidance to staff is that employees should not be asked when they are going to retire.

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: Cost reimbursement are deposited back into the State Superfund account.

6. Pollution and Energy Reduction

At the time of this L/M meeting, PEF and management will have met on March 5 to discuss management's proposed Work from Home policy and PEF's request for a telecommuting agreement. Let's discuss the results of that meeting and our next steps.

Management's response: Management, including Executive Deputy Commissioner Gerstman, met with PEF on March 5th to discuss their comments on the proposed Working From Home policy. Management plans to meet with Executive Deputy Commissioner Gerstman to discuss PEF's comments and concerns. Management hopes to provide PEF with a revised draft by April 15th.

7. Health & Safety

PEF and management met on February 9 to discuss the draft clothing policy. Let's discuss the results of that meeting and our next steps.

Management's response: Management is continuing to discuss PEF's comments and concerns with the draft clothing policy with Senior and Executive staff. It is anticipated that the draft will be revised to address some of those concerns. Management will try to provide PEF with a revised draft before our June L/M meeting.

8. Contracting Out

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. At the December 2014 L/M meeting, Management indicated that they would look into seeing whether or not that is a viable option. Please update us on the status of this initiative.

Management's response: Management does not intend to pursue this recommendation at this time.

9. Personnel

We understand that the Office of the State Comptroller is making changes to travel procedures, including new requirements for receipts. Please discuss management's understanding of these new procedures.

Management's response: Beginning April 1st, employees will have thirty days to submit travel reimbursement requests with receipts. Once finalized, Management plans to distribute guidance to staff.

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

Management's response: Management sent waivers for January and February and will continue to provide them on a monthly basis.

When a DEC employee changes his or her address, can Personnel notify all State entities that need to be provided with the change of address?

Management's response: The Division of Management and Budget Services has posted instructions on its In-Site page for employees on how to update their addresses. Civil Service and Employee Retirement System require requests directly from employees for certain address and retirement changes.

When the DEC Office of Employee Relations (OER) learns about an office closure, can they immediately send the information directly to the affected employees? For the storm in January, the OER sent the notice to the regional directors, who later notified the affected employees. Can management also provide an update on efforts to implement an office closure notification system for DEC employees?

Management's response: Because offices are closed on a county wide basis and not facility specific such notifications are currently not possible. Management is exploring other options to notify staff directly of office closures.

PEF notes that management has made changes to the Time and Attendance (T&A) manual over the past year. PEF has not received notice of these changes. PEF believes that the requirements of Article 28 apply to the T&A manual and requests that management promptly notify PEF of all future changes to the T&A manual. PEF also requests an accounting of all changes that were made to the T&A manual since April 1, 2014 and the date that each change was made.

Management's response: PEF will provide a proposed MOU regarding policy change notifications for review by Employee Relations.

10. 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: Management is awaiting a response from the Civil Service Commission. These responses generally can take over six months.

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: Management will not be implementing the suggestion at this time.

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: DEC's training unit will forward feedback to GOER. Management will reach out to the training director to ask if a notification and link can be provided during the mandatory online training.

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: The Training and Development office asks regional administrative assistants to track contractor training completion. Management will follow up regarding the training of central office contractors.

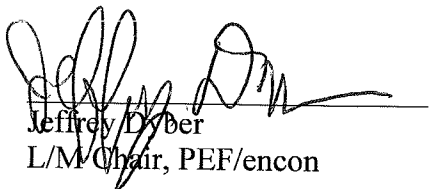
Please update us on the distribution of new State vehicles. PEF has been notified that spill response vehicles in Regions 5 and 6 are aging. How many new vehicles have (and have not yet) been put in service in each region and central office? What is the status of the remaining new vehicles and when will they be put into service?

Management's response: Management has provided PEF with an updated status for vehicle procurement, which is attached to the minutes.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 3/20/2015



Jeffrey D. Ber
L/M Chair, PEF/encon

Date 3/20/2015

FY 14/15 Vehicle Purchases/Deliveries

<u>Reg/Program</u>	<u># Allocated</u>	<u># Received</u>
1	6	0
2	2	0
3	7	0
4	7	3
5	12	4
6	8	4
7	8	0
8	8	1
9	8	3
C.O.	10	6
FW&MR	6	3
Air Div.	3	1
Pub. Aff.	2	0
Spills	5	0
L&F Tree Nur.	2	1
FP&FM	53	53
L.E.	101	73

Summary:

- Received to date: 152
- Pending delivery: 96
- Six more L.E. vehicles are expected to be delivered by March 18th.
- Remaining 90 should be delivered early in FY 15/16.