

# NEW YORK STATE PUBLIC EMPLOYEES FEDERATION ANNUAL REPORT TO THE DELEGATES



35<sup>th</sup> Annual Convention Buffalo, NY • September 29-October 2, 2013



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# Officers' Report

In this, our first year in office, we've spent a lot of time traveling the state, meeting with you in your workplace, listening to your concerns and hearing your stories. On these visits we are always struck by the dedication and talent of all of you - our members - in every agency and corner of New York State.

Last year, we made some promises. One was that we would begin the work of combating the negative attacks on unionized workers, so that all New Yorkers recognize our members as not only part of their communities, but providing the vital services our communities need. Perhaps you've heard the PEF radio ads running throughout the state or seen PEF in action in your community during the summer of 2013. Phase one of our marketing and branding campaign is well underway.

Another promise we made was that we would think "outside the box", and always be solution-driven. Our first challenge came upon us quickly and that was the fate of SUNY Downstate Medical Center in Brooklyn. We recognized immediately that in order to preserve the vital services provided by our members to the Brooklyn community, we needed to enlist the support of that community, the faith-based groups centered there, other unions and

the business community in that area. Based on that thinking, a coalition was formed. We enlisted the support of our International, the American Federation of Teachers, who funded the hiring of a nationally-known hospital finance expert to help us with the complicated financials and respond with facts, solutions and authority to the plans put forward for the future of SUNY Downstate. Though this story is far from over, our strategies resulted in the 2013 legislative session ending with the State Assembly refusing to introduce Governor Cuomo's bill that would have implemented a plan leading to the privatization of SUNY Downstate. We believe this is a compelling and inspiring example of community, faith and labor coming together and working in a unified way for good public policy.

Moving forward, we are faced with many challenges - among them the effect the OMH plan for Centers of Excellence, and recently announced facility closures in OPWDD and DOCCS will have on our members and the communities in which we all work and live. We have launched a Save Our Services (S.O.S.) campaign, we will be having PEF Community Days in your regions, and will be broadcasting television ads to gain the support of our communities, fellow unions and the legislature to ensure state services

provided by our members are continued in our communities. As your statewide officers, we have been and will continue to testify at legislative hearings and do all we can to make sure our message is being heard loud and clear: It is more important than ever that we send our message with a unified voice:

- Oppose reductions in vital state services to vulnerable New Yorkers in our communities;
- Oppose privatization of state provided services as it lowers the quality of those services;
- Oppose the reduction of qualified state staff who are professionally trained to provide services ;
- Ensure the continuity of employment of PEF members with no geographic hardship;
- Oppose loss of state-operated services, shifting the economic responsibility to already economically distressed communities throughout New York State.

The report that follows highlights some of the important accomplishments and activities of our administration as we laid a foundation for change. We encourage all PEF members to become active and work with us by going to the PEF website at [pef.org](http://pef.org) and signing on to Labor on the Move.



*Susan M. Kent*

Susan M. Kent  
**President**

*Carlos J. Garcia*

Carlos J. Garcia  
**Secretary-Treasurer**



*Wayne R. Bayer*

Wayne Bayer  
**Vice President**



*Wayne Spence*

Wayne Spence  
**Vice President**



*Barbara Ulmer*

Barbara Ulmer  
**Vice President**

# Secretary-Treasurer – Finance/Divisions

*The Finance Department continues to provide information and support to the PEF leaders and membership through reporting, training, communicating, and processing of requests.*

This year, we have worked closely with the Trustees as they review and analyze how the different departments, regions, divisions, and committees of PEF spend their allotted funds. We have laid the foundation with the Budget Advisory Committee as we begin to work on a 5-year budget plan for the union.

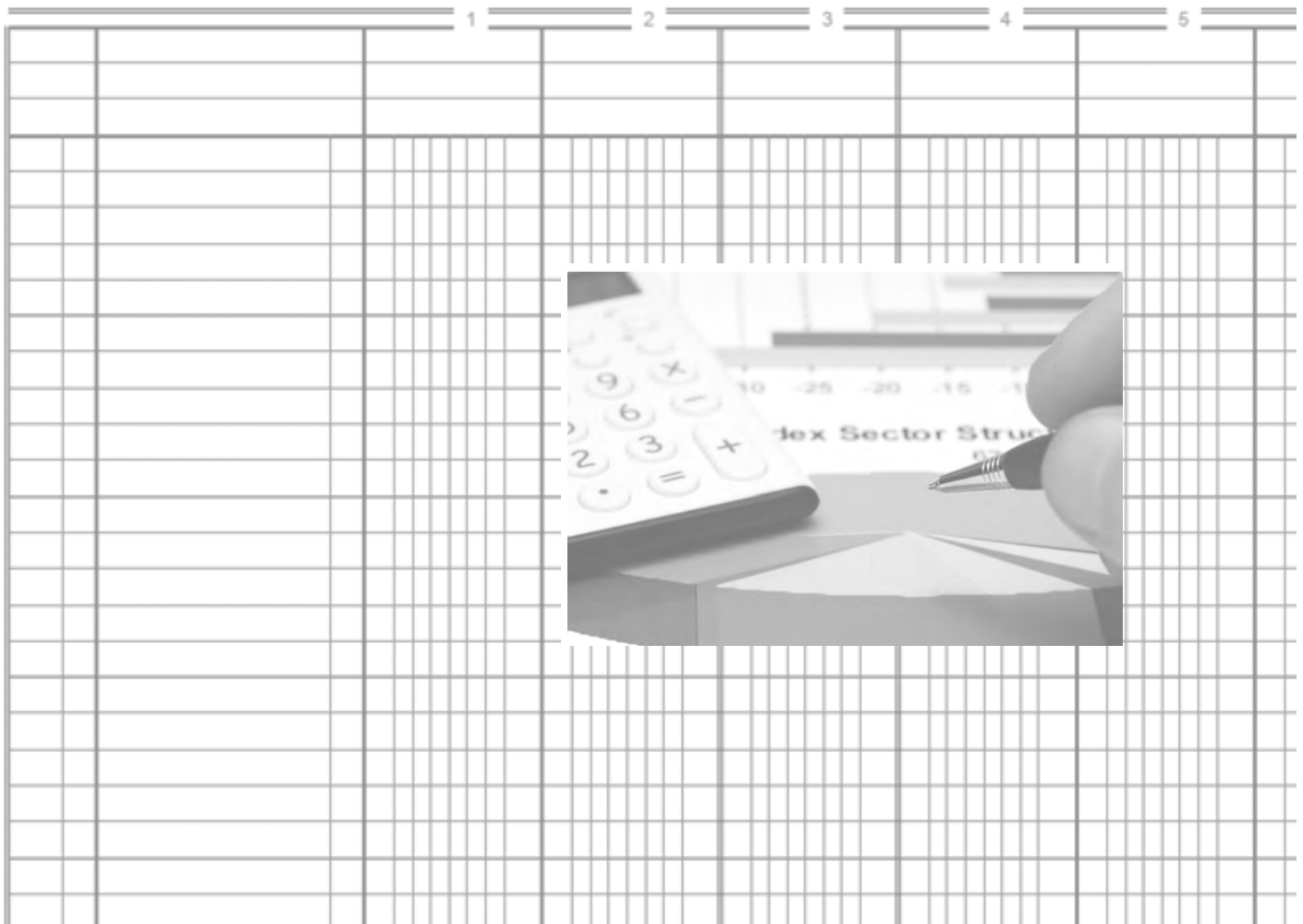
The biggest responsibility the Finance Department has is the day-to-

day routines of processing invoices, check requests and member vouchers. Currently, we process close to 1,000 checks per month as well as providing financial support and training for the 12 regions and 230 divisions. This is in addition to the filing of various required reports with different federal and state agencies throughout the year.

In the coming year, the department will be going through a required upgrade on the accounting system. With this, we will be expanding our ability to send reports to departments, regions, and divisions on a regular basis so they can monitor their budgets.

## **Divisions Finance**

The Divisions Department continues to work with division treasurers and council leaders on their compliance and reporting requirements. Over the past year, the divisions finance unit has worked with 32 divisions who were not receiving division per capita allotments and were fined penalties because they had not submitted the required audit report and/or quarterly report(s). Those divisions have been brought back into compliance, have had the penalties waived, and are now receiving their fiscal allocations and are in good standing.





# N.Y.S. Public Employees Federation and Subsidiaries

## Consolidated Statements of Financial Position

### Audited – March 31, 2013

ASSETS		LIABILITIES AND NET ASSETS	
<b>Current Assets</b>		<b>Current Liabilities</b>	
PEF Cash	4,001,557	Accounts Payable	1,601,159
Legislative Fund Cash	317,196	Accrued Liabilities	<u>3,534,667</u>
Accounts Receivable	2,682,852	Total Current Liabilities	5,135,826
Prepaid Expenses	<u>272,653</u>		
Total Current Assets	7,274,258	<b>Long-Term Liabilities</b>	
		Post Retirement	<u>7,557,600</u>
<b>Fixed Assets</b>		Total Long Term Liabilities	<u>7,557,600</u>
Land & Building	2,012,103	<b>Total Liabilities</b>	<b>12,693,426</b>
Furn/Fix/Computers/Autos	3,059,960		
Leasehold Improvements	1,324,842	<b>Net Assets</b>	
Less Accum Deprec/Amoritz	<u>(5,605,157)</u>	Unrestricted	(1,161,276)
Total Fixed Assets	791,748	Unrestricted – Board Designated	4,123,783
		Temp. Restricted Net Assets	125,430
<b>Long Term Assets</b>		Total Net Assets	<u>3,087,937</u>
Other Assets	<u>107,622</u>	<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<b><u>15,781,363</u></b>
Total Long Term Assets	107,622		
Investment Securities	<u>7,607,735</u>		
<b>TOTAL ASSETS</b>	<b><u>15,781,363</u></b>		



# N.Y.S. Public Employees Federation and Subsidiaries

## Consolidated Statements of Activities

### Audited – March 31, 2013

#### Income

Membership Dues Income	31,591,047
Agency Fee Income	1,406,640
Interest Income	170,396
Rental Income	46,657
Other Misc. Income	1,724,261
Unrealized Gain/(Loss)	<u>191,962</u>
<b>Total Income</b>	<b><u>35,130,963</u></b>

#### Expenses

##### *Direct Services*

Union Leave Expense	635,554
Staff Salary Expense	10,034,346
Payroll Tax Expense	915,369
Benefit Expense	5,694,550
Auto Allowance & Expense	270,680
Staff Travel & Transportation	231,472
Member Meeting Expenses	1,580,782
State EOL Expense	<u>351,282</u>
<b>Total Direct Services</b>	<b><u>19,714,035</u></b>

#### *Operating Expenses*

Reproduction	81,054
Printing Expense	251,293
Postage Expense	342,369
Office Supply Expense	90,906
Telephone/Communication	247,611
Rent Expense (includes Real Estate Taxes)	879,429
Utility Expense	89,636
Janitorial & Security Expenses	78,242
Maintenance & Repair	113,167
Equipment Rental	3,365
Minor Equipment Purchases	19,594
Computer Fees	94,169
Advertising Expense	174,132
Photographic Supply	1,571
Books & Reference Materials	117,967
Insurance Expense	79,459
Temporary Hire	60,894
Steno/Transcripts/Court	18,427
Miscellaneous Sundry	<u>16,555</u>
<b>Total Operating Expense</b>	<b><u>2,759,840</u></b>

#### *Admin/Organizational Expenses*

Scholarship Fund Expense	44,750
Arbitration Expense	162,964
Contributions	32,450
Affiliation Fees	287,961
Legislative Expense	331,675
Divisional Fund	1,303,997
Per Capita Fees	9,289,144
Professional Fees	576,722
Depreciation/Amortization	<u>224,844</u>
<b>Total Admin/Organiz. Exp.</b>	<b><u>12,254,507</u></b>
<b>Total Expenditures</b>	<b><u>34,728,382</u></b>
<b>Net Income/(Deficit)</b>	<b><u>402,581</u></b>



# Membership Information Systems

## Department Overview

*The Membership Information Systems Department provides a crucial link connecting PEF's 54,000 members and staff. MIS provides this through the support and delivery of Internet services, data services, PC and server services, networking, and telecommunications. MIS also provides IT services for the PEF Membership Benefits Program.*

## Computers, Hardware, and Software

Maintaining, monitoring, and backing up of PEF's servers is crucial for the day-to-day operations of the organization. We continually test not only for security, but also for performance, reliability, resiliency, and redundancy.

## Data Services

Our custom-built Membership Information Database Application System (MIDAS) continues to expand its role within PEF. MIS is continuously enhancing the features and functions of the system to empower staff to better service members. MIS continues to provide membership information via paper/electronic reports, labels, and electronic look-up formats. New electronic reports have been developed to replace paper and deprecated reports of the past.

## Web Server and Application Development

MIS maintains web servers and develops web-based applications that allow PEF to securely engage with the membership.

The screenshot shows the website for the New York State Public Employees Federation (PEF). The header includes the PEF logo and the text "New York State PUBLIC EMPLOYEES FEDERATION". Below the header is a navigation menu with links such as "PEF Home", "About PEF", "Contract Resource Center", "Membership Benefits", "Infoline", "PEFacts", "Press Releases", "Action Center", and "Feeds". The main content area features a news article titled "New Leadership at PEF - Susan Kent elected President" dated Tuesday, June 26, 2012 at 5:29PM. The article includes a photo of Susan Kent and text stating that she was elected President of the PEF. A sidebar on the left contains a "Navigation" menu with various links like "Blog - Reality Check", "Budgets", "Calendar of Events", etc. On the right, there are sections for "Hot Topics", "Contract Information", and "CONNECT WITH US" with social media icons for Facebook, Twitter, YouTube, and RSS.

## Accomplishments and Improvements in 2012-2013 Strategic Plan

At the request of the Secretary-Treasurer, MIS completed the formulation of an Information Technology Strategic Plan. The goal of the Strategic Plan was to communicate the vision, mission, and values of the MIS Department and outline the specific direction and action to support that vision and mission. Goals, objectives, and initiatives were listed to support PEF both internally as well as externally. The intent was for this plan to remain strategic and serve to align our goals with that of PEF and the membership. This plan will be reviewed annually to ensure our mission remains focused.

## Server Virtualization and Statewide Network Infrastructure Upgrade

Server virtualization allows for one powerful physical server to run multiple virtual servers simultaneously and independently.

MIS installed a virtual server farm comprised of all of our mission critical servers; specifically database, email, and directory servers. In the event of a disaster, a virtualized server can be quickly brought back online on a completely different machine in the same state that it was in prior to the disaster. As an additional benefit, this also allows for test environments to be brought up in parallel of a live environment so upgrades can be fully tested prior to deployment.

The statewide network infrastructure upgrade included the implementation of redundant firewall, core routers, and switches at PEF Headquarters allowing for immediate failover capabilities. Additionally, MIS upgraded the regional office routers to leverage the latest networking enhancements.

This upgrade, which replaced multiple outdated and end-of-life servers and unsupported networking equipment was completed with no data loss and zero downtime during PEF business hours.

### Council Leader Emails

The IT infrastructure upgrades allowed for the creation of mailboxes for all council leaders.

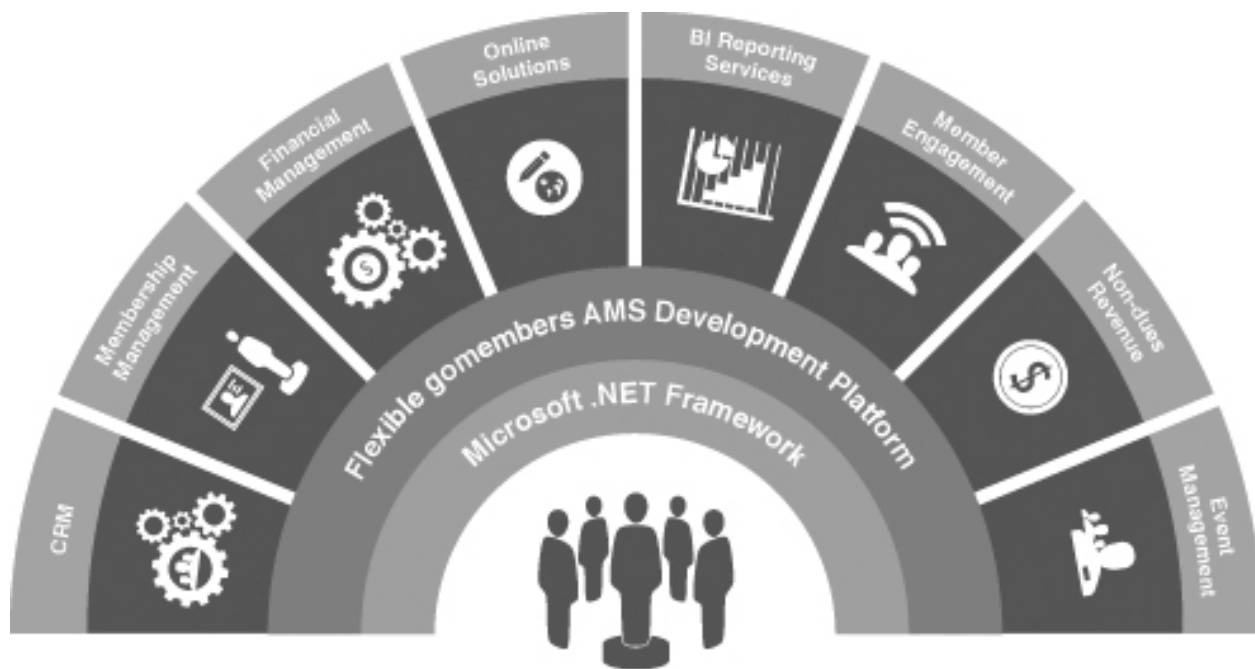
### MIN Migration (SSN Decoupling)

Due to current privacy protection laws and in conjunction with New York State decoupling from the Social Security Number as the primary NYS system identifier, MIS developed and implemented a successful plan to facilitate a likewise decoupling from the SSN for both PEF and Membership Benefits business processes and systems.

An online lookup was developed to ease the transition from PEFID (which included a portion of the SSN) for the members. The decoupling was completed in April 2013.

### Looking forward

Over the next year the IT strategic plan will be reviewed and updated; the virtualized server environment will be built-out to take advantage of the new infrastructure; disaster recovery will be expanded; further enhancements to MIDAS will be implemented, web applications will be expanded to better serve the membership.





# Executive Board and Convention Coordination

*The Office of Executive Board and Convention Coordination provide the PEF membership, elected delegates and officers a hospitable environment conducive to the business of PEF. The office strives to provide assembly and meeting space fulfilling the highest needs of the body, with all considerations given to the location, accommodations, travel and the convenience of all participants.*

Our goal is to secure convention locations three years in advance; recognizing each convention and location has particular needs. Additionally, we work to ensure, to the best extent possible, that travel and logistical support for each convention meets the needs of delegates.

In addition, the office plans and provides administrative support for PEF's Executive Board meetings, many leadership events and meetings, and processes all requests for employee-organizational leave (EOL).

Convention site selection starts with an RFP to potential locations. After

the proposals are received, the Convention Chair and Executive Board/Conference Coordinator conduct site inspections at all locations which meet the general requirements for the event. Information is collected regarding meeting space, overnight accommodations, transportation and financial considerations. An overview of each proposal is presented to the Executive Board. The locations are then determined by Board vote.

The following Convention locations and dates have been finalized:

*September 28–October 1, 2014  
Conference Center Niagara Falls,  
Niagara Falls, NY*

*October 18–21, 2015  
The Oncenter, Syracuse, NY*

The convention is truly a collective effort by the Convention Chair, Convention Committee, Conference Coordinator and several PEF staff members. Some of the many responsibilities include: contract

negotiation, designing and maintaining delegate registration systems, conducting elections to seat delegates, overnight hotel reservations, meeting and function space assignments, production of delegate materials and publications, arranging release time, contracting suppliers, audio/visual and electronic requirements, preparation of educational programs, coordinating the vendor area, planning food and beverage functions, materials handling and transportation arrangements both local and statewide.

During the event, PEF staff members register delegates, assist with housing issues and work with convention center and hotel staff to set up the plenary, meeting rooms and vendor area. The coordinator is the liaison to the hotel and conference center staff for any issues that may arise. Committee members work in conjunction with PEF staff to assist with transportation, registration, event management and volunteer coordination.



**PEF Officers and Leaders at the 2012 Convention in Syracuse, NY**

# Executive Offices

PEF's Executive Offices consist of the following departments: Civil Service Enforcement / Research, Education and Training and Health and Safety, Human Resources, Office of General Counsel,

Legislative, Public Relations and Purchasing/Facilities Management. These departments are responsible for carrying out the many directives and initiatives of the president.





# Civil Service Enforcement/Research

*In collaboration with PEF leaders and staff, the Department continued regular monitoring of the activities of the NYS Department of Civil Service (DCS) and the various state appointing authorities, which is a significant part of PEF's ongoing efforts to preserve the merit system.*

Most of the inquiries formally investigated by the Department involved the following issues: salary determinations, reclassifications/reallocations, provisional appointments, transfers, eligible lists, canvassing violations, jurisdictional classification, civil service exams, retirement, reductions in force, and probationary terminations.

## ***Notable Civil Service Enforcement/Research Department actions undertaken during this reporting period:***

- Filed appeals with the NYS Civil Service Commission regarding the failure of the NYS Department of Civil Service to comply with Civil Service Law Section 65(2) to hold competitive examinations for long-term provisional appointments to several titles that have exceeded the nine month time limitation. As a result, Civil Service has already held some exams while others have been announced or are in planning process.
- In conjunction with PEF leaders and field staff, monitored the reassignment and subsequent Office of General Services (OGS) Business Services Center (BSC) 6/30/13 Transfer of Function of Commission on Quality of Care and Advocacy for Persons with Disabilities (CQC/APD) PEF members to the Justice Center for the Protection of People with Special Needs.

- The Civil Service Commission heard our appeal of the Division of Classification and Compensation's decision denying PEF's request that the title structure change of the Facility Parole Officer and Correction Counselor titles into the new Offender Rehabilitation Coordinator series in DOCCS be rescinded. A number of affected PEF members and leaders along with Research and Legal Department staff presented supporting arguments during the hearing. Despite PEF's objections, the Commission denied PEF's appeal. The PEF Legal Department will conduct a review to determine whether to file an Article 78 proceeding to challenge the Commission's decision.
- As a result of the confusion that occurred due to the suspension of the DOT continuous recruitment Civil Engineer (CE) 2 promotion exam effective August 31, 2012, the department investigated numerous inquiries. In addition, we wrote to Civil Service requesting that the names of all candidates on the list, at that time, be placed back on the list until a new eligible list is established. Civil Service is planning to hold the next CE 2 promotion exam on 1/24/14.
- In reply to our letter objecting to the omission of a member's name from an Information Technology Specialist 3 eligible list, Civil Service informed us that no appointments would be made from that list and that corrective action would be taken.
- Due to President Kent's advocacy that the ARTL program be implemented as broadly and as soon as possible, Civil Service reissued the Agency Reduction

Transfer List (ARTL) program policy bulletin with some significant positive changes and clarifications. This was followed by a DOB bulletin announcing the establishment of a Continuity of Employment Task Force emphasizing that agencies use the ARTL process to fill vacant positions with impacted employees.

- Facilitated member and staff access to Career Mobility Office information and services.

## **Close to Home Act**

The Department continues to work with PEF leadership and Field Services to closely monitor the activities of the Close to Home initiative that was signed into law by Governor Andrew M. Cuomo on March 30, 2012. The Close to Home law focuses on reducing the placement of troubled youths in non-secure and limited-secure facilities operated by the NYS Office of Children and Family Services (OCFS) by transferring responsibility to the New York City Administration for Children's Services (ACS).

Coordinated with OCFS Statewide L/M Committee members and Contract Administration, Field Services, Legislative, and Public Policy staff to monitor job security issues and responded to numerous layoff inquiries due to 3/27/13 non-secure facility closures and downsizing.

Continued to coordinate with OCFS Statewide L/M Committee members and Contract Administration, Field Services, Legislative, and Public Policy staff to monitor job security issues and responded to inquiries about the 8/31/13 Lansing and Middletown facility closures. There were no layoffs as all PEF members were reassigned.

Provided information and technical assistance to Canal Corporation PEF leaders and field staff





# Education and Training, Health & Safety

*Since the last convention, the PEF Training and Education Department, and the Health and Safety Departments were incorporated into one department. The department works together to provide quality services to PEF members in a variety of ways. The department develops and delivers related classroom and online courses and conferences; brokers educational opportunities and provides technical assistance and needs assessments. The department is responsible for working with PEF's elected leaders, members and staff to assess professional development needs and to make available opportunities and resources to enhance knowledge, skills and abilities around:*

- Understanding and representing PEF member's contractual and legal rights;
- Leading and implementing the initiatives, policies and procedures adopted by the union;
- Advocating to protect and enhance members' rights and benefits;
- Enhancing job performance skills and career mobility; maintaining professional licensure and accreditation.
- Developing functional labor/management teams
- Providing health and safety service, information, technical assistance, research, and referral; enhancing skills, knowledge, and awareness through training and education; developing initiatives to improve working conditions of the membership; and, advocating for improvements to occupational health and safety through legislation and political action.

- Achieving safe and healthy environments in every worksite; monitoring employer compliance with all applicable federal, state, and local health and safety standards and laws; assisting the membership to design and implement programs that address key hazards that are causing injuries and illnesses

2013 in Vernon; the Regions 1-4 conference in February, 2013 in Rochester; and, the Region 7 conference in February, 2013 in Lake Placid.

- Webinars including the U.S. Department of Health and Human Service (HHS) webinar "Healthy People 2020 Progress Report: Violence Across the



## Achievements

The department created and delivered online E-Learning courses including "Many Roles of a Steward", "Division Finances" and "The Basics of Workers' Compensation" and others.

Staff coordinated the logistics and presented workshops at:

- New Council Leader Training
- Steward Training
- Labor/Management Advisory
- Regional Leadership Conferences including Region 8 conference in April, 2013 in Cooperstown; the Regions 5&6 conference in April,

Lifespan". This was a national webinar, targeting public health professionals across many disciplines. The presenters included the Assistant Secretary of HHS, the directors of the National Center for Health Statistics and NIOSH's Division of Safety Research, and PEF. We were selected to summarize our work, as an exemplary example of public health practice.

- The biennial Health & Safety Conference was held on April 18-20, 2013. The conference attracted over 300 PEF members and agency representatives. Attendees received practical information to help address their agency's significant workplace hazards.

Additionally, the workshops and other sessions provided excellent opportunities to network and learn from their fellow PEF activists.

### Grant Funding

The department was awarded a grant in the amount of \$188,676 from the NYS Department of Labor's Hazard Abatement Board. The grant covers the period of August 1, 2013 - July 31, 2014. PEF has been successful in obtaining HAB grants through a competitive process for a number of years. The grant funding allows PEF to provide training and education, committee support and technical assistance to members on a variety of occupational safety and health topics.

Trainings are open to other union members and M/C employees. Two new trainings are available through this year's grant to help PEF leaders and advocates fight for workplace health and safety: Tools for Health & Safety (designed to help identify patterns of injury or illnesses, communicate that information to workers, and advocate for essential health and safety programs); and Using Risk Assessments to Prevent Injuries/Illnesses (designed to help develop risk assessment teams to identify the most significant hazards for their agency/ work locations, and develop effective control measures. Under this grant, PEF trained 2,870 people in various Health and Safety topics, including almost 600 who received infection control certification.

### Deliverables Under Article 15 of the Contract

Educational opportunities are funded through article 15 of the contract. Staff continues to represent PEF members' needs at the joint PEF/GOER Professional Development Committee where

educational needs are discussed and classes under the Public Service Workshop Program (PSWP) are developed for delivery. Two Committee PEF members are appointed by President Kent to serve as voting members of this committee.

The Workshop Seminar Reimbursement (WSR) Program, Nurses' Enhanced WSR and the Certification and Licensure Exam Fee Reimbursement (CLEFR) programs are available for members of the PS&T unit to utilize.

There were 2,452 WSR applications submitted between 9/12 and 9/13 for a total of \$455,191. There were 285 CLEFR applications submitted between 9/12 and 9/13 for



a total of \$76,195. Four Workforce Initiatives (WFI) grants were approved by the Professional Development Committee. The grants provided training for over 150 PEF members at the cost of \$116,400.

We have implemented two new leadership courses for GR 18 and above: Leadership Development Program and IT Leadership Development. There were over three hundred applications received for these programs and 40 members were selected to participate in each of the programs. A Nurse Leadership Program is under development and will be offered in 2014.

The Labor/Management Nursing (LMN) Grants Program provides funding to address education and training needs of nurses in the Professional, Scientific, and Technical Services Unit (PS&T Unit). Six grants were approved by the Professional Development

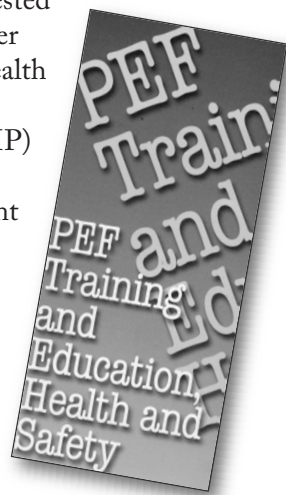
Committee. Seven hundred and twenty-five members were provided training at a cost of \$96,800.

### Activities Under Articles 18 and 13 of the Contract

There are two joint labor and management committees that meet to discuss issues related to health and safety of PEF members. Both committees have members appointed by the president.

The goal of the Article 18 committee is to: discuss and resolve issues that have not been resolved at agency-level meetings; to develop together training and education opportunities for the membership and management; to discuss and approve funding for specially requested programs under Safety and Health Initiatives Program (SHIP) grants; to evaluate current trends in worker injury and to recommend changes to agencies; to assist in the development

of a biannual Health and Safety Conference and Conferences for agency leaders. The Article 13 Committee deals specifically with issues related to Workers Compensation. They work together to develop appropriate training and technical assistance around Workers Comp including an online basics course and Navigator Training. It is expected that we deliver a conference day for PEF Health and Safety Chairs and management counterparts in 2014.



# Human Resources

*The Office of Human Resources operates under the direction of the Executive Director. The department is responsible for managing the personnel functions of recruitment and selection, job analysis and design, labor relations, and compensation and benefits. The office is staffed by two Human Resource Administrators, one of whom focuses on recruiting and labor relations related activity while the other focuses on benefit administration related activities.*

Of the approximately 150 staff at headquarters and in regional offices, one third are management-confidential and two thirds are represented by the United Steelworkers, Local 9265 (USW). This includes the staff of the union and the Membership Benefits Program.

Human Resources staff enforces the collective bargaining agreement for PEF as the employer and ensures compliance with the agreement and with staff policies and procedures. All aspects of insurance coverage for staff, including long term disability, term life, New York State disability and workers' compensation, unemployment insurance and related benefits are administered by the Office of Human Resources. Human Resources staff also manages the PEF Healthcare Plan which provides health, prescription drug, dental and vision care benefits for PEF staff. Additionally, the department administers all other benefits including tuition reimbursement, staff development, and the 401K program.

Human Resources also prepares and updates job descriptions for the various positions/job titles of PEF staff, negotiates the salary grade assigned to each title, follows up on probationary

reports, and prepares and maintains the paper work for all personnel and payroll changes. Staff represents PEF management at all quarterly Labor-Management, Career Mobility, and Joint Health Benefits Committee meetings with USW, participates in quarterly Health and Safety meetings with USW, Training and EAP committees, processes staff contract grievances, disciplinary actions and maintain all associated records.

Human Resources staff arranges for temporary services at headquarters, the Legislative Office, and the 12 Field Service offices for permanent employees on leave and in short-term work overload situations. Telephone The headquarters telephone and regional office lists are updated regularly. One of



the Human Resource Administrators supervises the receptionist at headquarters and obtains coverage for absences as needed.

## **United Steelworkers, Local 9265 (staff union)**

A major focus of our efforts has been devoted to the negotiation of a successor agreement to the USW



contract that expired June 30th, 2011. However, it should be noted that the USW/PEF agreement contains an evergreen clause. The expired contract remains in full force and effect until a new agreement is negotiated between the parties. Negotiating sessions have occurred regularly and continue to be scheduled monthly.

The Executive Director serves as PEF's chief spokesperson in these negotiations. Other members of the PEF team include Ed Aluck, Deputy General Counsel; Connie Fedden, Membership Benefits Program Financial Executive; Maureen Kellman, Trustee; Valarie O'Dell, Director of Finance; and Barbara Telasky, Human Resource Administrator.

## **Health Benefits**

The department is responsible for administering the health insurance plan for staff and eligible retirees. The Executive Director serves as the health plan administrator. The staff plan is self-insured. We utilize third party administrators to process claims for health insurance, prescription drugs and dental and vision benefits. This year, for the first time in a number of years, a Summary Plan Description (SPD) was issued to all plan participants. We are also monitoring the impact of the Affordable Care Act on staff coverage. The PEF/USW Joint Committee on Health Benefits meets quarterly to discuss issues of mutual concern.



# Office of General Counsel

*The PEF Office of General Counsel (“OGC”) is the law office of the union and provides a wide range of legal services to PEF and individual PEF members.*

## I. OVERVIEW

The primary legal service provided to PEF members by the Office of General Counsel is legal representation to those members who face disciplinary termination charges under Article 33 of the PEF/State contract.

OGC also litigates in State and Federal Court on a wide variety of employment related issues arising under state and federal employment laws, and appears before administrative agencies such as the Public Employment Relations Board. Its cases involve constitutional rights, the Civil Service Law (“CSL”), the Taylor Law, challenges to out-of-title decisions made by the Governor’s Officer of Employee Relations, Freedom of Information Law (“FOIL”) issues, challenges to agency regulations, and due process rights of our members, to name a few. It also defends PEF in actions brought against it.

Further, OGC provides legal advice and opinions to other PEF departments and the PEF elected leadership. In addition, it advises union officers and staff on union governance issues, such as convention resolutions, Executive Board policy and compliance with federal union election laws. It also monitors and issues general legal advisories and guidance regarding new legislation, important court decisions and significant legal trends in the labor and employment law arena. Finally, it advises and represents PEF in its role as a unionized employer.

## II. NOTEWORTHY DECISIONS AND ACTIONS

By the numbers, in the last year, we had approximately 150 requests for legal opinions and opened 237 new litigation files.

In our most significant, unit wide litigation which involves our challenge to

the increase in retiree health insurance premiums, the State twice tried to obtain dismissal of that case, and each time, we were successful in defeating the motion. We are now in the discovery phase of the litigation. We have also had a very active year with respect to PERB issues. We have been successful in a unit determination case which kept 210 Tax and Finance positions in PEF. In another major unit determination proceeding, the State agreed to place 250 titles in the PEF bargaining unit but subsequently attempted to void that agreement. That case is pending before PERB. We also achieved some favorable PERB settlements. We are also litigating an important case in Court which challenges the PERB principle of duty of satisfaction, as we believe it places an unfair burden on the union during negotiations.

We continue to litigate issues related to out-of-title work. Although the Courts are generally unsympathetic to these types of cases, we continue to litigate to keep Civil Service and GOER in check, and we do have some success. We also achieved a very favorable settlement in a FOIL case, which we believe could serve as a deterrent to the State’s delaying FOIL responses.

We also have brought litigation on a myriad of other issues including title consolidation, challenging a Tax & Finance and Inspector General Memorandum of Understanding which we argued compromises the privacy of our members’ tax information.

Our other Legal Department activities have included setting up the PEF Hurricane Sandy Relief Fund, and providing comments to the Olmstead Cabinet which is charged with developing a Plan for placing individuals with disabilities in the most integrated setting appropriate to their needs. Also, we have been involved in issues related to the creation of the Justice Center. The Justice Center basically investigates and prosecutes reported charges of abuse against vulnerable persons.

Below is more information regarding the cases discussed as well as a full report of the significant activities of the Office of General Counsel during this past year.

### A. Increase in Retiree Health Insurance Premium

*Kent, et al. v. Cuomo, et al* (Federal Court Retiree Health Insurance Premium Litigation)

In December, 2012, we filed a lawsuit in the United States District Court for the Northern District of New York challenging the October 1, 2011 increase in the health insurance premium charged to PEF retirees. The case was assigned to U.S. District Judge Mae A. D’Agostino. Our claim is that the State Defendants deprived PEF retirees of their contractual and constitutional rights by impairing their rights under the various PEF/State Collective Bargaining Agreements under which they retired, by unilaterally increasing their rate of contribution toward their health insurance coverage. In this case, the State twice moved to dismiss and both times the Court denied the motion.

On March 1, 2012, all of the State Defendants moved to dismiss our lawsuit based on failure to state a cause of action and jurisdictional issues. On December 3, 2012, the Court issued a Memorandum Decision and Order denying (and granting in part) the motion to dismiss. The Court upheld one of our most prominent claims, impairment of contract rights in violation of the United States Constitution, Article I, §10. The Court specifically reasoned that the PEF Retiree plaintiffs satisfied their burden to identify specific written contract language that is reasonably susceptible to being interpreted by the Court as a promise to provide a perpetually fixed health insurance contribution rate, for those who have already retired.

However, the Court did agree with the State that the 11th Amendment (sovereign immunity) bars federal courts from assuming jurisdiction over New



York State and its agencies (and also bars claims for money damages against State-Officials sued in their official capacities for acting as agents of the state). However, the Court allowed us to maintain our action against State agency officials, sued in their official capacities, for prospective injunctive and declaratory relief. The Court stated that retrospective monetary relief against these defendants is barred by the 11th Amendment – e.g., reimbursement of the cost of increased premium already paid by retirees. The Court left open the possibility that PEF retirees might be able to recover the monetary amount of increased contributions either from these officials acting in their individual capacities or Ultra Vires (i.e. completely outside the scope of their statutory authority or under authority that is deemed unconstitutional).

The Court also held that the state court litigation filed by Retired Public Employees Association (“RPEA”), to which PEF is not a party, did not require the federal Court to abstain from exercising jurisdiction over our case. At that time, there was no decision in the case.

The Court’s Decision forced the remaining Defendants to file a written Answer to our Complaint, and they did so on January 11, 2013.

In February 2012, the State moved for reconsideration of the December 2013 decision, arguing that the recently issued RPEA state court decision requires reconsideration and dismissal of our case.

On July 9, 2013, District Court Judge Mae D’Agostino denied the State’s motion for reconsideration on several grounds. First, Judge D’Agostino agreed with our argument that the State’s motion for reconsideration was procedurally deficient because it was untimely and because the State court decision was not “controlling law.” Further, as we argued, Judge D’Agostino distinguished our most significant and important claim, which is that the State violated the Contract Clause of the U.S. Constitution from the claim in the RPEA suit. She agreed that what

distinguishes our case from RPEA’s is the fact that we, and the other plaintiff-unions, are relying on our collective bargaining agreements, not Civil Service Law §167(1)(a), as the basis for our argument that the State violated a contract when it unilaterally raised retirees’ health insurance premiums. Finally, Judge D’Agostino also denied reconsideration of her prior ruling with respect to 11th Amendment immunity, legislative immunity, and the Younger abstention doctrine.

The litigation will now move into the civil case management phase of the proceeding in federal court, where the parties will conference, prepare and adopt a case-specific management plan which will be memorialized in a case management order. The resulting civil case management plan for this case is likely to address, amongst other items, deadlines for the completion of discovery, potential trial dates and procedures for certifying class actions. Then, the case will move into the discovery phase, where witnesses can be deposed upon verbal questioning and the parties essentially exchange information about their respective evidence, witnesses and legal positions. The length of the pre-trial discovery phase varies depending upon the complexity of the case, number and availability of witnesses, sheer volume of evidence to be disclosed and other new motions or disputes that may arise. We anticipate that discovery phase will continue well into 2014. Once the discovery phase of the case is complete, any remaining disputed issues of fact between the parties would proceed to trial.

## **B. FOIL Litigation**

*Kent, et al. v. DOB, et al.* (Article 78 proceeding challenging failure to disclose information concerning FOIL requests).

On November 9, 2012, we filed an Article 78 proceeding in State Supreme Court (Albany County) seeking an order and judgment from the Court finding that the State violated the Public Officers Law (“POL”) and compelling them to disclose information we

requested from DOB in three separate FOIL requests. These FOIL requests sought information about contracts between DOB and private companies which concern the consolidation of State services, such as information technology services, procurement services and various assets (including building space) to save money. Pursuant to these contracts, the companies were to provide the State with recommendations as to how to achieve such consolidations and savings.

Prior to the date the lawsuit was filed, PEF had received absolutely no documents in response to two of our FOIL requests, and only a partial response to our November 16, 2011 FOIL request. However, after we filed the Article 78 petition, the State provided some, but not all of the documents we were seeking.

The State then moved to dismiss our lawsuit, primarily arguing that it is moot, and in March 2013, Justice George Mott of the Albany County Supreme Court denied the State’s request to dismiss.

After the State lost the motion to dismiss, it broached settlement with us, and eventually we reached agreement. On May 1, 2013, Judge Mott so ordered the parties settlement agreement. The major provisions of the agreement are that PEF could bring new litigation to challenge the failure to disclose all of the material requested in our three FOILs and, very importantly, awarded PEF attorneys fees in the amount of approximately \$26,000. (We did file such litigation. (See, supra, page 2) This agreement to pay attorney’s fees was significant because, hopefully, it will serve as a deterrent to future delays by State agencies when responding to FOIL requests. In this case, the State basically waited for us to file litigation and then started turning over documents. Thus, we had expended a lot of resource to get information that should have been turned over without the need for litigation. Thus, at least, the State had to pay for its recalcitrance.

*Kent, et al. v. DOB, et al.* – FOIL Litigation – Part 2

As authorized by the settlement discussed above, on May 13, 2013, PEF brought a second lawsuit to challenge the New York State Division of the Budget's ("DOB") failure to disclose all documents and information requested by PEF in our three FOIL requests.

As explained above, after filing the earlier lawsuit, the State turned over documents, but withheld approximately 500 pages, redacted several of the pages that were released and fully withheld other documents. Our second lawsuit is challenging the failure to fully disclose all requested documents.

In addition to filing this petition against DOB, we have also named as respondents two companies, Deloitte Consulting LLP ("Deloitte") and Accenture LLP ("Accenture"). Both are consulting companies engaged by the DOB to analyze and transform the State's Information Technology environment. The DOB has alleged that it cannot release certain documents because they contain trade secrets of Deloitte and Accenture.

All papers must be submitted to the Court by mid-October. Oral argument will then be held, and we anticipate a decision early 2014.

### C. Out-of-Title cases

*Mohseni, et al. v. GOER, et al.* (Out-of-Title Case Sr. Transportation Analyst (Grade 23) Assoc. Transportation Analyst (Grade 27))

In this proceeding, which was filed November 5, 2012, we challenged the assignment of Associate Transportation Analyst ("ATA"), grade 27, duties to Mr. Mohseni and Ms. Morozovskaya, both STAs, grade 23. We asserted that it was inappropriate for them to perform the duties of ATAs, which included being designated as "acting managers" of their respective units, without being compensated accordingly. We further argued that GOER erroneously applied the relevant classification standards for the positions at issue because supervision is not a requirement for the ATA titles. We argued that the duties performed by them are more appropriate to the ATA job title than to the STA job description,

and therefore constitute out-of-title work.

On March 21, 2013, we received an unfavorable decision from the Albany County Supreme Court. Unfortunately, the Court found that the challenged duties are not out-of-title. The Court noted that the "crux" of GOER's determinations was that the petitioners did not supervise "major" programs. The Court acknowledged that the classification standard does not define "major" but further stated that "it is clear that 'major' planning and project development programs include multiple STA positions, along with other professional titles. The small sizes of the units petitioners work within (only six combined out of 25 total employees listed in the Technical Group, and no TA positions) reflect that these are not 'major' programs which would justify individual positions of ATAs." The Court further found that the supervisory duties within the Technical Group are limited to single, small sections and do not include supervision over any STAs. The Court concluded that the grieved duties were appropriate for a STA directing small program units within a larger group. Based on this reasoning the Court dismissed the petition.

*Fuller and Wilson v. GOER & DOT* (Article 78 Out-of-Title Case Involving Information Technology Specialists 2s (Programming), Grade 18 performing work of Information Technology 3, Grade 23)

On December 17, 2012, we filed an Article 78 Petition on behalf of two PEF members which alleges that the Department of Transportation ("DOT"), their employer, improperly assigned them to higher salary grade out-of-title work.

Both were Information Technology Specialist 2s (Programming), Grade 18, and both contend that they have been performing out-of-title work since September 2010 and November 2010, respectively, because they are performing work appropriate for the Information Technology Specialist 3 title, Grade 23. Specifically, both are performing

technical duties appropriate for an Information Technology Specialist 3. In addition, DOT made each employee the "Lead" of his respective region. In conjunction with that designation, DOT has assigned both to supervise fellow Information Technology Specialist 2s – supervisory responsibilities which PEF contends are appropriate for an Information Technology Specialist 3.

On July 31, 2013, Justice Kimberly A. O'Connor ruled against us. The Court explained its obligation to defer to an administrative expertise and its limited review of the matter – The Court cannot grant the petition unless it were to find that GOER's decisions were arbitrary or irrational. Justice O'Connor based her decision to dismiss our petition, in part, on the fact that the overlap of duties performed Mr. Fuller and Mr. Wilson were a "reasonable outgrowth of the duties" laid out in their job descriptions. Justice O'Connor also deferred to the Division of Classification & Compensation Director's opinion that Information Technology Specialist 3s supervise multiple staff. Mr. Fuller and Mr. Wilson did not supervise more than two individuals each at any given time.

*Westbrook v. GOER, et al.* (Out-of-Title Case/Senior Mechanical Construction Engineer/ Associate Mechanical Construction Engineer.)

On May 6, 2013, we commenced an Article 78 proceeding in Albany County Supreme Court on behalf of Daniel Westbrook, who is employed as a Senior Mechanical Construction Engineer ("SMCE"), Grade 24, by the New York State Education Department ("SED"). We are alleging in our lawsuit that Mr. Westbrook is performing the duties of an Associate Mechanical Construction Engineer, salary grade 27 ("AMCE-27").

Besides the argument challenging the denial of Mr. Westbrook's out-of-title grievance, we have an additional issue in this case, which is that, in 2011, the Civil Service Commission granted Mr. Westbrook's request for reclassification to the AMCE-Grade 27 title based on its determination that he was performing such higher graded

duties. However, the State Division of the Budget failed to act on the classification request, and he remains in the SMCE-Grade 24 title. Thus, we are also asserting that DOB's failure to act on the reclassification decision of the Civil Service Commission was improper, and the Commission's determination that Mr. Westbrook is performing the AMCE-Grade 27 duties should have been controlling on this issue before GOER.

The case is scheduled to be argued this summer, and we expect a decision to be issued in the fall of 2013.

#### **D. PERB issues**

*CSEA v. State & PEF* (PERB Tax & Finance TSS Unit Clarification/Placement Petition)

On January 10, 2013, we received a favorable decision from a PERB ALJ dismissing a unit clarification/placement petition that CSEA filed in October 2009. The petition sought a determination that the then newly-created titles of grade 14 Taxpayer Services Specialist 1 ("TSS") and its 2 lower graded traineeships at the Department of Taxation and Finance ("DTF") should be placed in the Administrative Services Unit ("ASU") rather than in the PS&T Unit, where the State had initially placed them. PEF and the State both opposed CSEA's petition. As a result, approximately 210 filled TSS 1 positions will remain in PEF.

In her decision, the ALJ agreed with PEF and the State. She found that there was a much stronger community of interest between the TSS 1 position and the PS&T Unit TPS 1 and TSR 2 positions from which it derived. She further found that the TSS 1 traineeships are not functionally different from the TSS 1 title for bargaining unit determination purposes and share little in common with other ASU positions.

CSEA did not file exceptions to the PERB Board by the statutory deadline. Thus, this decision is final.

#### **Albany County Probation Furlough Settlement**

PEF's Albany County unit consists of

approximately 80 probation officers. We had filed an Improper Practice charge against Albany County based on their June 9, 2009 unilateral imposition of a 5-day furlough. We had fully briefed the case, and as you can see, the case was pending before PERB for a long time. Then, while we were still waiting for the ALJ's decision, in March 2013, the State offered to settle.

By settlement agreement dated March 14, 2013, PEF and the County agreed to restoration of one personal leave day for each furlough day for current employees. The County also agreed not to implement any furlough in the future without first negotiating with PEF.

#### **Unit Placement Petition**

On March 27, 2013, PERB issued an interim decision, based on an agreement between PEF and the State, placing about 250 M/C positions in the PS&T Unit. PEF Contract Administration negotiated this settlement, which was signed by GOER on the State's behalf.

On April 19, 2013, GOER made a motion to the Director to void that settlement agreement and the Interim Decision because GOER claimed it had not properly advised the affected agencies of the standard for determining whether the titles should be designated M/C or placed in a bargaining unit before it entered into the agreement. PEF opposed that motion.

On May 9, 2013, the Director denied that motion, and on May 22, 2013, GOER filed exceptions with the full PERB Board appealing both the Interim Decision and the decision denying the motion to void the parties' agreement.

On June 19, 2013, we filed our response to GOER's exceptions. In our response, we argued that that the Director's Interim Decision, which is based solely on the parties' written settlement agreement, correctly places the at-issue 250 positions in the PS&T Unit under the Taylor Law. We pointed out that the agreement was reached in accordance with PERB's rules, the State had the authority to enter into the agreement, and the agreement itself set

forth a sufficient factual basis for the Director's determination. We further argued that the State's motion to void the settlement was properly denied by the Director because the State did not produce any evidence in support of its claim that it mistakenly entered into its agreement with PEF, nor did it meet the high legal standard required of a party seeking to be released from an agreement it makes to settle litigation. Such a standard requires the party to show fraud, collusion, mistake or accident. Here, the State is trying to get release from its agreement because, in its own words, it "improvidently" entered into the agreement.

While we do not believe that PERB will agree with any of GOER's arguments on appeal, this is uncharted legal territory and we cannot predict how PERB will rule or how long it will take to issue its decision. We will continue to keep you apprised of any developments on this matter.

#### **Racing and Wagering**

On April 1, 2013 we received an unfavorable decision from State Supreme Court Acting Justice Thomas McNamara concerning our Article 78 proceeding challenging PERB's dismissal of the improper practice charge PEF filed against the State Racing and Wagering Board in 1996. PEF's charge alleged that the Racing and Wagering Board's January 1996 decision to unilaterally reduce by 25% the per diem wage rates for all the non-statutory ("NS") seasonal track personnel represented by PEF violated the Taylor Law.

PERB had relied on the seasonal employee side-letter in the PEF/State collective bargaining agreement to find that PEF and the State had already negotiated over the subject of whether the State Budget Director has discretion under the State Finance Law to make unilateral adjustments to compensation for seasonal, NS employees like those affected by this case. Thus, having already bargained over this subject area, and having not obtained any additional restrictions on the Budget Director's



discretion, PERB found that the State, through DOB, could reduce the per diem salary rates for seasonal, NS Board employees without negotiating with PEF. PERB labels this type of defense a “duty satisfaction” defense, because it concludes that the parties have satisfied their mutual duty, or obligation, to negotiate in good faith over the at-issue subject.

We challenged PERB’s decision on procedural and substantive grounds. With respect to the procedural grounds, we had argued that the duty satisfaction defense should not have been applied to this case because GOER did not plead it as an affirmative defense, and the duty satisfaction defense was not specifically defined at the time we brought the PERB charge. The Court summarily dismissed this argument finding that since GOER answered our charge in 1997 and PERB clarified this defense in 1998, PERB’s decision to consider the duty satisfaction defense was not arbitrary and capricious.

Also, we had argued that PERB had applied the duty satisfaction defense too broadly. On this issue, the Court found that although PEF may have framed the question less broadly than PERB, the choice made by PERB was within its expertise and reasoned.

Finally, in this Article 78, we had argued that PERB’s so-called duty satisfaction defense creates an impossible negotiating burden for public sector unions because, in essence, the defense requires unions to anticipate any and all future scenarios in which they may want to negotiate over a myriad of mandatory subjects and sub-subjects and then raise all those issues at the bargaining table, and thus undermines the public policy underlying the Taylor Law. The Court did not specifically address this issue, but simply found that this dispute involves the interpretation of a collective bargaining agreement, which is within PERB’s area of expertise, and it is therefore entitled to substantial deference.

We think that these duty satisfaction issues are very important to PEF, and we would like the opportunity to convince

an Appellate Court that the duty satisfaction defense violates the public policy expressed in the Taylor Law because of the unfair burden it places on unions, or at least convince a court to narrow the application of the defense. Thus, we have appealed this decision to the Appellate Division, Third Department.

**PEF v. GOER** (Improper Practice Charge/ GPS/DVR in OPWDD Vehicles)

On July 22, 2013, PEF signed a Stipulation of Settlement with the New York State Governor’s Office of Employee Relations (“GOER”) settling an improper practice charge filed by PEF against the New York State Office for People With Developmental Disabilities (“OPWDD”). The basis for PEF’s initial charge was that on April 16, 2012, OPWDD unilaterally issued a policy implementing the use of global positioning system (“GPS”) and video/audio recording devices (“DVR”) in OPWDD vehicles.

This Memorandum of Agreement (“MOA”) between PEF and OPWDD provides that the GPS and DVR equipment will only be installed in vehicles “regularly and commonly used for the purpose of transporting” vulnerable individuals. The MOA also provides that during Article 33 interrogations where an employee will be interrogated about an event recorded by DVR or GPS, OPWDD must, upon request, show the DVR or GPS information to the employee before questioning begins. In addition, if an NOD is issued against an employee charging them with misconduct with respect to an event captured by the DVR or GPS, the MOA requires OPWDD, upon written request as designated in the MOA, to provide a copy of a DVR recording and/or GPS information to the employee or their representative within two weeks.

PEF v. Civil Service Department (PERB Case Challenging Increase in Civil Service Exam Fee)

On December 11, 2012, we received an unfavorable decision from a PERB

ALJ concerning a series of similar improper practice charges filed by PEF, CSEA, DC 37 and NYSCOPBA filed against the State in 2009. The unions’ charges all alleged that a decision announced by the Department of Civil Service (“DCS”) in January 2009 to begin charging a fee to State employees to take promotional Civil Service exams constituted a unilateral change in a term and condition of employment, a violation of Section 209-a.1(d) of the Taylor Law. Unfortunately, the ALJ dismissed the unions’ charges.

The main issue before PERB in this case is that because the State had never before charged State employees a fee to take a promotional exam, was it required to negotiate.

The PERB ALJ held the State was not required to bargain with the unions over implementation of the fee, and all of the unions filed exceptions with the PERB Board. Our exceptions were filed mid-March 2013, and the case is still pending before PERB.

#### **E. Justice Center Code of Conduct**

The Legal Department has been very involved in many different aspects of the Justice Center including obtaining changes in the original legislation which created the Justice Center and reviewing and commenting on proposed Justice Center regulations. We are now involved in issues related to the implementation of Justice Center Code of Conduct.

The Justice Center legislation became effective June 30, 2013, and pursuant to that law, the Justice Center was required to adopt a Code of Conduct for all custodians who have or will have regular and direct contact with vulnerable individuals. The legislation also sets forth the minimum requirements for the Code of Conduct. Executive Law §554(2)(a)-(g). On June 10, 2013, the Justice Center sent its Code of Conduct, as well as a document entitled Notice to Mandated Reporters, to OPWDD, OMH, OCFs, OASAS, DOH, and SED. These agencies were instructed to have the Code of Conduct read and signed by any custodian who will have regular and substantial contact with



people with special needs covered by the Justice Center Act by June 30, 2013. In addition, these agencies have also issued the Notice to Mandated Reporters and OMH has added an additional requirement of having employees sign that they have received that Notice.

By letter dated June 24, 2013, we advised Jeffrey Wise, Executive Director of the Justice Center that it was PEF's position that certain aspects of the Code of Conduct were negotiable and demanded negotiations. On July 18, 2013, we meet with Executive Director Wise and other Justice Center representatives to discuss our concerns, and subsequently, we sent a follow up letter dated July 24, 2013 specifically setting forth all our concerns regarding the Code.

The Justice Center has not yet responded to all of our concerns, and thus we anticipate filing an improper practice charge alleging a failure to bargain in October 2013.

#### **F. Hurricane Sandy**

We have been involved in two issues with respect to Hurricane Sandy.

Hurricane Sandy Relief Fund/Permanent PEF Relief Fund

In November, 2012, we set up a charitable organization called the "P.E.F. Hurricane Sandy Relief Fund" for the purpose of collecting donations to be used to help those PEF members who suffered significant economic losses as a result of Hurricane Sandy. The Fund was certified as a charity by the State almost immediately, and on December 12, 2012, we received notice from the Internal Revenue Service ("IRS") that our request for tax exempt status under Section 501(c)(3) of the Internal Revenue Code had been approved. We are in the process of distributing the funds collected. As PEF wanted to set up this fund quickly, we created a fund that was for the sole purpose of collecting money for the Hurricane Sandy crisis. Also, the IRS was expediting the processing of tax exempt requests in connection with this disaster so that was another reason we created this specific fund. Such a fund must distribute all its funds for the sole

purpose for which it was formed and then close the fund. (See Accounting Department report.)

In light of the unfortunate re-occurring nature of such disasters, the President has also asked us to undertake setting up a permanent charitable fund, whose purpose is to collect contributions which will be dispensed to PEF members who suffer economic harm as a result of future unforeseen disasters. Thus, we are currently in the process of setting up a more permanent PEF relief fund with a broader purpose.

*Kent, et al. v. New York, et al.* (Article 78 proceeding challenging DOB's overtime waiver which only pays compensation after 47.5 hours of work)

In February 2013, we filed a lawsuit against the State on behalf of employees in Grade 23 and above positions who worked uncompensated overtime in connection with Hurricane Sandy. As you likely know, Grade 23 and above employees are generally not eligible for overtime. However, there is a provision in the Civil Service Law ("CSL"), §134(6), which authorizes them to be granted overtime compensation by the State Budget Director during an "extreme emergency."

Here, the Division of the Budget (DOB) issued an overtime waiver granting Grade 23-27 overtime employees' overtime compensation for hours worked over 47.5 in a given week, but not for any hours worked between 40-47.5. We have argued in our lawsuit that DOB abused its discretion by limiting overtime compensation to hours worked above 47.5

Unfortunately, on May 3, 2013, we received an unfavorable decision from Justice Joseph C. Teresi of the Albany County Supreme Court. The Court denied our petition regarding the 47.5 hour threshold for paying overtime compensation. The Court explained that Civil Service Law, §134(6) does not require extreme emergency overtime pay to begin once an overtime ineligible employee works 40 hours in a given week, and that the State's determination was rational and not arbitrary and

capricious.

The Court did, however, find that DOH offered no rational justification for its determination not to pay its employees any overtime (even after the 47.5 hour threshold) and remanded the case for DOH to provide such justification in light of DOB's overtime waiver. We believe that this should, at least, lead to payment to DOH employees for hours worked over 47.5. We appealed the unfavorable portion of this decision, the State did cross-appeal the DOH ruling.

#### **G. Facility Parole Officer/Offender Rehabilitation Counselor Title Consolidation**

On June 17, 2013, the State Civil Service Commission found, over PEF's objections, that the Department of Civil Service did not violate the Civil Service Law when it merged Facility Parole Officer titles with Correction Counselor titles to create the new Offender Rehabilitation Coordinator title series. We have decided to file a lawsuit challenging this determination, which we expect to file in October.

#### **H. Olmstead Cabinet**

The Olmstead Cabinet was created by Governor Andrew Cuomo's Executive Order 84, to implement the law as set forth by the U.S. Supreme Court in *Olmstead v. Zimring*, 527 U.S. 581 (1999). Basically, the holding in that case is that a State must have a Plan for placing people with disabilities in the most integrated setting appropriate to their needs. The Cabinet is mandated to seek the guidance and expertise of stakeholders, including "providers of services to people with disabilities." In April 2013, Roger Bearden, who is the Chair of the Cabinet, met with President Kent, Secretary-Treasurer Garcia and PEF staff seeking PEF's input. On May 2, 2013, we submitted comments to the Cabinet, and requested that Mr. Bearden meet with PEF members who actually provide services to people with disabilities. He agreed to do so, and on May 22, 2013, President Kent, several PEF members from OMH and

OPWDD, and PEF staff, met with Mr. Bearden and provided him with information and insight as to an Olmstead Plan. We then followed up with written comments which were submitted on May 31. In our written comments and meetings, we have stressed that State employees must play a significant role in the assessment, oversight and delivery of services to individuals with disabilities in the most integrated setting appropriate to their needs. The Cabinet has not yet issued its final recommendations to the Governor. When it does, we will, of course, update the Executive Board.

### I. Tax and Finance

*Kent, et al. v. Tax and Finance*, Inspector General (CPLR Article 78 Proceeding Challenging the Disclosure of State Employees' Tax Return Information)

On May 22, 2012, we filed litigation in Albany County Supreme Court challenging an agreement between the Department of Taxation and Finance ("Tax") and the New York State Inspector General ("IG") which allows Tax to share State employees' state tax return information with the IG without a judicial subpoena. The Memorandum of Understanding ("MOU") between Tax and the IG gave Tax Commissioner Mattox the authority to appoint 62 IG employees as Deputy Tax Commissioners. Those IG employees can access State employees' State tax returns without a judicial subpoena. The litigation asserts that the MOU which was withdrawn violates both the secrecy provisions of the Tax Law and the Personal Privacy Protection Law prohibition against unwarranted invasions of personal privacy. We also argue that the Tax Commissioner's appointment of the 62 NYSIG employees was improper and in excess of his statutory authority. As a remedy, we asked the court to declare the MOU and the appointments unlawful, rescind the MOU, and nullify the appointments.

On June 26, 2013, we received a favorable decision from the Albany County Supreme Court Justice

Christopher Cahill denying the State's motion to dismiss our lawsuit on the grounds that the petitioners (both PEF and the individual DTF employee, Barbara Ulmer), lacked standing, that our claims were not ripe for judicial review, and that we failed to state a cause of action. The court held that both PEF and Ms. Ulmer have standing even though we could not "as of this juncture, ascertain whose tax return information has been disclosed despite our best efforts to ascertain such information through Freedom of Information Law requests[.]" In finding that we have standing, Judge Cahill further noted that "petitioner Ulmer as well as other employees in the PS&T unit face a sufficiently real and imminent risk that their tax return information may be disclosed in the future."

The Court also concluded that we stated a claim: "[P]etitioner stated a claim under Tax Law §697(e)(1) and Personal Privacy Protection Law §69(1) by alleging that respondents lacked a judicial order or other permissible statutory authority before disclosing



confidential tax return information to NYSIG." Additionally, the Court held that we stated a claim that DTF Commissioner Mattox's appointment of NYSIG employees as DTF deputy commissioners exceeded his authority since DTF employees have no statutory authority to investigate the conduct of other DTF employees or of any of the covered agencies.

For these reasons, Judge Cahill denied the State's motion to dismiss our lawsuit. As required by the decision, on July 29, 2013 the State submitted an answer. We submitted our reply in

August and expect a decision in early 2014.

### J. Article 33 Arbitration Cases

As you know, PEF provides legal representation free of charge to PEF members whom the State seeks to terminate from employment under Article 33 of the PEF/State Contract. The Article 33 due process procedure culminates in binding arbitration before an arbitrator from a panel agreed to by PEF and the State.

During the last year, 218 Notices of Discipline seeking termination were issued to our members. In 108 of those cases, the member was suspended. We have received 44 final arbitration awards. The rest of those cases were settled or the charges were withdrawn. We also received 6 interim awards finding no probable cause for suspension, and reinstating the member pending completion of the arbitration process.

### III. CONCLUSION

Please do not hesitate to contact the Office of General Counsel if you have any questions concerning any aspect of this report, or any of the cases or other matters being handled by this Office.

Lisa M. King  
General Counsel

# Legislative

*The PEF Legislative Office is responsible for pursuing the legislative and political agendas established by PEF under the direction of the President and in cooperation with the Regional and Statewide Political Action Committees and the Executive Board.*

Our efforts on behalf of the passage of PEF's budget and legislative priorities continued throughout the 2012 and 2013 legislative sessions. Key legislative issues were continually monitored and resulted in daily, direct lobbying on bills that would positively impact PEF members and stopping legislation that would negatively impact PEF members.

Listed below are the legislative bill activities for October 2012 – September 2013.

## 2012 State Legislative Priority Issues

1. Ethics Law Exemption from Post-Employment Restrictions when Employee is Laid Off – AA9372/S6584  
Bill would extend exemption for employees laid off before April 1, 2014.  
Bill signed by Governor as Chapter 485 of the Laws of 2012 on 10/03/12.
2. Protection of People with Special Needs (Justice Center Bill) – A10721/S7749  
PEF did not support or oppose the whole bill, but instead proposed language changes to protect workers' rights.  
Bill signed by Governor as Chapter 501 of the Laws of 2012 on 12/17/12.

Staff assisted Regional Coordinators in organizing their 2012 primary and general election get-out-the-vote (GOTV) efforts.

Staff prepared and supervised the 2012 member-to-member phone banks for priority primary and general election candidates in Regions 8 through 12. Staff also assisted in labor walks.

Staff assisted in the organization and accompanied members on a bus trip to

Philadelphia to participate in a SEIU GOTV effort for President Obama.

Staff prepared materials for a training presentation at the 2012 Convention on the importance of mobilizing members for political action.

## 2013 Legislative Session (January – June 2013)

The 2013 Legislative Session ended on June 21, 2013. Legislative staff worked diligently to get legislative support for PEF's Legislative Priorities.

Listed below is the status of the PEF Bills that the Legislature took action on during the 2013 session:

## BILLS THAT PASSED BOTH HOUSES

1. Prohibits Throwing Contents of a Toilet Bowl on a Correctional Facility Employee – A1394A/S5858  
Legislation amended Section 240.32 of the Penal Law in relation to aggravated harassment of a correctional facility employee to include acts or actions by an inmate.  
Governor signed the bill on 7/31/13.
2. Extends Provisions of Civil Service Law Relating to Injunctive Relief in Improper Practice Cases – A6869/S4909  
Bill extends the applicability of injunctive relief in public employment improper practices for two years.  
Governor signed bill 6/30/13.
3. Ensures Accurate Transcriptions of Worker Compensation Board (WCB) Hearings – A5235/S4471  
Legislation provides that testimony in workers' compensation cases must be recorded and transcribed by a WCB stenographer.  
Governor vetoed bill on 7/31/13.
4. Allows Additional Civil Service Examination Credits for Disabled Veterans – A4359/S1562  
Legislation amends Article 5, Section 6 of the NYS Constitution to provide that in circumstances where a person has used a veteran's credit for civil service purposes and thereafter is classified as a disabled veteran, that the veteran to be entitled to additional credit. (The legislation had to pass two different sessions of the Legislature before it could be put on the November ballot.)  
Bill passed both houses in the 2012 and 2013 Legislative Sessions. It was delivered to the Secretary of State on 6/23/13.
5. Clarifies the maximum salary which may be used to calculate the ordinary death benefits of members of the public retirement system of the state - A4983A/S4738A  
Bill provides permanent alternative maximum salary to be used in the ordinary death benefit calculation. These amendments assure a uniform maximum salary applicable to all retirement system members and retirees without regard to date of membership.  
Bill passed both houses. It will be sent to the governor for signature.
6. Clarifies that the SUNY Health Science Centers are included in the Maintenance of Effort Provision pursuant to Chapter 260 of the Laws of 2011 – A7403/S5283A  
Legislation clarifies that the state has a responsibility to at least partially compensate these hospitals for their service to indigent populations and for the role they play in provide unique, life-saving services (burn units, poison control units, trauma centers) not



generally offered by private hospitals.

Bill passed in both houses. It will be sent to the governor for signature.

7. Enacts the “Veterans’ Employment Act” to grant veterans the right to temporary employment by state agencies, rather than using temporary employment service companies - A7761/S5504A  
Filling temporary positions with veterans would be a great way to introduce them to state service as a career, and it could be their first step to permanent state employment.  
Bill passed in both houses. It will be sent to the governor for signature.

#### **BILLS THAT PASSED ONE HOUSE**

8. Enacts Pension Justice for Families of Deceased Retirees - A4916B/S4979B  
Legislation allows NYS Retirement System to process retirement paperwork based on the date of post mark in event that the employee dies prior to actual retirement.  
Bill passed Assembly. It was referred to Senate Civil Service and Pensions Committee.
9. Parole Officer Workplace Injury Parity - A5899A/S4095  
Legislation requires continued payment of full salary and medical expenses to Parole Officers, Parole Revocation Specialists, and Warrant Officers injured in line of duty.  
Bill passed Senate. It was referred to Assembly Ways and Means Committee.
10. Safe Patient Handling Act - A2180B/S1123B  
Legislation creates safe-patient handling policy for all healthcare facilities in NYS.  
Bill passed Assembly. It was reported to Senate Finance

Committee.

11. Strengthens Whistleblower Protections for Public and Private Sector Employees – A5696A /S3862A  
Legislation protects public and private sector employees against employer retaliation for disclosure of employer activity that the employees, in good faith, reasonably believe has occurred or will occur that constitutes illegal business activity.  
Bill passed Assembly. It was referred to Senate Rules Committee.
12. Requires Fair and Equal Pay for Equal Value Work – A1729  
Legislation implements a State policy of fair and equal pay for equivalent value of work for all public employees.  
Bill passed Assembly. There is no same-as bill in Senate. It was delivered to Senate and referred to Civil Service and Pension Committees.

#### **BILLS WITH COMMITTEE MOVEMENT**

13. Cost-Benefit Analysis for New York State (NYS) Personal Service Contracts- A7506/S5643  
This legislation requires that when an agency wants to contract out for services, it will be required to compare costs to determine whether the work can be performed at a lower cost by using state employees rather than consultants.  
Certain exceptions to that requirement are noted. A quality component is part of the cost-benefit analysis.  
Bill moved to third reading on Assembly Calendar; Senate bill was referred to Finance Committee.
14. Safe Staffing Act - A6571/S3691A  
Legislation sets minimum staff ratios for healthcare facilities in

New York state.

Bill reported to Assembly Ways and Means and to Senate Health Committees.

15. Applies the Freedom of Information Law (FOIL) to All Types of State Agencies – A7554A/S2224A  
Legislation expands the definition of agencies covered by FOIL to include certain types of corporations and foundations that are created by, controlled by, or affiliated with, a state agency, including, but not limited to, the State University of New York (SUNY).  
Bill reported to Assembly Ways and Means. It was referred to Senate Civil Service and Pensions Committee.
16. “Heart Bill” for Parole Officers - A4922/S4149  
Legislation provides that it shall be presumptive evidence that a parole officer who suffers from heart disease that results in disability or death, that disability or death will be considered as employment-related heart disease. The legislation also requires that the parole officer successfully passed a physical examination prior to entry into service and that the record does not indicate any heart disease.  
Bill referred to Assembly Ways and Means and to Senate Civil Service Committees.
17. Preserves Retirees’ Health Insurance Benefits – A902/S3627  
Legislation prohibits public employers from diminishing health insurance benefits or employer contributions to the health insurance of retirees below the level they paid as active employees.  
Bill was referred to Assembly Governmental Operations and to the Senate Civil Service and

Pensions Committee.

Note: Given the difficult fiscal climate in New York State, passage of legislation often is a multi-year effort. The Legislative staff work throughout the year to advocate for PEF's legislative priorities.

#### **BILL THAT PEF OPPOSED THAT PASSED BOTH HOUSES**

18. Social Worker Continuing Education Bill – A6703A/S4637A  
Legislation requires 36 hours of continuing education courses over a three-year period as part of a social worker's triennial licensing registration.  
Bill passed both houses. Bill will be sent to the governor for signature.

#### **BILLS INTRODUCED LATE IN SESSION THAT PEF OPPOSED**

19. Establishes the Start-Up New York Program – A8113/S5903  
Legislation establishes tax-free zones at State and private university/college campuses. Businesses that locate on these campuses will be exempted from state business tax, property tax, and up to 10,000 employees of these businesses would receive personal income tax exemptions in these "tax-free zones" for the first five years.  
Bill signed by governor on 6/24/13.
20. State University of New York (SUNY) Downstate Medical Center A8066/S5906  
The governor attempted to pass legislation that would have allowed a not-for-profit corporation, controlled by the Department of Health, to "co-operate" the SUNY Downstate Hospital. It also would have allowed for private equity to be used in the hospital's

operations, and it provided no protections against contracting out of employees' jobs to other hospitals.

The bill was referred to Assembly Ways and Means and to the Senate Rules Committees.

#### **STATEWIDE AND REGIONAL POLITICAL ACTION COMMITTEE (PAC) ISSUES**

The Statewide Political Action Committee and the Executive Board approved the draft 2014 state and federal legislative agendas. These draft agendas will be presented to Convention delegates.

Legislative staff coordinated the Downstate part of the press conference announcing the PEF endorsement of Robert Jackson for Manhattan Borough President. Unfortunately, former PEF member, Bob Jackson was not successful in this race.

At the request of the Regions 10 and 11 Coordinators, staff also coordinated the screening process for New York City mayoral interviews. Staff developed the questionnaire used in the interviews. Based on the recommendations of the Regions 10 and 11 political committees, the Statewide Political Action Committee approved the endorsement of Bill De Blasio as the Democratic Candidate for the New York City Mayoral Race.

Staff worked with the Region 8 Coordinator to support the PEF-endorsed and successful candidacy of Democrat Kathy Sheehan for Mayor of Albany.

PEF leadership and Legislative staff attended state and local legislative hearings on the 2013 State Budget, the proposed consolidations and closures of the Offices of Mental Health (OMH) and People with Developmental Disabilities (OPWDD), the Office of Children and Family Services (OCFS), and the Department of Corrections and Community Services (DOCCS). PEF leadership testified at many of these hearings. PEF leadership and Legislative staff continue to attend the regional meeting on the OMH, OPWDD, and DOCCS facilities' closures.

Additionally, staff provided political action training and helped to organize regional meetings with legislators and PEF members on the 2013 State Budget and PEF's priority legislative issues. Staff worked with parole officers' leadership to organize and conduct their statewide lobby day. Staff also worked with various other public sector unions to organize and participate in the Healthcare Workers Lobby Day in Albany.

State Legislative staff has been working with throughout the year with New York State United Teachers, United University Professionals, and the Civil Service Employees Unions on the State University of New York (SUNY) Downstate issue.

Additionally, staff attended the SUNY Board of Trustees Meeting, and participated in the weekly clergy and community meetings held in Brooklyn. Staff also has had ongoing meetings with the Brooklyn legislative delegation to insure their support to prohibit the closing of SUNY Downstate. As a result of these efforts, the state has allocated \$70 M in 2013 and \$18M in 2014 to help keep the hospital operational.

During the summer, the public employees unions (PEF, New York State United Teachers, Civil Service Employees, and United University Professors) representing workers at SUNY Downstate developed a plan for the redevelopment of SUNY Downstate and Long Island College Hospital (LICH). The plan involved creation of decentralized emergency, urgent, and primary care facilities and retraining of inpatient hospital staff to work in these facilities. That plan was not accepted, and the Brooklyn legislators asked for a broader plan to include all of the Brooklyn hospitals. A second plan has been developed and it will be shared with the New York state legislators and the governor to get their support in reconfiguring the Brooklyn hospital community to address the health care and financial needs of the community.

# Public Relations

*The Public Relations Department is PEF's communications center for PEF leaders and members, and the creative branch of the union, The PR Department focuses on helping to advance PEF's goals to achieve more community awareness, job security for members, improved retirement benefits, and stronger contracts. The department is instrumental in promoting the union's views, activities and policies through the news media, community relations, marketing and advertising.*

## Major Activities

Along with the internal public relations efforts, PEF is working with a marketing firm called Inspired Marketing Solutions Inc. to broaden PEF's presence throughout the state. The firm has focused on "branding" and name recognition through radio ads that ran on 45 stations. It has distributed PEF T-shirts at high-volume, charitable running events, and gave "cozies" bearing the PEF logo to people attending numerous concerts, fairs, food festivals, sporting events and yard sales all around the state. More advertising and community events are in the works for the coming months.

The Public Relations Department designed the artwork for the PEF T-shirts worn at the "Alive at Five" concert series in Albany, designed and produced several of the materials for the statewide Health and Safety Conference, and for the ongoing "Labor on the Move" campaign. The PR Department also refined the new PEF logo designed by Inspired Marketing Solutions.

The PR Department produced slogans, signs and news coverage of several events relating to workforce issues and reductions in vital state services. SUNY Downstate Medical Center in Brooklyn took front stage during the last year as the health care crisis in Brooklyn remains an unsolved saga with threats of closures and

privatization.

The department focused on news items concerning the state budget, the Close To Home Initiative, furloughs, pensions and cuts in state services, particularly those in mental health under the governor's Centers for Excellence plan, and for the developmentally disabled. The department also kept on top of the closures and transfers occurring at the state Department of Corrections and Community Supervision.

The PR Department helped to plan and coordinate press coverage by assisting in the preparation and distribution of media advisories and press releases. The department arranged for media interviews and garnered news coverage during the past 12 months. It also made recommendations for the "Labor on the Move" campaign and helped prepare union leaders for annual events.

PR provided photos and text for the PEF website for various events such as Nurses Lobby Day, PEF leaders testifying at state Senate and Assembly hearings, press conferences, political endorsements, memorial ceremonies and rallies.

The department also created and revised materials for new members, COPE brochures, badges, business cards, certificates and plaques, and photo displays for the PEF lobby showcase.

## *The Communicator*

The PR Department produces PEF's award-winning magazine, *The Communicator*. Department staff plans, researches, photographs, interviews, writes, edits, proofs, designs and sells ads for the magazine, which is published 10 times a year. Ad sales from *The Communicator*, the Convention Yearbook, and on the PEF website total

\$193,200, or the year ending March 31, 2013. Advertising revenues help defray the costs of producing *The Communicator*.

In addition to *The Communicator* staff taking photographs for the publication, current and retired members volunteer their time to take photos at various events across the state for use in the magazine.

## Media Relations

The PR Department writes and distributes media advisories and news releases throughout the year and arranges for media interviews for PEF leaders. PR also responds to press calls from newspaper, radio and television reporters statewide.

## Information Line

Every week, the department researches and records updates for the PEF Information Line, to keep members informed of PEF activities and any developments affecting the union.

## News Clippings

PR provides a news clipping service for in-house department heads and executive Board members to keep union leaders aware of news stories and editorials important to the organization. This past year, the news clips have been retrieved and sent electronically to be more efficient and "green."

## Convention

PR Department staff creates the graphics, podium art, yearbook and posters for the annual PEF convention, as well as I.D. badges and other delegate materials, including the program guide, yearbook and annual report.

## Fact Sheets for Major Issues

The PR Department produced fact sheets and other fight-back materials for legislative issues, privatization, nursing, health and safety issues,



consultant use and reductions in state services.

**Recognition/Awards**

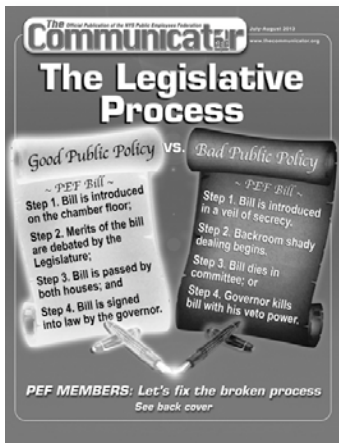
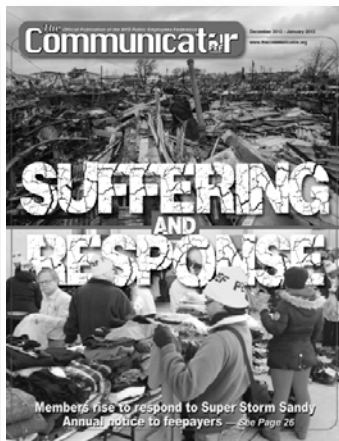
The Public Relations Department won awards in 2013 for work produced in 2012 in regional and national contests. The department took first place in the International Labor Communications Association’s (ILCA)

contest in the audio/visual category for the 2012 PEF convention video on labor history.

PR won a first-place design award for the June 2012 cover issue of The Communicator called, “The Invisible Workforce” and third place for the November 2012 issue featuring the convention theme. Another ILCA

second-place award was received for best feature story titled, “Inmates Help Gang Members Take the Right Road.”

The Metro New York Labor Communications Council also gave PR a third place design award for “The Invisible Workforce” cover, and a second-place feature writing award for the inmate story.



# Purchasing/Facilities Management

*The purchasing and facilities department is responsible for providing support services for a broad spectrum of organizational activities. This department is staffed by two communications technicians who report to the Executive Director.*

The facilities section covers: contractor coordination and supervision support of PEF events, maintenance of the buildings and grounds, conference room set-ups, warehouse and records management, including support for Membership Benefits and PEF Retirees, oversight of U.S. postal service specifications, and operation of the always busy mailroom/copy center. The purchasing area includes: vendor and office lease negotiations, centralized purchasing of equipment, supplies, and services and associated special projects.

- Assist with preparation, logistics and operation of the on-site copy center at our annual convention.
- Recently completed moves of twelve offices at PEF headquarters so that staff are in proximity to the departments in which they work. This



was accomplished without the involvement of outside movers resulting in fewer disruptions and cost savings.

- Completed a five-year renewal and consolidation of all twelve Pitney-Bowes leases. This includes headquarters, the Legislative office and all Regional Offices (except Binghamton and Utica where NYSUT maintains postage the equipment) into one lease. While saving \$600 per year over current costs, all mailing machines will be upgraded. At headquarters, the envelope printer will also be upgraded

and new folder/insert machine will be provided at no additional cost. This will streamline the election services currently provided by Divisions. The consolidation of the multiple leases into one lease will assist the Finance Department in monitoring postage costs, tracking the costs of consumables, all with the added convenience of only one bill to pay. Installation of new equipment should be completed by mid-October.

- We continue to focus on deferred building maintenance at headquarters, including HVAC repairs, and painting of offices.

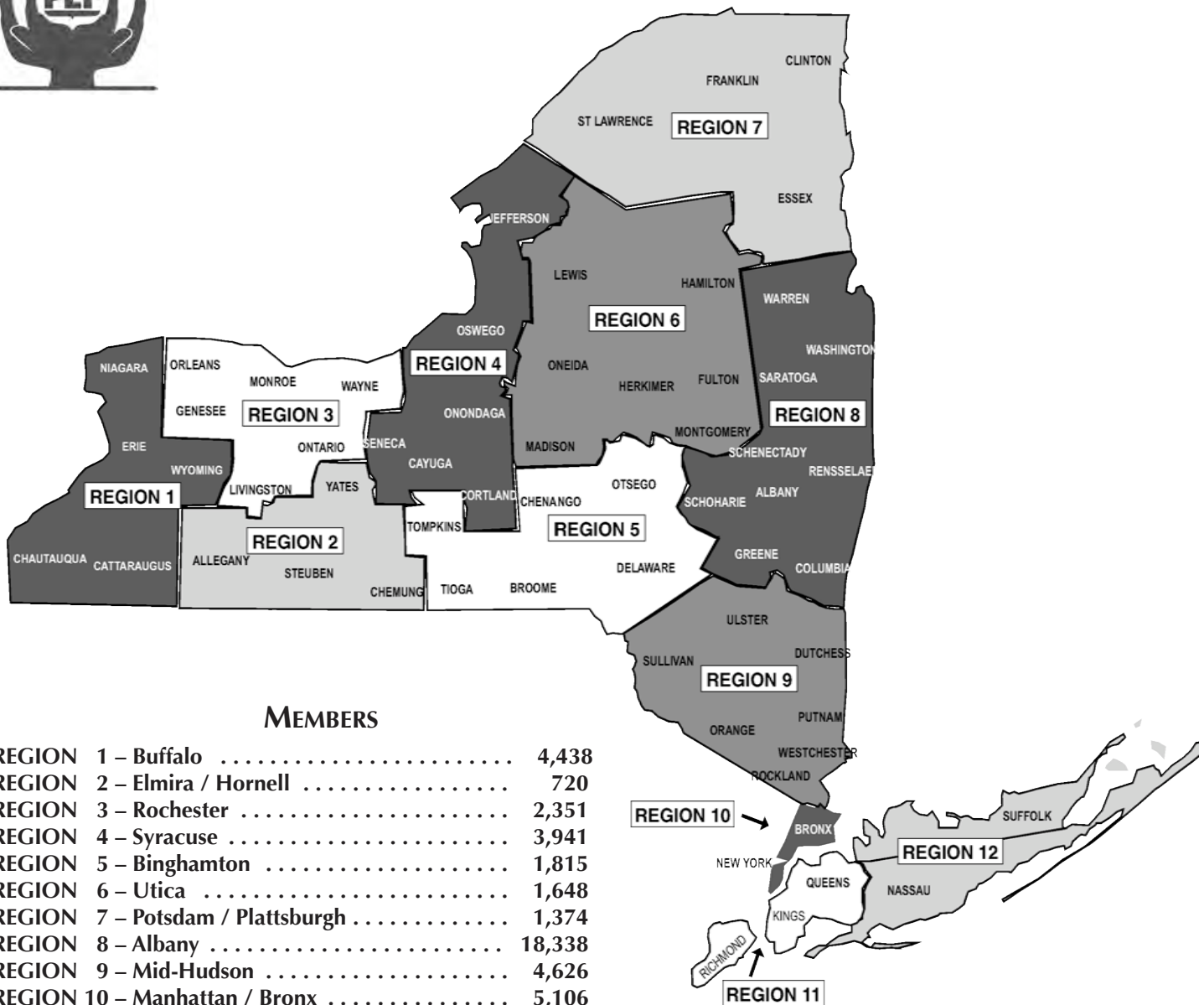
# Labor Relations

Much of the responsibility of carrying out a directive to make our members the top priority of PEF falls to the Labor Relations Department. Labor Relations encompasses the Organizing and the Field Services Departments. The Director of

Labor Relations supervises the Directors of each of these Departments, and also is the Chief Negotiator for the PS&T Unit negotiations.



## MEMBERSHIP BY REGIONS



### MEMBERS

REGION 1 – Buffalo .....	4,438
REGION 2 – Elmira / Hornell .....	720
REGION 3 – Rochester .....	2,351
REGION 4 – Syracuse .....	3,941
REGION 5 – Binghamton .....	1,815
REGION 6 – Utica .....	1,648
REGION 7 – Potsdam / Plattsburgh .....	1,374
REGION 8 – Albany .....	18,338
REGION 9 – Mid-Hudson .....	4,626
REGION 10 – Manhattan / Bronx .....	5,106
REGION 11 – Queens / Brooklyn / Staten Island ...	4,840
REGION 12 – Long Island .....	4,563
OTHERS .....	44

*Regional figures as of 9/12*



# Field Services

*Field Services central function is to protect the bargaining unit member's and the union's rights under the Collective Bargaining Agreement, applicable laws, rules and regulations through a variety of means including negotiations, grievance handling, Taylor Law Improper Practice processing and otherwise exercising their expert labor/management skills in achieving gains for PEF and its' membership.*

In 2013, there were thirty professional full-time field representatives working out of twelve Field Offices across the state. The Director of Contract Administration, Elizabeth Hough, and the Director of Labor Relations, Jim Hair, provided a combined and comprehensive training for all of the Field Reps. Contract Administration and Field Services will be providing additional training for all the field reps in the future. Each Field Office has administrative staff assigned to support the organization's activity. The Field Services of PEF Regions are overseen by the Director of Labor Relations and two Directors of Field Services are responsible for the direct supervision of specific Regions. Jim Hair, Director of Labor Relations, in addition to his overall responsibilities, directly supervises Regions 6-9; Mike Farrell, Director of Field Services, directly supervises Regions 1-5 and Blair Burroughs, Director of Field Services, directly supervises Regions 10-12.

Critical components of a Field Representative's activity would include the following:

- Advise and assist shop stewards and PEF represented employees regarding workplace related matters.
- Provide counsel in a timely manner to employees and PEF leaders regarding their rights and

possible options.

- Represent grievants in disciplinary matters up to and including arbitration, save termination cases wherein PEF provides an attorney for the arbitration (Note: during the past year, this involved more than 559 separate Notices of Discipline ["NOD"]). This includes representation at interrogations and securing stipulations of settlement, where appropriate.
- Represent members, conditioned on meeting PEF's requisite for such representation, at Civil Service Law Section 72 hearings.
- File Improper Practice Charges and represent PEF at the Public Employment Relations Board ("PERB") for alleged violations of the Taylor Law.
- Function, when assigned as the Agency-Level Labor/Management ("L/M") field rep, as the expert adviser to the respective Agency-Level L/M team on labor relations matters, attending the pre and formal L/M meetings.
- Secure written agreements which would include Memorandums of Understanding and Memorandums of Agreement covering Vacation, Shift and Pass-Days, Overtime, Standby-On Call and L/M Meetings.
- Provide expertise with regard to the PEF Contract, the Taylor Law, the NYS Attendance Rules and the Fair Labor Standards Act.
- Act as a primary liaison for referrals to appropriate PEF Departments (e.g., Health and Safety, Contract Administration, Civil Service Enforcement, Policy Analysis, Public Relations, Organizing) on behalf of our activists and members.
- Identify violations of the Contract,

assist the Shop Stewards with the grievances; and where necessary, actually craft, file and process grievances through Step Three.

Over the past year, PEF Field Services staff have, in brief:

- Responded to numerous requests for information and support;
- Lodged many complaints with employers on behalf of our members' best interests;
- Filed and processed 147 Contract and 260 Article 17 (out-of-title work) Grievances;
- Worked with elected leaders and PEF staff in campaigns to fight for members rights;
- Processed 559 grievances challenging NODs and have secured numerous negotiated Stipulations of Settlements;
- Acted as lead advocate in hundreds of interrogations;
- On September 1, 2012 Field Services had 16 open Improper Practice Charges; since then 21 additional Improper Practice Charges were filed with PERB. In short, of the 37 Improper Practice Charges, 18 are closed (most through secured settlements/resolution of the issues) and 19 remain open;
- Trained shop stewards and activists;
- Prepared numerous Legal, Civil Service Enforcement and Contract Administration intakes
- Provided representation during lay-offs and Facility Closures; and
- Represented numerous members in matters surrounding Civil Service Law Section 72 (e.g. involuntary medical leave).

# Organizing

The purpose of the Organizing Department is to build the power of the union. Organizing is responsible for rendering assistance to regions and divisions with organizational development and mobilization support. The department replaced two organizers and a director beginning in April 2013, with the charge to develop PEF's capacity to organize internally and externally. The new staff have a combined fifty years of organizing experience.

The department provides steward and leadership training on organizing throughout the state and the full range of union steward and officer training by the work of the senior trainer based in the PEF Region 3 office in Rochester. She also does mobilization support. In the past year, she began to provide a higher level of organizational development support than in prior times. The department staff includes the organizer assigned to the Statewide Nurses Committee. She provides support and assistance to statewide nurse's committee activities. During the year, this includes liaison and coordination with NYSNA and CWA and 1199 SEIU to arrange constituent lobby visits for the Safe Staffing and Safe Patient Handling legislation; providing support for Save SUNY Downstate actions. She provides support and expedites communication of nursing issues to LM chairs, Council Leaders and field reps in agencies where nurses work.

The department responds to requests for organizational support and assistance from divisions. The department plans to supply a broader range of support to divisions in the coming year including support for recruitment to fill vacancies and training. Where requested the staff has expedited communication and provided support to LM Chairs,

Division officers and field reps.

Furthering the department's purpose of building the power of the Union the department has made new relationships with SEIU public division staff and SEIU public employee unions in the Northeast, attending training seminars which offer staff continuing to participate on AFT trainings in Washington. We completed an inventory of labor council participation identifying many unfilled seats in area labor councils and are seeking volunteers to fill those vacancies. The department coordinated PEF participation in the 50th Anniversary of the March on Washington.

We conducted an assessment of the unions capacity to organize and are working on plans to enhance capacity. The department designed the current

COPE , Committee on Political Education campaign to develop PEF power and strengthen relations with our sister unions. The campaign kickoff is at the 2013 PEF Convention.

The department's responsibilities expanded to include the Divisions Elections Department beginning in the summer of 2013. The Organizing Department Director now serves as staff for the Divisions, Special Elections, Delegates Elections, Credentials and Triennial Elections Committee. During the year, the Divisions Elections Department conducted 221 elections, of which 22 were special elections and 199 election of stewards and council officers. The convention delegate election was conducted in 261 constituencies for a potential of 1011 delegates, 799 were elected as of this writing.

**What is COPE?** *COPE stands for Committee On Political Education*

It is the only way federal election law allows PEF members and other labor union members to work together in financially supporting political candidates in national elections who will support legislation, funding and policies that promote:

- ✓ Quality public services at the federal, state and local levels;
- ✓ Fair labor and wage laws, healthy and safe workplaces, pension protections;
- ✓ Affordable, quality public education and health care, a clean, crime-free environment, and other issues important to PEF members and their families.

**How Are COPE Contributions Spent?**

**Approximately 100 PEF members serving on the union's statewide and regional political action committees study and screen candidates and recommend which ones to endorse and support.**

**These recommendations are reviewed and debated again by PEF's Executive Board before final choices are made. Candidates are selected by their record and positions, not by party affiliation.**

# Contract Administration

*The Contract Administration Department is primarily responsible for negotiation and statewide administration of the State/PEF Agreement for the PS&T Unit. The department is the day-to-day liaison with the Governor's Office of Employee Relations (GOER) on State-wide labor relations issues. The department also provides contract interpretation assistance and advice to union leadership and Field Services staff; provides advice and assistance to agency L/M committees on issues involving contract interpretation and/or negotiation of agency-specific understandings regarding our members' terms and conditions of employment; and represents the union in contract grievances at arbitration. The department also staffs: Executive Level Labor/Management, the Joint Committee on Health Benefits, the Joint Advisory Board for the Family Benefits and Employee Assistance Programs, the Albany Parking Committee and the internal PEF Grievance Appeals Committee. One Department member also serves as the union's designee on the Statewide Performance Evaluation Appeals Panel. Notable activities of the department this year included the following:*

## **PS&T Unit Contract Negotiation and Administration**

In any year, Contract Administration is deeply involved in enforcement of the terms of the PS&T Unit Agreement, both through day-to-day advocacy with GOER, and through representation of the union at Step 3 and 4 of the Article 34 contract grievance process. This year included continuing significant work presenting and testifying at arbitrations of ongoing disputes regard the state's implementation of the 2011-2015

agreement. Where those disputes had state-wide impact, Contract Administration filed class action grievances directly at Step 3 of the contract grievance procedure. These include:

- A grievance regarding the state's calculation of retroactive NYSHIP premium share increases effective October 1, 2011 which seeks recovery of over withheld premium. We argue this calculation should have been based on NYSHIP enrollment in October and November, 2011. The State calculated the retroactive premium based on January 1, 2012 enrollment. We have competed hearing, briefs are filed, and we are awaiting the arbitrator's decision.
- Our challenge to the state's failure to pay the \$1,000 individual coverage health insurance opt-out to eligible employees enrolled in individual coverage who also have "other coverage" through a State-employed family member. We have completed our case at hearing and the State is now presenting its case.
- A grievance regarding the state's

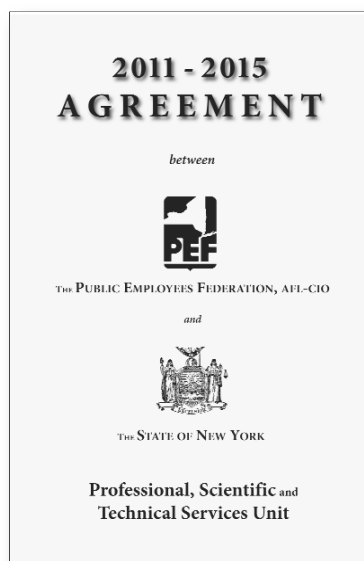
decision to apply the Deficit Reduction Program to time worked in excess of a regular full-time schedule despite contract language that excludes overtime earnings. We have completed our case at hearing and the State is now presenting its case.

- Our challenge to the state's refusal to provide either a tuition voucher or reimbursement program. Article 15 funding for professional development was reduced in the 2011-15 agreement to help fund full repayment of the DRL days. However, we argue the reduction does not preclude running a tuition program within the constraints of the remaining funding. Hearings on this grievance will begin shortly.

## **Contract Grievance Process**

Contract Administration has central responsibility for administering the Article 34 contract grievance process at Steps 3 and 4. This includes: working with Field Services to review grievances prior to advancing them to Steps 3 and 4; day-to-day contact with GOER about pending grievances; and, representing the union in those grievances at arbitration. A critical component of the contract grievance procedure is the Triage and Expedited Arbitration process. This process is a means of resolving contract grievances more expeditiously than is often the case in full arbitration. Over the last year, we continued to meet regularly in Triage and make progress in resolving individual members' grievances.

A recent Triage resolution of note involved a class action grievance for three dozen Nurse Practitioners who were incorrectly compensated after their reallocation from SG-18 to SG-24. Beginning in 2009, these Nurse Practitioners should have reached the SG-24 job rate. However, due to





rounding variations when their salaries were recalculated, they were left \$1 or \$2 below job rate. Depending on their individual employment histories, this delayed their receipt of the job rate parity adjustment and/or eligibility for longevity awards. To remedy this, the select arbitrator ordered OSC to adjust the date they reached job rate and pay back pay owed as a result. The back-pay received varied based on their individual employment histories. However, the total amount of back-pay the class received was approximately \$150,000.

### **Other Bargaining Unit Negotiations**

Contract Administration provides negotiations support for our bargaining units at the Albany County Probation Department, the Albany County Housing Authority, the NYS Canal Corporation, Eastern Niagara Hospital, National Development and Research Institutes, Inc., and Allegany County. This year, the department has been providing and continues to provide advice and assistance to the bargaining teams for our bargaining units at: the NYS Canal Corporation, Eastern Niagara Hospitals, and Allegany County. The Canal Corporation and Allegany County teams are battling management demands for significant health benefits concessions. The Eastern Niagara team is facing management demands to sunset their defined benefit pension and substitute a 403(b) defined contribution plan. At Eastern Niagara, we have also been receiving assistance from SEIU international staff in evaluating the hospital's fiscal solvency and the seriousness of the threat this presents to our member's existing pensions and job security.

### **OMH/OPWDD/DOCCS Announced Closures**

Following the state's recently announced OMH Centers of

## ***Department staff has been and will continue to be responsible for monitoring and addressing issues regarding the impact of the impending BCSC and IT Transformation consolidations on our membership.***

Excellence Plan and plans to close four DOCCS facilities and four OPWDD developmental centers beginning in July, 2014, department staff have been actively engaged in both providing advice and assistance to the statewide L/M chairs in each of these agencies, and in ongoing communication with the State, at both executive and agency levels, about how to best protect our member's continuing job security. Given the scope of the state's announced plans and the potential impact on our membership, we anticipate that this will continue to be a priority activity for department staff going forward over the next year.

### **Agency Mergers, Consolidations and Reorganizations**

This year, department staff has remained actively engaged in addressing the impact of various agency mergers and consolidations. These include the creation of the Office for Information Technology Services and the OGS - Business Service Center and the CSL Section 70.2 transfers of our members into those new organizations. These

consolidations have raised significant questions regarding whether and to what extent historic agency personnel policies and practices affecting our members will continue. Contract Administration is actively working with Field Services and PEF leadership in these agencies to address the extent to which these new policies must be negotiated, are contractually compliant, or are compliant with applicable laws and regulations.

### **Health Benefits**

Department health benefits staff works to assure PS&T Unit members access to benefits provided by the New York State Health Insurance Program (NYSHIP). This includes: staffing the Joint Committee on Health Benefits; providing information and assistance to members with health benefits concerns; providing technical assistance to the PEF negotiating team; and, monitoring implementation of health benefits changes once negotiations conclude. As always, significant portion of the health benefits staff time involves assisting our members with individual health benefits coverage issues. This year, in addition, health benefits staff also participated in the Empire Plan Mental Health and Substance Abuse Program contract procurement process; participated in the annual HMO review process; continued to monitor federal Affordable Care Act implementation as it related both to NYSHIP and health benefits coverage provided to the other bargaining units we represent; prepared memorandum to union leadership and articles for *The Communicator*; and, updated the PEF Website Health Benefits webpage with health benefits information for our membership.

# Membership Benefits

*The PEF Membership Benefits Program (PEF MBP) Trust is a separate entity from the union. The trust is governed by a Board of Trustees and is managed by an administrator, who reports to the Trustees. Union dues are never used to fund the operations of the Membership Benefits Program.*

PEF MBP offers dues-paying PEF members and retirees a wide variety of statewide and regional benefits. Programs offered range from group insurance and legal plans to travel planning, and discounts on movies, theme parks, department stores, restaurants and much more.

The program has seen a year of transition and change with three new Trustees and a new administrator. New benefits were researched and established. Service has become a focus. A restructuring of the program's workflow and staffing was performed. Procedures and policies were reviewed and updated to assure the fund is in compliance. Being implemented is the mission to provide exemplary member service, quality programs that are thoroughly researched and investigated and division level leadership outreach.

Executive Board members have been addressed by the Administrator at every board meeting. The leaders have used this opportunity to ask questions, suggest new programs and bring their members' issues to the forefront. Working with members and leaders to focus the efforts of the Program in the direction that best suits the needs of PEF members and retirees has proven to be a successful combination.

Additional noteworthy activity during the first year is the following:

## Insurance

In the fall of 2012, a Request for Proposal was issued for the Group Term Life, Short Term Disability and Long Term Disability insurance plans.

Proposals were reviewed and Sun Life Insurance and Annuity Company of New York was selected as the new provider. Several enhancements were added to the insurance programs and the company offered a limited open enrollment allowing all members to get into the plans and current participants the ability to increase coverage. The transition was a very involved process with a few snags along the way, but the new company has been very cooperative in working to resolve any issues. The results of the open enrollment are as follows:

Group Term Life Insurance – 2,247 new policies

Short Term Disability – 1,193 new policies

Long Term Disability – 1,014 new policies

Membership Benefits staff attended 91 open enrollment meetings

Insurance staff answered 8,256 calls

during the open enrollment period

With the transition to the new carrier, it was decided that it would be cost effective to bring the administration of the Long Term Disability Program in house instead of relying on the services of an outside vendor. Administrative procedures and computer operations were updated to accommodate the administration. The transition has appeared to be seamless.

## Discount Ticket Sales

Discount tickets continue to be an extremely popular benefit. Since September 1, 2012, members placed 53,037 orders amounting to over \$4.1 million dollars in sales. Currently, the program offers 280 different types of tickets including amusement park, sporting events, gift cards, movie tickets and ski resorts. Contracting with new suppliers remains an ongoing endeavor

and manages to bring several new items annually. New offers this past year included Legoland Florida, The Great NY State Fair, New York Yankees and Uno Gift Cards. The State Fair and Yankees tickets drew a significant interest from the membership.

## e-Tickets

e-Tickets were introduced with the 2012 amusement park season. Members were initially slow to utilize this new delivery method, but popularity has significantly increased. Ski e-tickets were introduced in the fall of 2012 and soon to follow were several other e-tickets. Members embraced the concept and are quite pleased with the ability to

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**MBP** everyday savings, lifelong protection

October 2012 eNews

Benefits designed exclusively for members of the NYS Public Employees Federation (PEF)

**clearpoint** Get your debt under control before the holidays  
Clear Point is a free service offered to our members to help them get their debt under control.  
[Read more...](#)

**NY Jets vs NE Patriots: Nov. 22, 2012**  
Tickets go on sale October 15. [Check the eStore](#) for details.

**Buffalo Bills vs NY Jets: Dec. 30, 2012**  
Tickets go on sale October 16. [Check the eStore](#) for details.

**BJ's Open Enrollment**  
Don't miss it, the open enrollment is only available until Oct. 15. [read more](#)

**Planning a trip to Florida?**  
Be sure to check out the tickets that we have available in Florida that can save you hundreds of dollars on entertainment tickets.  
[Read more...](#)

\*Book a 2013 air-inclusive Europe vacation by November 27th for travel January 1-October 31 2013. \$300 air credit for Austrian, Brussels Airlines, Lufthansa, Swiss or United Airlines. \$250 for all other carriers. [Read more...](#)

**Halloween Frights**  
Get your Halloween scares at some of our favorite theme parks and save some serious cash.  
[Read more...](#)

Have a benefit suggestion? [Let us know](#)

**PEF Membership Benefits Program**  
1168 - 70 Troy Schenectady Road, Latham NY 12110  
Phone: (518) 785-1900 x243 | (800) 342-4306 x243 | Fax: (518) 250-7808  
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purchase tickets 24 hours a day, 7 days a week. The vendors that contract with the program to sell e-tickets have appeared to also benefit with an increase in sales. It is the intent to continue offering these tickets where permitted by the vendor.

**Promotions**

Many members continue to benefit from the advantage of being a part of our on-line community. Members that sign up for email updates receive alerts on new benefits offerings, the monthly “eNews” with upcoming events and any special offers that become available. Anyone wishing to be part of the on-line community can sign up on at [www.pefmbp.org](http://www.pefmbp.org)

Membership Benefits staff were very busy traveling during the last year to state worksites to visit with members and answer questions on benefits. Staff continues to be available to attend your membership meetings, information days and health fairs.

The Trustees were pleased to announce to the PEF leadership the fund will begin reimbursing PEF

Divisions \$2.00 per member for food purchases if a Membership Benefits representative has the opportunity to speak at a Division event. Having the opportunity to meet with members one-on-one is an extremely valuable tool in disseminating information and hopefully the new policy will help to increase members’ participation in these events.

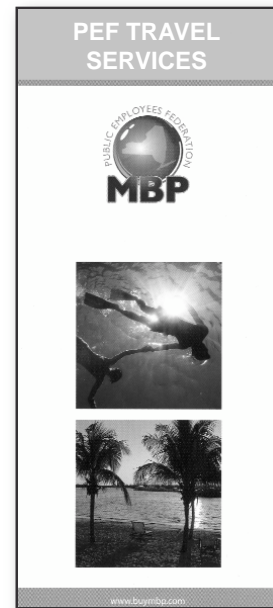
Revisions and updates have been made to the Membership Kit that is distributed to new members. These new packets are available to any leader that would like to request a supply.

**PEF Travel**

PEF Travel is an agency owned by the PEF Membership Benefits and provides members with a 5% rebate on travel packages. Members have continued to use the expertise of PEF Travel’s associates to help them book their vacations. With sales of over \$2.7 million dollars, the agency booked over 3,100 travel packages and cruises during the past year alone.

**Looking forward to the year ahead**

The focus of the upcoming year will be to continue streamlining office procedures, investigating new programs and finding additional methods of communicating with the membership.



**PLEASE NOTE:** PEF member union dues are never used to fund the operations of the program or any of the benefits offered.





# Retirees

*The PEF Retirees' office is responsible for advocating on behalf of the PEF Retiree membership. The PEF Retiree office and Executive Board strive to protect the benefits of what PEF Retirees have worked so hard for all of their lives and what our members have earned. These benefits include; retiree pensions, social security preservation, and prescription drug coverage stabilization. In addition, the PEF Retirees Executive Board are advocating on behalf of its seniors on the 2% health care increase that PEF retirees have faced. PEF filed a lawsuit in a federal court and received a favorable decision that said we did show cause to argue our position that the state illegally raised the cost of the retirees health insurance premium. NYS in turn this summer asked the judge to reconsider the decision based on its win in state court NYS vs REPA that the governor had the right to increase premiums. The judge issued a ruling the state was untimely in its request to reconsider and other grounds, so it was denied and the original decision was upheld. PEF continues moving forward to the next phase of this litigation.*

## Office Operations

PEF Retirees responds to thousands of inquiries each year via telephone calls placed to the office, email inquiries, faxes and visitors. Inquiries include membership enrollment, renewals, benefits, and a point of reference to state agencies.

Statistic: This year, PEF Retiree membership increased by 915 active members. PEF Retirees steadily receive membership enrollments from state workers retiring from state service. Presently we are the fastest growing segment of PEF as of September 5, 2013 we have 14,230 active members.

Membership to the PEF Retirees is free for the first year, for state employees that retired after April of 2006 and thereafter, have the option to have their membership dues, and membership benefits automatically

deducted from their NYS pension check monthly.

Statistic: 61% of PEF retiree membership participates in the pension deduction payment method for dues.

## Retiree Regions

PEF Retirees has 12 regions statewide. Each region has one chapter president who works with their team of elected officers. The chapter presidents will hold on average 3-4 general membership meetings per year, an annual holiday party, and a summer picnic. The attendance for these meetings are always high and include a lunch, guest speaker on pertinent retiree topics, a question and answer period, and great networking opportunities. The chapter presidents are volunteers, advocates, and previous PEF members. The PEF Retirees also have a finance chair and finance committee. The PEF Retirees have retained the services of Peter DeCarlo, CPA, PLLC to assist with their annual financial regulations and requirements. With the popular dental plan, a dental committee was formed and a dental committee chair was appointed.

## Notable Committee Information

The PEF Retirees has one voting voice on the PEF Executive Board and an appointed PAC committee member. PEF Retirees work together with the active PEF membership on political and mobilization efforts via phone banks, literature distributions, rally participation, and general volunteer action items.

## Membership Benefits

Benefits in PEF Retirees include a dental insurance, movie ticket discounts, theme park and travel services, a legal plan, and the comfort of having a Board of Directors fight for what you have earned.

## Convention

The PEF Retirees participate actively at the PEF Annual Convention with a

booth fully-staffed with retiree board members, PEF retiree volunteers and trained office staff. Convention is a great time for people to learn and ask about membership within the PEF Retirees and to learn about issues that affect them.

## PEF Retirees Executive Board

PEF Retirees generally has Executive Board meetings quarterly each year. At these meetings, the PEF retiree financials and membership activities are reviewed and discussed. Motions are adopted to improve membership benefits and protect the PEF retirees' benefits. Each chapter shares their own local meeting notes and ideas. Core retiree goals are to facilitate retiree political action and mobilization efforts, increase retiree operations, and increase retiree membership.

## PEF Retirees Summer Conference

This year, we did not have a summer conference but we did begin our planning for next year's conference. It is to be held in early July 2014 at the Holiday Inn in Syracuse, NY. So, retirees pay attention to chapter meetings and think about attending the conference. It is always informative and a wonderful opportunity to interact with fellow retirees from around the state.

## Communicator Articles

The PEF Retirees submits an article for *The Communicator* publication. These articles are submitted and written by our statewide president and provide a wealth of knowledge to our members. Topics range from health care issues, retiree benefits preservation, dental options, membership benefits, and retirement. These articles make retirees aware of issues that affect many areas of life, be it our state retirement or social security.

## PEF Regional Office Staff

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FAX (607) 786-5749

### BROOKLYN – Region 11

(718) 637-2019 / (866) 897-9775  
FAX (718) 637-2024

### BUFFALO – Region 1

(716) 853-3100 / 800-462-1462  
FAX (716) 853-3109

### HORNELL – Region 2

(607)324-6060/7911 / 800-724-5001  
FAX (607) 324-3611

### LONG ISLAND – Region 12

(631) 360-4360 / (800) 832-5284  
FAX (631) 360-4373

### MALONE – Region 7

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FAX (518) 483-5786

### MANHATTAN – Region 10

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FAX (212) 964-3571

### POUGHKEEPSIE – Region 9

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FAX (845) 473-5053

### ROCHESTER – Region 3

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FAX (585) 232-6469

### SYRACUSE – Region 4

(315) 471-2311 / 800-724-5004  
FAX (315) 471-2382

### UTICA – Region 6

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FAX: 518-785-1814

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Headquarters Voice Mail ..... 553

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Accounting Fax . . . . . 518-785-0892	Health & Safety . . . . . 254	Voice Mail . . . . . 515
Payroll confidential fax 408-786-1900	Health & Safety Fax . . . . . 239	Mailroom . . . . . 401
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Civil Service Fax . . . . . 279	HR Confidential fax 518-218-9235	MB Fax . . . . . 302 or 783-5339
Contract Administration . . . . . 223	Labor Relations . . . . . 425	Member Mobilization . . . . . 227
Con. Admin. Fax . . . . . 785-0525	Legal . . . . . 241	MIS . . . . . 221
Divisions . . . . . 231	Legal Fax . . . . . 785-1323	MIS Service . . . . . 308
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Fax Machine . . . . . 285 or 785-1814	Legislative Office . . . . . 518-432-4003	President's Fax . . . . . 783-1117
Field Office . . . . . 228	800-724-4997	Retirees Office . . . . . 289

## Other Important Numbers

AAA/NYC . . . . . 212-484-3220	Liberty Mutual Ins . . . . . 800-734-6796	PEF/PSTP . . . . . 800-342-4306
AFT/Organizing/Albany 518-869-8173	NYSUT/Albany . . . . . 518-213-6000	Scholarships . . . . . 800-342-4306 x221
AFT/Org. Fax . . . . . 518-869-8957	800-342-9810	SEFCU . . . . . 800-727-3328
AFT/Wash. DC . . . . . 800-238-1133	PEF Info Hot Line . . . . . 800-553-2445	518-452-8183
Defensive Driving . . . . . 800-427-2365	PEF Emergency Hotline .888-850-7409	SEIU/Wash . . . . . 800-424-8592
EAP- members . . . . . 800-822-0244	PEF Travel . . . . . 518-782-9045	UUP . . . . . 518-458-7935
EAP- staff . . . . . 800-252-4555	800-767-1840	
GOER . . . . . 518-473-8375	Fax: 518-782-9768	