

Division 169 Steward Election Procedures

(Adopted Pursuant to Article V of the PEF/Encon Constitution)

Preface

PEF/Encon is one of PEF's largest Divisions containing more than forty (40) constituencies. The Division Elections Committee has followed the Division Constitution and used the PEF Steward Election Procedures as guidelines since the Division was founded in 1980. However, certain modifications have been necessary to the latter to accommodate both the special needs of our large Division and the practical realities of how our Division interacts with DEC's management and PEF. Unfortunately, these modifications were never written down and annually seem to cause confusion. The purpose of this document is to codify those procedures. They are annotated in italics where appropriate to add examples and historical perspective. In addition, there are several appendices which shed some light on past election decisions and rationale. Hopefully, this document will be an aid to the Division Leadership, members, and Steward Election Committee during future elections.

Steward Constituencies

Division 169's constituencies are based on DEC work locations. (Note: DEC has nine Regions, eight of which are in our Division. The Region 1 DEC Office is part of the Long Island Division, and is not part of PEF/Encon.) Within most of the DEC Regions there are a number of sub-offices. These change slightly each year depending on staffing changes and office closures and openings. Also changing is the number of PS&T at each office and sub-office. As the number of staff increases or decreases, the Division's constituencies and numbers of allocated stewards are adjusted accordingly.)

Size of Constituencies

Any PEF member of the Division may run for steward at any work location where there is another PEF member to sign that person's petition. (Note: PEF rules do not allow a person to sign his or her petition or if they do, their signature does not count toward a required total. The Division follows this same rule.) As long as a location is separated from another by greater than walking distance (see next section), any workplace with at least two (2) PS&T listed is automatically a constituency. Further, if a person would like to run for steward but works out of his or her home or at another location with no other PEF member to sign his or her petition, that person may contact the Election Committee who may combine that person's work location with another in order to facilitate this person becoming a candidate and to maximize representation in our Division. Combining at this point in time may be done geographically or by DEC Department function but should be done to the minimum extent necessary to facilitate the nomination of the affected individual.

Comment: The idea here is to minimize the amount of combining at the beginning of the process to the extent necessary to facilitate an interested party. The Committee should consider where the person works and who s/he works with. As a practical matter, it is difficult to get a signature from someone who is far away either by distance or by function. It is logical to represent

someone that you know. For example, a forester may work via telephone and occasionally in person with other foresters in a distant office. It may be logical to combine the “lone” forester with these other foresters in order to allow him /her to run. These decisions must be done on a case by case basis. A hard and fast distance or function rule should not be applied. Rather, the particular circumstances should dictate the combining logic.

(Historical Note: The Division practices a sort of a “reverse gerrymandering” here. Previous to the early 1990s, the Committee used to take the Department phonebook and come up with constituencies from that. However, the phonebook was often several years old and was not accurate. It listed most, but not all of the work locations. In the early 1990s, the DEC Roster became available with an extremely accurate and timely listing of where PS&T members worked. So we stopped using the phone book. Also, the inaccuracy of the PEF list became more evident. It simply made no sense to use those documents. It also no longer made sense to “gerrymander”, i.e. combine smaller constituencies prior to the nominations. Rather, it became apparent that to encourage participation from all PS&T members in our Division that recognizing the smaller places would be the best way to encourage participation outside the larger offices. It was felt that the previous policy of limiting constituencies to the Regional and larger sub-offices discouraged relative unknowns from small sub-offices from ever being able to serve, as their chances of being elected would be low. The Division has developed and implemented this “reverse gerrymandering” policy to maximize representation. “Gerrymandering” (combining) is now done at the close of nominations. The only exception is if a candidate has interest in running but does not have a nominator at his or her work location.

Any combining at this point should be minimal and can be geographic or by function. For example, a lone Forester might be combined with other remote Foresters in the same Region even though there might be a closer office that has a Maintenance Supervisor. The rationale here is that the two Foresters might have more interaction than the Forester and Maintenance Supervisor, despite any geographic proximity. Persons who work out of their homes and also share the same work location may be combined. The Committee should examine the circumstances of each case and take the minimum action necessary to facilitate the nomination.)

(Historical Note: Since the advent of constituencies as small as two (2) PS&T in the early 1990s, the Committee has not been contacted by an individual who wished to run and could not find a person to sign a petition.)

Work Locations In Close Proximity To Each Other

When walking distance separates two work locations they are considered the same constituency. Also, separate floors of the same building are not separate constituencies of this Division.

(Historical Note: When the Air Division left the 50 Wolf Road Building and moved to 80 Wolf Road, the latter location was not considered a separate constituency by the Committee, nor did anyone object to keeping the constituency together. The buildings were located several hundred feet apart. People did not get in their cars or take public transportation to go between the buildings. Another note is that Hemlock Street and Vatrano Road were both several miles from the 50 Wolf Road building. As these were not within a comfortable walking distance, these were always considered separate constituencies. This question was revisited in the late 90s or early 2000s. The Long Island City office was split into two buildings. The Committee was

approached to make them two constituencies. When we checked on the distance between them, it appeared to be less than a quarter of a mile. Therefore, we declared that we would not make the second building its own constituency as it was within walking distance of the first building.)

Steward Allocation

One steward serves up to fifty (50) PS&T. When the number of PS&T in a given constituency divided by 50 results in a remainder, an additional steward is allowed in that constituency. *(For example, if there are 50 PS&T in a constituency, one steward is allowed since 50/50 is a whole number. If there are 51 PS&T, two stewards are allowed since 51/50 has a remainder.)*

Term of Office

The term of office and commencement date for all stewards and Division Officers is one (1) year commencing on April 1 of a given year and running until March 31 of the following year.

Elections Committee

The Elections Committee consists of three members and may include retirees of the Division in a non-voting advisory capacity. The Division makes the Committee appointments in December of each year. The term of appointment is the next calendar year.

Examination of the Roster

On or about January 1 of each year, the Division Leader provides the DEC roster to the Committee. The Committee examines the roster and determines the Division's constituencies for the upcoming year based on the work locations with PS&T listed on the roster and the numbers of PS&T at each of those locations. The roster is the sole means of determining this. Knowledge or rumor of upcoming additions or reductions of staff are not considered in determining constituencies or numbers of stewards at each constituency. Similarly, lists provided by PEF are not used to determine constituencies or numbers of allotted stewards at each location.

The Division Leader and Regional Chief Stewards concurrently examine the DEC payroll roster and compares it to the PEF list during the first week in January. On or about January 7 of each year, the Division Leader reports any errors in the PEF list to the Divisions Coordinator. This becomes the so-called "verified membership list".

(Historical Note: Each year, PEF's lists have always been full of errors. Although there is always a lot of finger pointing, the main reason this is true is that PEF's list is anywhere from 2-3 months old. It takes this much time for GOER to provide PEF a list of people on the payroll. In addition, PEF often does not know where a person works. All they know is his or her Department and their home address. They often guess at their work location by using their zip code. This is often wrong. The Division is supposed to examine the PEF list frequently and supply the correct information to PEF. This certainly does not happen frequently enough. There is usually a mad dash just before the election notice is sent out. This is why the Committee adopted the DEC Roster of PS&T as our official list when determining the numbers of constituencies and the number of PS&T who work at each of these places.)

Preparation and Mailing of the Election Notice and Nominating Petition

On or about January 14 of each year a nominating petition is prepared by the Committee and provided to the PEF Divisions Coordinator. (Appendix A) S/he is also provided with a copy of "Duties of a Steward" prepared by the Division. (Appendix B) The Divisions Coordinator arranges for the reproduction and mailing of these two documents to each PS&T member of the Division on or about February 1 of each year. Fee payers receive a PEF membership application in addition to the two other documents. The information on the ballot conforms with the nomination petition that appears in Appendix A. In addition to the mailing, PDF copies of these documents are posted to the Division's website [<http://www.pefencon.info>]. Petitions are returnable three weeks after the mailing or about February 22 each year.

Receipt of Nominating Petitions

Nominating petitions are received via the mail at the PEF post office box. Petitions are not handled directly by Committee members or PEF staff. Petitions may not be faxed or emailed.

(Historical Note: The Committee used to allow people to submit petitions to the individual Committee members at their desks. This caused a number of problems. First off, it gave a time advantage to persons in Albany, the place where all of the Committee members have worked. Candidates could (and often did) wait until the last minute to submit their petition. Second, this practice was very disruptive for the Division Committee members, especially for those who waited until the 5 PM deadline to submit their petition. As an attempted remedy to the unfairness, for a few years we allowed people to either submit it directly OR have the petition postmarked on the due date as long as it was received within seven days after the due date. However, after several years of doing that, the PEF Legal Department suddenly ruled one year that we couldn't do that. They said we could only have one effective deadline, not the two that this method effectively has. So, to keep things fair for everyone and to avoid having people hassle the Committee members at their workplace, we decided that the best alternative was to have everyone mail in their petitions. This has worked out well.

Another note is that we used to have petitions mailed directly to the Committee at DEC. This procedure was questionable with respect to the use of Department mails. Also, there was often a substantial delay caused by the DEC mailroom. This may have caused a few petitions to arrive after the deadline, much to the dismay of the person sending it. We have not had similar problems with the PEF PO Box. This has been used since approximately 2000.)

Candidate and Nominator Requirements

The candidate and signers must be PEF members and members of the same constituency. To ascertain whether a person is a PEF member, the PEF list is used. To verify constituencies, the DEC Roster is used. If a person is not listed as a PEF member but has enclosed a membership card they may be a candidate or signatory of a petition.

Candidate Must Sign Petition in Required Space

The petition must be signed by the candidate in the information section. *(Historical (hysterical?) Note: The requirement for this signature was added after a candidate was elected steward without his knowledge. He resigned without ever serving.)*

Checking and Logging In of Petitions

Once petitions are mailed out, at least once weekly a Committee member checks with the Divisions Coordinator to pick up petitions that have been received by PEF. The petitions are reviewed and checked against the PEF and DEC Roster lists. The information on the petition is entered on a spreadsheet. This spreadsheet is used to track the petitions and later to provide information on the elected stewards to the Division and to PEF.

Notification of Receipt of Petitions

Each candidate is emailed or otherwise notified within 2 business days of the receipt of his or her petition and whether the requisite number of valid signatures was obtained. If the requisite number of signatures was not obtained, a person may submit a supplementary petition with additional signatures to make up the minimum. However, any additional petition(s) must be received prior to the deadline. No extension of time is allowed. The same is true of a person who signed the petition who is not listed as a PEF member. As long as a membership card is received by the Committee (or PEF) prior to the deadline, that person's signature will be valid on the petition. Note that a minimum of 10% of the constituency must sign the petition as follows:

Number of PS&T	<u>Minimum</u> Number of Signatures Required
>40	5
31-40	4
21-30	3
11-20	2
2-10	1

Invalid Signatures

As long as there are enough valid signatures on a petition, the fact that a petition contains one or more invalid signatures does not invalidate it.

(Historical Note: This has happened often.)

Excess Signatures

A person may collect more signatures than there are spaces on the petition by having the signer fill in the required information below the preprinted lines. This has no effect on the validity of the petition or of the signatures collected below the preprinted lines.

(Historical Note: This has happened several times.)

Missing Information on the Petition

The Committee may contact the candidate via telephone or email to obtain missing or incomplete information over the telephone. However, if a petition is missing the signature of the candidate, the petition is invalid.

(Historical Note: This has happened several times. Sometimes a person is not sure of the constituency or has simply failed to fill in a telephone contact number. A petition should not be invalid for minor missing information.)

Submitting More than One Petition

A candidate may submit more than one petition.

(Historical Note: This has occurred at least a couple of times.)

Signing More Than One Petition

A PEF member may sign only one petition. If s/he signs more than one, the first dated signature counts and any subsequent signatures do not count. If they are both signed the same day, a coin flip is used to determine whose petition is counted. *(Note: This is a PEF policy that the Division supports.)*

Close of Nominations

At the close of nominations, the Committee examines the received petitions and determines where elections are required. Elections are normally conducted in any constituency where the number of candidates exceeds the number of allocated positions. In constituencies where there is no required election, the nominated candidates become certified stewards.

Combining Constituencies To Maximize Representation

If, at the close of nominations, the total number of stewards allowed in a particular Region is greater than or equal to the number of nominating petitions received in that Region, no election is conducted. In this case, all nominated stewards are certified. This is true regardless if the number of stewards at a particular constituency is exceeded. The Division wide total number of nominations should also be examined. If the total number of nominations does not exceed the Division total, no election should be held in order to maximize representation.

(Historical Note: This has happened a number of times over the years, the first occurrence at least back to 1990. As an example, if the total number of PS&T in Region X were 103, three

stewards would be allowed. If Office A within Region X has 55 PS&T, they are allowed two (2) stewards. If three stewards submit petitions from Office A, an election will normally be required. However, if no other petitions from any other areas of Region X are submitted then the Regional allotment of three (3) stewards based on the 103 PS&T is not exceeded and three stewards will be allowed in Office A, each of whom will serve the entire combined constituency of Region X. This maximizes representation for Region X. The Division total is usually exceeded due to the large number of smaller constituencies and “rounding up” at the larger locations. Therefore, the Divisional total has never come into play. A good explanation of this process is in a letter send by Mike Rafferty to Tom Rudolph in on April 11, 1990. (See Appendix D))

Determination of Dates and Deadlines

The dates and deadlines listed herein are approximate. Each year, the Committee and Division must back calculate the exact dates required using April 1 as the deadline for having ballots counted and the successful candidates notified. Weekend dates and holidays should be avoided for deadlines of nominating petitions and/or ballots. *(Note: Once the notice is mailed out, there is a seven-week process specified in the PEF Election Procedures. Three weeks are counted back to the ballot mailing, one week back to the close of nominations, and three weeks back to the mailing of the election notice. Although not mandated anywhere, as a practical matter, PEF Divisions needs at least one week to prepare the materials for the mailing of the notice. The Committee needs a minimum of a week with the list in order to determine the constituencies, number of allotted stewards, and to prepare the notice and petition. The Division needs at least two weeks to examine the list and correct the errors. In short, this is a long process, which takes at least 11 weeks. So if April 1 is the election deadline, counting backwards means that the Roster should be obtained no later than January 14. Again, the exact dates need to be computed each year in consideration of weekends and holidays.)*

Strict Interpretation of Deadlines

The Division strictly enforces the deadlines for petition submittal and ballot receipt.

(Historical Note: There have been several instances of nominating petitions arriving a day or two late. There was one case when a petition arrived at the DEC building on the due date but did not get in the hands of the Committee until after the deadline. It was rejected as being late. On at least two occasions of receipt of late petitions, no other petitions were submitted in the Region involved. Regardless, the petitions were rejected as late and special elections had to be run. In no case has the Committee ever accepted a late petition or counted a late ballot. There is more than ample time to collect 5 signatures and/or vote and for mailings.)

Candidates Who Are Also PEF Officers or Executive Board Representatives

Any candidates who are also serving as elected Executive Board representatives or PEF Officers do not count toward the steward allocation. *(Example, if three stewards are allowed in Constituency X and four petitions are received, one of which was from a Vice- President of PEF, then the Vice-President’s petition would not count toward the allocation. All four nominated persons would become stewards and no election would occur.)*

(Historical Note: This has been a longstanding practice. Although there is no record of the first time this was invoked, it has been practiced since at least the early 1990s. The rationale for this determination is that a person serving as an officer or executive board representative is already considered a steward by PEF and GOER. S/he may rightfully be able to participate in steward activities without running for steward. Second, s/he has other duties, which often prevent him or her from giving 100% as a steward. So if this person files a petition and runs for steward, they will likely be elected, as his or her name is well known. In that case, that constituency winds up being effectively short-handed. The Division did not feel that an office or sub-office with an elected representative should be penalized for having an elected representative.

The other factor is that in the late 1980s or early 1990s, a particular office an E Board rep chose not to run for steward only to lose his seat in July. A request was made at that time for a special election so that particular office could regain the “lost” seat. However, as the Division had already adopted the procedure of not declaring a vacancy unless there were no stewards in that Region and the fact that there was at least one remaining steward in that Region, the Committee ruled that no special election should be held. That office was then down a representative for the remainder of the year. Since that time, the Division has encouraged E Board reps and PEF officers to run for steward each year as a “fall back”. That way, in the event that s/he loses his or her seat, they will still be able to serve as a steward...assuming they win the steward election of course.)

If an election needs to occur because the number of other candidates exceeds the allocation, the Executive Board Rep or PEF Officer’s name should appear on the ballot. Members of the constituency will chose n+1 candidates out of the total number of candidates where n is the normal allotment of stewards in the constituency.

(Example: In Constituency X, three (3) stewards are allowed and five (5) petitions are received, one of which was from a PEF officer. An election would be held and members would vote for four (4) out of five (5); the allocation being increased on account of the petition submitted by the Vice-President. An argument could (and has) been made that the PEF Officer “wins” in any event. It has also been argued that the constituency could conceivable wind up with five (5) stewards instead of four (4). However, this has not nor is it ever likely to happen. Also, if the Vice-President were simply automatically elected on the basis of his or her submitted petition, without having their name on the ballot, the members of the constituency would lose their ability to vote for or against the Vice-President in the steward election. This would truly make the election a sham. For these reasons, for the example given, the fairest solution is to include the Vice-President’s name on the ballot. If there ever was a case where a PEF Officer or E Board representative lost the election, the Committee would have to weigh the merits of reducing the allotted positions at that time. An election would have been held and the membership would have had its say of its top choices. The reason for allowing the extra steward position would no longer exist. A logical argument could be made at that time to return the allotment to its normal value.)

When determining whether a person is a PEF Executive Board member or PEF Officer, that determination is made when the nominating petition is received. Any knowledge or speculation as to events later in the year shall not affect the determination. *(Using the above example, if the*

Vice-President declared that he was not running again in July, the same decision with respect to the number of allocated positions would be made.)

Balloting Preparation and Mailing

Division 169 elections are conducted by mail. Where elections are necessary, within one (1) business day the Divisions Coordinator shall be notified so that s/he may arrange for obtaining labels and appropriate assistance to mail out the ballots. Within seven (7) days of the close of nominations the Committee must prepare ballot(s) and supply these to the Divisions Coordinator. The ballot must include all of the information as outlined in the “Sample Ballot” (Appendix C). The order of the names on the ballot should be drawn by lot and should not be alphabetical. This is to avoid any ballot position advantage. The Divisions Coordinator shall arrange for the reproduction and mailing of the ballots.

(Note: There are still often errors in the list at this point. Therefore, the Committee needs to make certain that everyone who deserves a ballot gets one and that persons who should not be able to vote do not get one. Time is of the essence.) Within one (1) business day, the Committee should notify via electronic means all candidates of the election and supply a proposed list of constituency members. Candidates must suggest corrections to the Committee within one (1) business day. The Committee quickly examines these suggestions, verifies whether or not these persons should be added or deleted from the verified list and notifies the Divisions Coordinator immediately of any changes required. S/he shall make any last minute corrections to the list prior to mailing out the ballots. *(Note: Once ballots are mailed out, changes to the verified list have proven to be impossible. PEF has steadfastly refused to do this despite the Committee’s strenuous objections.)*

Regional Elections

When an election is necessary in a constituency, the office where the number of candidates exceeds the number of allotted positions is the one that determines the winner. However, any sub-offices that did not submit petitions that will be combined with the office that needs the election will also get ballots. Sub-offices that have nominated their own steward do not vote in the election. For purposes of this section, the Central Office is considered a Regional Office. Any sub-offices to the Central office that have nominated their own steward will not vote in the Central Office election. Any Central Office Sub-offices that have not nominated their own steward will receive ballots for the Central Office election. *(For example, if the Ray Brook office has nominated three (3) stewards for two (2) positions, and the Warrensburg office of Region 5 has nominated a steward, ballots should not be mailed to Warrensburg. However, if the Northville office has not submitted a nominating petition, they should be able to vote for one of the stewards in the Ray Brook election since two of those people will wind up being their representatives as the Northville office is combined with Ray Brook since it submitted no petitions. The rationale here is that those who are affected by the outcome should decide who wins. Those offices that will not, should not.)*

Ballot Counting

There will be three weeks allowed for the return of ballots. As stated on the ballot, these will be collected by the PEF Divisions Department at their convenience on the due date. Ballots are not allowed to be hand delivered to PEF. All ballots have to go to the PO Box. *(Note: The reason for this is for the convenience of the Committee. If we allowed hand delivery, we would have to specify a time of day. That would limit us to counting them after a certain time. This way, we can count them any time on the date they are due and after the mail is picked up. Note that ALL mail is delivered to Karner Road PO boxes by 9AM each day and there is only one delivery each day. So there is no need to collect the mail more than once daily.)* The Committee will count the ballots at the PEF office on the due date at a time that is convenient to its members, but after that day's mail has been delivered. The Division follows the PEF ballot counting procedures except that other markings on the ballot are allowed, as long the choices of the voter are unambiguous. A tie is determined by the toss of a coin.

(Historical Note: On more than one occasion, a person has marked an X in the box next to the person and also wrote in this person's name. Technically they have marked the ballot with some other marking and a strict interpretation of the PEF rules would invalidate the ballot. But in these cases, it was very clear whom the persons wanted to vote for. To not count the ballot would be unfair. Also on occasion a person wrote in some kind of editorial comment in the margins but their vote was clear. We have nevertheless counted the ballot. Only when a person's choices were ambiguous have we ever invalidated the ballot.)

Within one (1) business day, the Committee sends the election results to the Division Leader and the Divisions Coordinator. Notification may be done electronically and given to the individual candidates as well. However, personal information such as home telephone numbers and addresses should not be sent to the candidates. The mailing to PEF's Divisions Coordinator should include the elected steward(s) PEF ID number and include any membership cards received, so that they can be processed. The notification includes ALL constituencies. Unrepresented constituencies will be combined under the main DEC Regional Office of the Region in which that constituency is located. *(For example, in DEC Region 4, if there is no candidate from Stamford, members of the Stamford constituency will be combined with Schenectady.)*

After elections, the Divisions Coordinator updates the steward list by adding new and deleting old stewards.

Vacancies and Special Elections

Special Elections are those conducted when a vacancy exists. A vacancy exists if and only if a given DEC Region has no elected steward. When special elections are held, all of the procedures described herein for the annual election are followed. *(Aside: This is a longstanding practice of the Division. There are many reasons for it. First, there is a tremendous amount of work performed by the Committee in conducting an election from nomination through ballot counting. It is a similar amount of work whether there are one or forty positions open. It also requires the same level of notice and time for submittals of information, etc. Second, as there are typically 40 or more certified stewards in the Division, the chances of one of these stewards*

being unable to serve a full term are high. Third, it was debatable whether not having a full allotment of stewards was a de-facto “vacancy”, (e.g. if New Paltz was allocated three stewards and only two (2) submit petitions, would that mean there was a vacancy for the third position?)

The Division felt that the hardship of losing one steward when there are 30+ available in the Division was minimal in most cases, especially when there were others serving at that location. As a compromise between the needs of the Division and the effort required by the Committee, it was felt that as long as there was at least one steward per DEC Region, that the needs of the membership with respect to grievance handling could be reasonably served. Communicator stewards could fill in and assist that steward in his or her duties. Stewards from other Regions could also assist when necessary. However, when an entire Region was without a steward, a true hardship for those PS&T members exists and a special election is necessary.)

Alternates

When elections are conducted, losing candidates are put on a steward alternate list. If a certified steward resigns or leaves the constituency, the Committee will certify the alternate who received the highest number of votes as a steward upon such resignation or departure.

(Historical note: This policy was adopted by the Division sometime prior to the 1990 annual election. It was actually adopted as policy at approximately the same time and relates to the section above that deals with Special Elections. The Committee had suggested that as an alternative to going through the special election process which is complex, time consuming and requires at least 60 days that the Council simply appoint an alternative to replace a person who can no longer serve. The Council did not feel that idea was appropriate.

The next idea discussed was to allow an appointment on filing a nominating petition. When someone left the constituency mid-term or there was a vacancy at the close of normal elections any person might collect signatures on a petition in between annual elections and submit it to the Committee. The Committee would notify the members of that Constituency of the filing and if there were no objections or second petitions filed in a certain time, that person would be considered elected for the remainder of the term. The Division did not agree with that idea either.

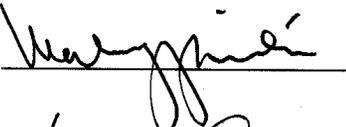
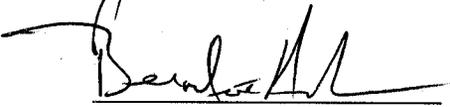
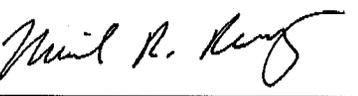
Lastly, the argument was made that in many groups and organizations, alternates serve in the absence of other members. For example, Local Governments sometimes have alternates on their Planning Boards who serve when the regular member cannot attend a certain meeting. It enables the group to function. In a similar fashion it was argued circa 1989 that losing individuals were certainly nominated and qualified to serve and were it not for the presence of the person on the ballot who received the next higher number of votes that one of the losers would actually have been certified. The Division agreed to this concept, especially in light of the difficulties in conducting Special Elections. It was used at least once. That was in 2002 when an elected steward retired shortly after the election. The next highest vote getter was certified as a steward after the resignation and retirement of the elected steward.)

Interpretation and Administration of PEF and Division Election Procedures

The interpretation and administration of these procedures as well as the PEF Election Procedures with respect to Division 169 is the sole responsibility and duty of the Division Elections Committee. Their decision stands unless successfully appealed to the appropriate Regional Coordinator of PEF.

Approval

These guidelines hereby reflect the current policies and practices of the Elections Committee. We recommend that they be adopted by the Division Council:

Member	Signature	Date
Walter Pienta		<u>8/16/06</u>
James Swart		<u>8/16/06</u>
Bernadette Anderson		<u>8/16/06</u>
Mike Rafferty (Retired)		<u>8/3/06</u>

I hereby certify that at Division Council meeting held on _____ these procedures were reviewed and approved for adoption by a majority vote of Council members.

Terry Tyoe, Division Leader

Date

Appendix A

Sample Election Notice and Nominating Petition

2006 PEF/ENCON STEWARD ELECTION NOMINATING PETITION FOR PEF/ENCON STEWARD

Name (Print)				Signature	
Number	Street	City	Zip Code	Home Phone Number	
Title			PEFID* Number		Work Phone Number
Constituency (see reverse side)				email address (@gw.dec.state.ny.us)	

We the undersigned PEF/ENCON members endorse the above named nominee.

	DATE	PRINT NAME	SIGNATURE	PEFID* NUMBER
1.				
2.				
3.				
4.				
5.				
6.				
7.				

* PEF ID# consists of your first initial, the first four letters of your last name and the last four numbers of your Social Security Number.

PLEASE NOTE: A PEF MEMBER MAY SIGN ONLY ONE NOMINATING PETITION. A MINIMUM of FIVE (5) signatures is required for most constituencies. It is recommended that 7 signatures be obtained. YOU MAY NOT SIGN YOUR OWN PETITION. CONTACT THE ELECTION COMMITTEE IF YOU HAVE ANY QUESTIONS.

Return to: **Division 169 Elections Committee**
c/o PEF
PO Box 12414
Albany, NY 12212-2414

PETITIONS MUST BE RECEIVED AT THE PO BOX BY MARCH 24, 2006
PETITIONS MAY NOT BE HAND DELIVERED
BE SURE TO ALLOW ADEQUATE TIME FOR THE MAILS

2006 STEWARD NOMINATING PETITION AND ELECTION NOTICE

PEF/ENCON DIVISION #169 - ALL LOCATIONS

The nominations and elections shall be held under procedures set forth in the PEF/Encon Constitution. The term of office is one year, beginning April 1, 2006 and ending March 31, 2007. To be nominated, a candidate must be a PEF member, obtain the proper number of signatures, and submit the petition to the Election Committee before the close of nominations. The required number of signatures must represent at least ten (10) percent of the PEF members in a given "constituency". Constituencies within Division 169 have historically been work locations or groups of work locations. If you are presently not a PEF member, you may become one now by filling out the enclosed application. This would allow you to run for Steward, sign a nominating petition, and/ or vote in the election.

Each constituency within DEC is entitled to have a steward. Where more than 50 PS&T members work in a constituency, additional stewards are allowed. The list of known constituencies is listed below. In parentheses are indicated the maximum number of stewards which will be allowed in each constituency. Please note that the Election Committee may combine or split constituencies at the close of nominations in order to maximize the number of stewards within Division 169. If you would like to run for steward but work in a constituency where there are no other PEF members to sign your petition or if your constituency is not listed, please contact the Elections Committee.

PEF/ENCON STEWARD CONSTITUENCIES

<u>Region</u>	<u>Constituency</u>	<u>Region</u>	<u>Constituency</u>	<u>Region</u>	<u>Constituency</u>	<u>Region</u>	<u>Constituency</u>
0	625 Broadway (17) Delmar (1) Hemlock St. (1) Rensselaer (1)	5	Ray Brook (1) Hale Creek (1) Northville (1) Saranac (1) Saratoga (1) Warrensburg (1)	7	Syracuse (2) Altmar (1) Cleveland (1) Cortland (1) Kirkwood (1) Sherburne (1)	9	Buffalo (3) Allegany (1) Belmont (1) Dunkirk (1) Falconer (1) Niagara Falls (1)
2	Long Island City (3)						
3	New Paltz (3) Bard-Annandale (1) Belleayre (1) Livingston Manor (1) Tarrytown (1) Wappinger Falls (1)	6	Watertown (2) Herkimer (1) Lowville (1) Potsdam (1) Rome (1) Utica (1)	8	Avon (2) Bath (1) Caledonia (1) Horseheads (1)		
4	Schenectady (2) Stamford (1)						

The nominating petition is on the back of this announcement.

The Elections Committee is composed of Jim Swart (518-402-8288 jmswart@gw.dec.state.ny.us), Walter Pienta (518-402-8396 wjpienta@gw.dec.state.ny.us), Bernadette Anderson (518-402-8209 bxanders@gw.dec.state.ny.us) and Mike Rafferty, (518-466-9097 mike_rafferty@hotmail.com).

An election will not be held in any constituency where the number of nominated candidates is equal to or less than the number of allocated positions for that constituency. Ballots for required elections will be mailed by Friday, March 31, 2006 and will be returnable by Friday, April 21, 2006. In the event of a tie vote, winners will be selected by the toss of a coin. All unsuccessful candidates will automatically be placed on a steward alternate list.

Any complaints concerning the fairness of these elections, which are not resolved to your satisfaction by the Election Committee, should be brought to the attention of your PEF Regional Coordinator. (Call 1-800-342-4306 or www.nyspef.org)

Return to: **Division 169 Elections Committee**
c/o PEF
PO Box 12414
Albany, NY 12212-2414

PETITIONS MUST BE RECEIVED AT THE PO BOX BY MARCH 24, 2006
PETITIONS MAY NOT BE HAND DELIVERED
BE SURE TO ALLOW ADEQUATE TIME FOR THE MAILS

Appendix B

Insert With Election Notice and Petition

Pertinent Sections of the PEF/ENCON CONSTITUTION Concerning Steward Responsibilities

ARTICLE IV - DIVISION COUNCIL

Section 1. The Division Council shall be composed of one representative from each ENCON Regional Steward Council, and an equal number of representatives from the Central Office Steward Council, and PEF Executive Board representatives elected by this Division. The PEF/ENCON Division Council shall elect from among its members, a Division Leader, an Assistant Leader, Secretary and Treasurer. The Council shall be the principal decision making body for the Division.

Section 13. Grievance Stewards and Communicators

Each ENCON Region shall have at least one grievance steward.

If a region has over 50 PS&T employees or large offices geographically separated, that region shall be allotted additional grievance stewards.

If a region has more than one grievance steward, the region may be sub-divided into this number of constituencies for election purposes.

Each region shall have a Steward Council, composed of the region's grievance stewards. This Regional Council shall be the region's governing body and have the duty of assuring that the needs of their constituency are attended to. This council shall select one of its members as Chief Steward for the region, or delegate those responsibilities amongst themselves. Each Regional Steward Council shall select its representatives to the Division Council meeting(s).

The grievance stewards of this Division shall be registered by PEF with OER and be the official PEF representatives for this Division.

The duties of each grievance steward shall include but are not limited to:

- a) handle grievances, problems and act as the first line liaison between Division leadership, management and members.
- b) communicate Division policy to membership at the site he/she represents and all information that comes to him/her from the union. Also convey to PEF leadership concerns and problems of membership.
- c) be able to conduct an effective meeting.
- d) be knowledgeable as to the contract, steward manuals, Department procedures and policies as well as Civil Service law.
- e) be able to deal with management as an equal as well as with his peers.
- f) disseminate all information relevant to membership interest.
- g) recruit new membership and see that new employees are given the proper orientation to both their work and to their union.
- h) attend all meetings. Absences without reasonable cause may result in request for resignation. (Attendance requirements may be set by the Council).

Each ENCON office shall have at least one communicator steward, who shall be responsible for coordinating information flow between the members and their representatives. A communicator may be a member of the Regional Council and participate in any capacity the Regional Council determines.

Any group of members may define themselves as an appropriate constituency for a communicator. This may be done by filing a petition with the Division Council Secretary.

Each constituency may select a communicator from its membership by filing a petition with the Regional Steward Council.

If an office has no communicator, the Division shall solicit interest until one is found.

Section 17. All council members must service to enhance the well being of the Division Constituency, and respect all legitimate inquiries concerning the operation of this Division.

ARTICLE VI - STRUCTURE

Section 7. By-laws not inconsistent with the provisions of this constitution may be adopted at a regular or special meeting of the Division.

Section 8. The Division budget shall:

fund all expenses necessary for proper functioning of division operations, such as intro-division communications, travel, etc., on a statewide basis.

provide for a contingency fund for unforeseen expenses.

allocate a local usage fund to each Regional Council in proportion to its membership size.

Section 9. This Division shall form along the regional structure of the Department of Environmental Conservation. Therefore, all references to regions within this Division reflect departmental regions with the central office, treated as a separate region. Any ENCON region, not part of this Division shall not have representation within this Division.

ARTICLE IX - BILL OF RIGHTS FOR DIVISION MEMBERS

Section 1. No person, otherwise eligible for membership shall be denied membership on the basis of race, color, sex, age, creed, national origin, prior union membership, sexual preference or political persuasion.

Section 2. Membership shall have the right to receive accurate information relating to the affairs of the Division.

Section 3. An annual financial report will be printed in the Division publication.

Section 4. Members shall not be restricted in the exercise of their right of freedom of speech concerning the operation of this Division or any other. Active and open discussion of Division affairs and the expression and/or publication of views of Division members shall be protected within this Division.

Section 5. Members shall be encouraged to participate in the affairs, management, and administration of this Division.

Section 6. Membership service shall be a primary goal of PEF/ENCON.

Section 7. Communication to the membership shall on all matters be timely and accurate.

Section 8. When acting in their official capacity all council members shall act only in the best interest of PEF/ENCON and its members.

PEF/ENCON BY-LAWS

EXECUTIVE COMMITTEE:

The Executive Committee shall be composed of the Division Officers and Executive Board Representatives.

ROLES AND RESPONSIBILITIES OF PEF COMMITTEE REPRESENTATIVES

Provide to Steward Council and/or Executive Committee frequent, prompt reports of actions occurring in and/or instituted by the Committee.

File with the Division Secretary all Committee minutes, correspondence, and/or reports.

Report progress, problems and/or conflicts, requiring immediate action, to Executive Committee.

Work in a professional and harmonious manner with other Committee members, keeping in mind that one serves as an advocate of labor rather than automatically an adversary of management.

Not assume unauthorized authority to take actions or make policy decision beyond the responsibilities assigned by the Division.

Coordinate efforts and share information with other PEF Committee representatives (if any) and alternate(s) on all Committee business.

All committees shall have a pre-meeting unless the committees vote not to.

After the above is followed, the Committee Chair is the authorized agent to sign agreements with management which result from Committee meetings.

RULES OF PROCEDURE FOR SHOP STEWARDS

Committees:

Stewards serving on committees will abide by the Roles and Responsibilities of PEF Committee Representatives. In addition, the heads of committees are required to report on the status of committee work at every Stewards' meeting. Verbal reports are not to exceed five (5) minutes. Committee heads not attending a meeting must inform an officer of the status of his committee work prior to the Stewards' meetings so that other Stewards can be apprised of the current status at the meetings.

As all Stewards are members of the Grievance Committee, any Steward involved in a possible or actual grievance must besides adhering to the Roles and Responsibilities of PEF Committee Representatives:

Contact and coordinate with the PEF Field Representative all processes [initial discussion, informal resolution, Step 1 filing, Step 1 hearings, receipt of Step 1 decision, Step 2 filing, Step 2 hearing (field representative should be present), Step 2 decision].

Discuss case at weekly Steward meeting (applies to 625 Broadway only).

Except for 30th day of first Step filing, under no circumstances should above procedures be neglected.

Confidential Matters:

1. Information pertaining to grievances is confidential and is not to be discussed publicly. If a Steward breaches confidentiality, that person will be requested to resign.

2. In addition to grievances, other matters may be confidential in nature. Stewards should evaluate the need for confidentiality of non-grievance related matters based on potential harm to those involved. Unauthorized disclosure of such matters which are judged confidential by majority vote of the Stewards will result in a request for resignation.
3. At the start of all Steward meetings, the steward conducting the meeting will notify those present of all ongoing confidential matters so that the stewards may be apprised of the need for confidentiality.

Local Rule for 625 Broadway Stewards:

Attendance and Election To A Committee - Stewards who do not attend three (3) shop steward meetings in a row, without a valid excuse, will become "inactive" at the subsequent Steward meeting. "Inactive" Stewards will be requested to resign their stewardship and are removed from any office, any committee, or any other responsible PEF/EnCon position.

"Inactive" Stewards may petition the active Stewards for reinstatement at a succeeding Stewards' meeting by obtaining the signatures of ten (10) members thus reaffirming their active status. Stewards declared "inactive" a second time must obtain the signatures of twenty (20) PEF members to reaffirm their active status. Stewards declared "inactive" a third time will be required to obtain signatures, etc. The petition reaffirming active status must state that the petitioner was declared "inactive" for non-attendance at three (3) successive Steward meetings.

The Secretary will notify Stewards who are declared "inactive" and advise them that they must petition and reaffirm their active status. Stewards declared "inactive" and who are reinstated upon petition are reinstated to active status only, not to any office, committee, or other responsible PEF/EnCon position that they may have formerly held.

Reinstatement to any office, committee, or other PEF/EnCon position must be done by separate majority vote of the Stewards. When an inactive Steward fails to petition within three (3) weeks for reinstatement, a notice to that effect will be posted on the bulletin boards by the active members. An attendance list of Stewards marked present, absent and excused shall be posted. The validity of excuses will be considered on a case by case basis at each Steward meeting. The Secretary will be charged with the responsibility of tracking absences, excuses, and the status of Stewards. Vacation, sick leave, personal leave, and job assignments away from 625 Broadway will be considered as valid excuses.

APPENDIX C

SAMPLE BALLOT

STEWARD ELECTION NOTICE AND BALLOT PEF/ENCON DIVISION #169 - DEC REGION X

Since there are four (4) candidates for the three (3) allotted positions, an election is being held. The term of office for steward will be from the date of the certification of results to March 31, 2011.

INSTRUCTIONS:

1. You may vote in this election only if you are a PEF member. If you are not a member, you may become one and vote in this election by filling out the enclosed membership application and returning it with this ballot.
2. Indicate your preference below by marking the box next to the candidate(s) of your choice and/ or writing in the full name of the individual(s) of your choice.
3. Make no other markings on this ballot.
4. You may vote for no more than three (3) candidates.
5. Voting for more than three (3) candidates will void your ballot.
6. Insert the ballot into the "secret ballot" envelope and then place this envelope inside the pre-paid return envelope. Be sure to sign the prepaid envelope in the space provided on the back. Envelopes without signatures will not be opened. Ballots sent to a location other than the designated post office box indicated on the outer envelope will not be counted.
7. Ballots will be collected from the PEF post office box on Friday, April 21, 2010 at a time of day that is convenient to PEF. You are strongly encouraged to mail ballots early in order that they are received in time to be counted. Any ballots delivered to the post office box after the time it is emptied will not be counted.

BALLOT

VOTE FOR NO MORE THAN THREE (3) CANDIDATES!

<u>Name</u>	<u>Name</u>	Name
<input type="checkbox"/> Boris Karloff	<input type="checkbox"/> Nils Lofgren	<input type="checkbox"/> Frank Zappa
<input type="checkbox"/> Ginger Baker		
_____	_____	_____
(write in)	(write in)	(write in)

Appendix D
Letter To Thomas Rudolph Explaining Election Procedures
April 11, 1990
(Original on PEF Encon Letterhead)

April 11, 1990

Mr. Thomas Rudolph
c/o NYSDEC
202 Mamaroneck Avenue
White Plains, NY 10601

Dear Mr. Rudolph:

Thank you for your letter of April 2 concerning the PEF steward election at White Plains. You apparently are concerned about the results of that election. I will try to explain the election process and what exactly happened at White Plains.

Having served as chair of the election committee for four years, I am the first to admit that the entire process is somewhat complex and not easy to understand. If you are familiar with computer programming, there are usually many "decision points" and "loops" in a program. The election process is replete with these attributes as well. Essentially, depending on the circumstances of a particular case, an entirely different decision may be made with regards to PEF representation from year to year or location to location. However confusing it may appear, the overall goal is to best serve the PEF membership in Division #169 statewide.

First, elections are held annually for PEF Division # 169. Pursuant to PEF Central "Division Election Guidelines" under "Constituencies" on Page 5 (attached), "... The key to defining constituencies should be maximizing for the best and most broadbased steward representation possible, which provides adequate service. It should follow 'natural' boundaries, either departmental or geographic, and not be overly constrained by minimizing the representation to an arbitrary 1 per 50 ratio." PEF Division #169 has historically interpreted this section to mean two things. First, our division, not Central PEF, is best suited to determine how to best serve our members. Second, our overall goal is to maximize representation for our members; i.e. to maximize the number of stewards in Division # 169.

Unfortunately, Central PEF is limited to the number of stewards that the Governor's Office of Employee Relations will allow. As stated in the "Division Steward Guidelines", the State allows PEF only 1 steward per 40 PS & T members. Since PEF wants to service all of its members regardless of the size of their work location, they were forced to limit stewards at larger locations to 1 steward per 50 PS & T members in order to allow lower ratios at smaller sites.

Many work locations (constituencies) in Division #169 have well under 50 PS & T members. As you know, the White Plains constituency has about 20. However, due to its remoteness, Division #169 has determined that White Plains is eligible for a steward.

Besides dealing with the individual constituencies, PEF Encon has historically dealt with Regional and Statewide constituencies as well. For example, as of the last election, PEF Division #169 had 1811 PS& T members. By right, this entitles our Division to at least 37 stewards. (36.22 rounded up to 37). This 37 could be considered an absolute minimum allowed for our Division since other factors will raise this allowance. Next, we consider the DEC Regions each as constituencies. Each Region has more than 50 PS & T members. Therefore, each Region is entitled

to at least 2 stewards based on a 1 per 50 ratio. (remember, rounding up) However, Regions 3 and 9 have over 100 PS& T which entitles those Regions to at least 3 stewards.

This constituency examination is probably the most complex aspect of the election process and the most difficult to understand. Our Division performs this evaluation annually at the close of nominations for elections. As stated in the election notice (attached), "...Please note that the Election Committee reserves the right to split or combine the constituencies at the close of nominations in order to maximize representation." (emphasis added)

In the case of the 1990 election, the facts are the following. We received a total of 38 nominating petitions for the Division. Of these, two were from executive board members who are free to submit petitions but are not required to as they are stewards by right. Therefore, they do not count toward our Division's allotment. Therefore, the net number of petitions received was 36. This in itself is one less than our statewide entitlement of 37. Therefore, no election was necessary anywhere in the Division this year.

Even if this were not the case, the Region 3 entitlement was not exceeded. As stated previously, DEC Region 3 is entitled to at least 3 stewards based on that Region having over 100 PS&T members. Since only 3 petitions were received from Region 3, no election would be conducted, regardless of the statewide total. However, due to the fact that the statewide total was not exceeded, even if 4 petitions were received from Region 3 or even if all 4 petitions were received from White Plains, no election would have occurred in Region 3 in 1990.

A similar situation developed at DEC Region 5 this year. We received two petitions from the Raybrook office. Since that office had fewer than 50 members, it was not entitled by right to more than one steward. However, since no other petitions were received from any other constituency in Region 5, the election committee properly allowed both stewards to represent the combined constituency of Region 5.

The case in DEC Region 3 is similar. In this case, Mr. Battista, Mr. Ghiosay, and Mr. Salvo are each duly elected (not "appointed") stewards representing the combined constituency of DEC Region 3. Pursuant to Article IV, Section 13D of the PEF Encon constitution (attached), each region with more than one steward shall form a regional steward council which "...shall have the duty of assuring that the needs of their constituency are attended to" among other duties. The three duly elected stewards of Region 3 as well as the two duly elected stewards of Region 5 are obligated to form the council and exercise their responsibilities as stewards.

PEF Encon generally believes that the membership is best served when more people participate in union activities. As evidenced by the absence of elections statewide, that interest is often lacking. We find it incongruous to discourage participation by needlessly conducting elections which only serve to eliminate people who have shown interest in becoming involved. Rather, we see elections as a "necessary evil" required only due to artificial constraints put on us by the State.

I hope that I have explained the election procedures as well as the specifics of the 1990 election. If you have further questions, do not hesitate to call.

Fraternally yours,

Michael Rafferty
Chair, PEF/Encon Division #169 Election Committee

attachments

cc: w/o attachments
Mike Keenan
Mr. Salvo
Mr. Ghiosay
Mr. Battista
Ms. Yetto

