

**STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION LABOR/MANAGEMENT COMMITTEE REPORT**

**September 19, 2002**

**Region 7, Syracuse**

Attendance:

**PEF:**

David Persson, LM Chair  
Karl Berger, Albany LM Co-Chair  
Chris Spies, Region 1  
George Stadnik, Region 2  
Keith Browne, Region 3  
George Casey, Region 5  
Terry Tyoe, Region 6 Utica  
Frank Flack, Region 6 Watertown  
Steve Perrigo, Region 7  
James Kersten, Region 9  
Kevin Hintz, Region 9  
Dylan Keenan, Albany  
Mike Keenan, Albany  
Wayne Bayer, Albany  
Holly Clark, Albany  
William Wurster, Albany  
Joseph McDonald, Albany  
Stanley Byer, Albany  
James Trossbach, Albany  
John Donlon, Albany  
Jim Kemenash, PEF Field Representative

***Management:***

Joseph Lattanzio, DEC Director of Employee Relations  
Richard Randles, DEC Director of Management & Budget  
Carole LaVigna, DEC Acting Director of Personnel  
Gail Balluff, DEC Employee Relations  
Kenneth Lynch, DEC Region 7 Regional Director [guest]  
Nina White, DEC Employee Relations  
Marie Furlong, DEC Employee Relations

**PEF's questions and statements are in bold faced type.**

*Management's responses are in italics.*

Joe Lattanzio introduced Region 7 Director Ken Lynch and thanked him for hosting the September meeting.

## **I. New Business:**

### **1. Budget**

#### **Did 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: No, DEC did not apply to eliminate targeted positions through the Early Retirement Incentive. The targeted program is primarily designed to mitigate layoffs. Fortunately, DEC has no plans to lay employees off in 2002-2003.*

#### **Did DEC target eligible titles into which employees affected by layoff can be transferred or reassigned?**

*Management's response: No, DEC has not targeted eligible titles into which employees affected by layoff can transfer. We do, however, routinely utilize reemployment mechanisms such as preferred lists and reemployment rosters in the course of filling positions.*

#### **Where is the funding coming from for the 30 orphan Manufactured Gas Plants MGP sites?**

*Management's response: The Division of Environmental Remediation (DER) is not familiar with the 30 orphan MGP sites referenced. DER is dealing with all the MGP sites in the same manner as all other inactive hazardous waste disposal sites. Therefore, DER, in coordination with the Division of Environmental Enforcement, is seeking to identify responsible parties and, when such parties are identified, seeking to have such parties implement the remedial program for the MGP sites. If sites are found to be without PRPs, they will be evaluated for inclusion on the Registry to be addressed by the SSF when it is reauthorized.*

#### **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), will NYSDEC pursue responsible parties to ensure they fund remedial activities to the extent possible, or will the sites become State lead projects which require State funding. 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. The EPA has now listed the three sites on the NPL.*

**PEF/Encon requests a complete explanation of the staffing and funding purposes of the Environmental Restoration and Development Network. We understand that the Research Foundation of the SUNY Sponsored Programs on behalf of the Center for Hazardous Waste Management received a \$500,000 member item for an electronic database project. To what extent will the specialized environmental information network and data archive specifically targeted to assist in the restoration and redevelopment of environmentally impacted properties in NYS impact**

**on present and future DEC positions, funded and unfunded? What legislator initiated and requested the member item?**

*Management's response: Municipalities across New York State have the opportunity to participate in several Federal and State programs designed to provide assistance for restoring and redeveloping environmentally contaminated properties. Typically, however, they do not have the staff resources to become knowledgeable about new environmental restoration initiatives nor the present ability to utilize them effectively. This seems especially true in the brownfields arena where over twenty federal agencies have specific targeted programs to assist municipalities.*

*The objective of this project, therefore is to provide access to a specialized environmental informational database and data archive specifically targeted to assist municipal projects to restore and redevelop New York's environmentally impacted properties.*

*The project budget allocates \$355,000 for personal service costs. DEC has no information on what Member of the Assembly supported this initiative. The only potential impact on DEC staff would be if municipal government grant application activity increased which cannot be predicted at this time.*

**PEF/Encon is concerned that this may become a shadow agency that does the work that the PS&T unit is fully capable of doing. Division of labor leads to inconsistencies when different governmental agencies implement the same program. Why? Different governmental agencies will employ different levels of experience and different agents to execute the project. Therefore, PEF/Encon is concerned regarding the lack of process monitoring and program monitoring.**

**Is the project date for the Region 4 move still April 2004? Has management engaged 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: No updated information is available at this time. The projected date for the Region 4 move remains scheduled for April 2004. When appropriate, the regional director has agreed to the formation of a group to share ideas and involve employees in the process.*

**What is the status of the additional 28,000 square feet at the New Paltz office? Did Stein White Nelligan complete design and is the schedule to award construction projects still December 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: The Preliminary/Schematic Design Report was forwarded to DEC, by Stein White Nelligan Architects, in June. Our Project Managers/Engineers are finalizing their review comments and recommendations. A separate contract with NYSERDA (New York State Research and Development Authority) for services relating to "Green Building Design and Systems Analysis" has added about two months to the design schedule. We feel that the clean building and energy savings features that we will achieve, along with associated construction cost rebates, are worth the added time in the design phase. We now anticipate that construction will start in early summer 2003.*

*As noted in our update from the June L&M meeting, the additional \$2,500,000 in funding was enacted in the DEC's Capital Projects budget for FY 2002-03. We request that this question be dropped from future agendas.*

*As mentioned previously, the Regional Director has 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. PEF to follow up with J. Lattanzio.*

**When will all the 9/11 overtime be paid? PEF to provide more information.**

*Management's response: Management is not aware of any outstanding WTC overtime requests.*

## **2. Civil Service**

**DEC withdrew request for NC jurisdictional classification for pending reclassification of Special Assistant. Will the Bureau Chief position be filled?**

**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: An appointment was made to the Forester 4 position on 9/26/02.*

**PEF agrees to drop the issue once the position is filled.**

**PEF requests a copy of the Division of Lands and Forests organizational chart.**

*Management's response: Management will provide a copy to PEF. Update: Management has provided PEF with a copy of the chart.*

**PEF requests a copy of the Work Force Management Plan-Program Analysis for FY 01-02, FY 02-03 and FY 03-04 when it is released.**

*Management's response: We have not yet received this. When we do, we will provide a copy to PEF.*

**Did DEC identify titles for development of parallel career tracks 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: This item is still under discussion by PEF representatives and the Personnel Office. The parties agreed to meet soon to focus on which titles will be involved.*

**Is DEC planning any title consolidations?**

*Management's response: No.*

**How many waiver requests did DEC send to DOB and of these how many were approved? PEF asks that this information be provided by Division, Region and Title for each waiver request.**

*Management's response: DEC's recent efforts in obtaining waivers to fill positions includes the following:*

<i>ECO Academy Trainees</i>	<i>62</i>
<i>January Various package</i>	<i>48</i>
<i>August Various Package</i>	<i>70</i>
<i>Waiver Extensions in August Package</i>	<i>4</i>
<i>September Fish Hatchery Positions</i>	<i><u>6</u></i>
<i>TOTAL APPROVED</i>	<i>190</i>

*In addition, the agency received approval for seasonal hourly positions. Management will provide copies of the waivers received.*

**How many Divisional waiver requests did DEC not send to DOB? PEF asks that the information on these untransmitted waiver requests be provided by Division, Region and Title for each waiver request.**

*Management's response: Management does not choose to release Divisional waiver requests since these are advisory in nature.*

**PEF is disappointed with this information and requests clarification of the standards used for Management's decisions.**

**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's response: We have no information to release on these Division request packages other than to note that six individual requests to refill Fish Hatchery positions were just approved by the Division of the Budget last week.*

**PEF would like to know why the blanket waivers have been disapproved for the fish hatcheries.**

*Management's response: They have advanced specific waivers and have received approval.*

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

*Management's response: We are still waiting to receive information being compiled by staff in the Division of Fish, Wildlife & Marine Resources. Management supports an increased hiring rate.*

**Is there a schedule for submission to Personnel?**

*Management's response: We are not aware of a schedule.*

**Does DEC support salary grade parity between the career ladders of the Natural Resources and Quality divisions?**

*Management's response: Yes.*

**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 continue to disagree with PEF's opinion that a formal L/M subcommittee is necessary. However, Personnel is agreeable to meeting with PEF regarding salary grade parity.*

**PEF to forward names to Personnel.**

**Does DEC pass through more than 40% of all federal grant monies it receives under Section 604b of the Clean Water Act and a "significant amount" of Section 319 monies to qualified planning agencies (NEIWPCC is recognized as a qualified planning agency)? Please provide a comprehensive list of EPA grants used to fund contract NEIWPCC positions in the Division of Water. What is duration of the contracts/projects? Is there a restriction on personal services for those monies?**

*Management's response: DEC passes through exactly 40% of federal grant monies received under Section 604(b) as required by federal law.*

*With regard to Section 319 monies, each year the Division of Water prepares a work plan for Section 319 funds. Base 319 funds are accounted for in a consolidated work plan for the Division of Water's Performance Partnership Grant with the U.S. Environmental Protection Agency (EPA). Incremental 319 Funds (I319) have a separate work plan. For federal FY 2001, approximately \$130,000 of I319 funds were used to contract with the Central New York Regional Planning and Development Board for public information/education activities associated with Non Point Source and Stormwater. The Division of Water does not currently have any contract with the New England Interstate Water Pollution Control Commission (NEIWPCC) for any projects. NEIWPCC does receive grants directly from EPA for work in New York State.*

**PEF is disappointed that it will have to seek other means including the Freedom of Information Act to obtain a list of non-DEC employees (e.g. Natural Heritage Trust, various computer contractors, NEIWPCC, SUNY, etc.) performing work similar to and/or equivalent to the functions described by PS&T Civil Service titles at DEC facilities. The listing will 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.**

*Management's response: As noted in the past, 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.*

*The Natural Heritage Trust is a public benefit organization with multiple funding sources.*

**What are the plans to reorganize DER?**

*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.

**Federal ice storm money for 8 Forester I positions expires on 9/30. What is the Division of Lands & Forests doing to retain these items? PEF believes that all 8 positions should be retained to work on decreasing the backlog of Unit Management Plans (UMPs) in the Forest Preserve, the Governor's priority, which would also reduce the cost of contracting out on these UMPs. When are the layoffs scheduled?**

*Management's response: Management's hope is to identify funds to extend these positions. At this time, there is no plan for layoffs. If there were to be layoffs, employees would be notified by Personnel three weeks prior. Management will keep communications open with these affected employees.*

### **3. Health & Safety**

**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 requests involvement in this program.**

*Management's response: We believe ICWMD may be a Statewide initiative. Management will follow up with the PEF Co-Chair of this Committee and the Health & Safety Committee when information becomes available.*

### **4. Online Employee Orientation Program**

**The union also offers benefits to employees. PEF requests that management have the PEF website [www.pef.org](http://www.pef.org) linked to the Online Employee Orientation Program.**

*Management's response: Management prefers that employees work directly with their union representatives; however, we are willing to discuss the possibility of doing this in the future. In response to PEF's request, Personnel to send a memorandum to the Administrative Assistants in Central Office and the regions reminding them that temporary and seasonal employees should have the benefit of an orientation session, including Right To Know training.*

### **5. Boards and Commissions**

**Commissioner's Policy 27 states that the Office of Legislative Affairs shall maintain 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. PEF/Encon again requests this list. PEF makes a FOIL request for this information.**

*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. Management acknowledged PEF's verbal FOIL request made at the meeting. The request will be forwarded to Ruth Earl, the Department FOIL Officer for response. Update: Request forwarded to FOIL Officer on 10/28/02.*

### **6. Identity Theft**

**At the June L/M meeting management stated that it believed it would be more appropriate that the issues delineated by PEF/Encon's in its position paper be raised at the Statewide (GOER/union) level.**

**PEF has forwarded its June 2002 position paper on this topic to PEF Central. Has DEC management contacted GOER concerning it?**

*Management's response: We have notified GOER that PEF may be raising this issue with them in the near future. It may be that this issue would be more appropriate for inclusion in the next round of collective bargaining negotiations.*

**How does DEC prevent the compromise of data security in relation to state employees' personal information e.g. timesheets and expense documents? PEF requests that DEC management issue a directive to all staff involved in the collection and retention of time cards that they are responsible for protecting the privacy of that information by placing collected time records in a locked drawer or file cabinet.**

*Management's response: Management agrees this is an important issue and agrees that an occasional reminder to staff is useful to assure continued attention to the need to secure such information. Management & Budget is drafting a reminder to staff which will be sent out soon. **Update: The reminder was issued on September 24, 2002. Copies were provided to PEF.***

## **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.*

## **II. Old Business**

### **1. TransitChek**

**PEF/Encon requests NYSDEC management to formally petition GOER to allow NYSDEC Metropolitan Regional offices to participate in pilot transitchek. [www.transitcenter.com](http://www.transitcenter.com)**

*Management's response: DEC has not been selected to participate in the Pilot Program. The only agencies selected are the State Insurance Fund, the Department of Labor and the Office of the State Comptroller. The pilot remains in the early planning stages.*

*GOER is also working on a TransitChek program which will be offered to all State agencies. The possibility exists that this program may be out before the Pilot Program. Management will support the Department's participation.*

### **2. Employee Time and Attendance Handbook**

**PEF believes it is incumbent upon DEC to provide timely and accurate information to its employees. Various sections of DEC's Employee Time and Attendance Handbook have been superseded by later documents such as the Fair Labor Standards Act, PEF Contract, Office of State Comptroller (OSC) Bulletin # G-180, OSC Travel Manual (10/98) & OSC Traveler's Guide (10/98). For example, Section 5.1.6 conflicts with federal and state laws and regulations concerning time worked and should be corrected to read as follows: "Time spent by employees for actual travel and/or service performed while traveling is compensable work time provided that the travel is between the employee's residence**



**and a work site other than their official station." PEF/Encon provided errata concerning other discrepancies to management at the November 29, 2001 Labor Management meeting. When will Management and Budget distribute a revised edition of the Employee Time and Attendance Handbook, which has not been updated since January 3, 1994?**

*Management's response: The Handbook is still under development and will ultimately be posted on the website, possibly before the end of this calendar year. Management will provide PEF with a copy of the draft Handbook when it becomes available.*

### **3. Training**

**PEF/Encon thanks Peter Casale and William Wurster for their efforts to secure the \$30,000 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.**

**PEF requests that the topic be dropped.**

*Management's response: Management is pleased that this project worked to benefit DEC staff and agrees that the topic can be dropped.*

### **5. Failure to Provide Travel Advances**

**During the State Fair, 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 adjustments were made during the State Fair period, and Management believes the current system is sufficiently structured to accommodate employee needs. Management requests that the issue be dropped.*

**Is the Travel Advance account totally depleted? Are day to day travel advances the same as first come/first serve? PEF requests that the agency use the "quick pay" method of payment and on why DEC does not provide travel advances to corporate card holders.**

*Management's response: The Travel Advance account is not depleted. It is an account which is drawn down and replenished on a regular continuous cycle. Day to day advances is a cash flow situation. In rare instances, approvals may be held until funding is available.*

**Why does it take five months to reimburse travel under the Conservation and Federal Aid program after being denied a travel advance?**

*Management's response: The Conservation Fund was in the red, and the vouchers could not be paid until funds became available. These charges were eventually moved to another funding source. That process was slow because some of the alternative funding sources also had temporary cash flow problems. Efforts will be made to avoid long delays in the future.*

### **6. Inadequate Per Diem Rate**

**If the Department can not establish a pattern of requests to support an increased rate for Putnam**

**County, PEF requests that the topic be dropped.**

*Management's response: In view of the fact that no pattern of need was established to justify a blanket exemption from the Per Diem Rate for Putnam County, Management agrees that this topic should be dropped.*

**7. Contracting Out Computer Services**

**What are the actual itemized listing of expenditures by vendor for SFY 2001-02 and budget costs of contracted out computer support for SFY 2002-2003?**

*Management's response:*

<u>SFY 2001-02 Vendor Expenses</u>	
Genesys	\$138,422
Keane, Inc.	91,104
CMA	80,560
Windsor Solutions	105,000
TRC	76,890
TIM-formation, Inc.	435,815
TekInsight Services	527,335
Annese & Associates	108,647
Sybase	75,140
EMC Corp.	<u>124,680</u>
TOTAL	\$1,763,594

*As mentioned previously, the projected contracted out computer support costs for FY 2002-03 is expected to be \$1,596,700.*

**The DECALS system start up contract caused undue hardship. Will DEC continue to contract work that can be done by the PS&T unit?**

*Management's response: Management has a right to contract out. In this instance, the contractor (WorldCom) was a well respected company. Management acknowledges the inconvenience caused; however, every system experiences some start up issues and the system is now functioning.*

**PEF requests a copy of the WorldCom contract.**

*Management's response: Management agrees to provide a copy to PEF, when 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) through September 13, 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. **Update: Hold date extended to October 31, 2002.***

**9. Labor/Management Training**

**LM Training is postponed until after January 1, 2003.**

*Management's response: Management agrees and looks forward to it.*

#### **10. Scheduling of L/M Meetings**

**The next Labor/Management meeting is scheduled for December 5. PEF requests that Commissioner Crotty attend. A Commissioner last attended a meeting June 15, 1995.**

*Management's response: If their schedules permit, Commissioner Crotty and Assistant Commissioner Tuffey will be invited to attend the next meeting..*

#### **11. Pollution and Energy Reduction Committee (PERC)**

**Since management has stated that the expansion of compressed pay period (CPP) and telecommuting to the regions is contingent upon success in Albany, PEF is encouraged that the Central Office CPP pilot, which started in February 28, 2002, is in its evaluation period by PERC. However PEF is discouraged that the telecommuting expansion has not moved forward to the solicitation of interest stage.**

**Since the New York Metropolitan Area has had eight (8) ozone exceedences of the one hour ozone standard this year (as of August 19, 2002), PEF requests that the CPP and telecommuting programs be offered downstate without delay.**

*Management's response: We are currently in the evaluation phase of the Pilot. We expect this evaluation to be completed in the near future. Management will not extend the CPP to any other regions at this time. It is expected that the next step will be to expand the program within the Central Office only.*

*Formal notice to employees regarding the application process for the telecommuting expansion in the Central Office is forthcoming. This announcement is expected on September 23, 2002. Update: The notice was sent September 25, 2002.*

*Management is not able to extend these programs to the New York Metropolitan Area at this time.*

#### **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 NYSERDA? PEF reported that the SUNY campus will not yield a viable site for the ERI.**

*Management's response: A construction schedule is not established at this time. Management will provide follow up info as it becomes available.*

#### **13. Acting Positions**

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

*Management's response: No. They do not have an approved waiver.*

**Is the G31 Director of Air Research filled?**

*Management's response: A provisional appointment was made to this position on 9/26/02. The exam is tentatively scheduled for 2/03/03.*

**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. They do not have an approved waiver.*

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

*Management's response: No.*

**REGION 6 Regional Fisheries Manager position filled?**

*Management's response: Region will request waiver to fill with next opportunity.*

**REGION 7 Is the Regional Air Engineer position filled?**

*Management's response: An appointment to this position was made from the promotion eligible list on 10/28/02.*

**Is the Natural Resource Supervisor position filled?**

*Management's response: No.*

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

*Management's response: The Division of Water is still hoping to resolve funding concerns and fill this position.*

**PEF requests that waivers be submitted for these positions and that they in fact be filled.**

**14. 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. Request verification of the funding source of the Onondaga Lake Monitor.**

*Management's response: Agreed.*

**PEF requests copies of the Unit Management Plan contracts for the Wilcox Lake Wild Forest and the Lake George Wild Forest.**

*Management's response: Management agrees to provide a copy to PEF, when available.*

DEC

PEF/ENCON

*David J. Penison*

DATE

November 26, 2002