

36th Annual PEF Convention

RESOLUTIONS

NYS PUBLIC EMPLOYEES FEDERATION, AFL-CIO

Niagara Falls, New York

September 28 – October 1, 2014



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RESOLUTION A

POLITICAL ENDORSEMENTS CONTAINED WITHIN THE PEF ANNUAL CONVENTION INVOCATION

1 WHEREAS, the Public Employees Federation annual convention delegation is comprised of
2 many different people with varying political views and affiliations.

3
4 WHEREAS, the purpose of the opening invocation at the PEF annual convention should be to
5 ask for spiritual guidance during the convention from a higher power as each delegate
6 understands that higher power to be.

7
8 WHEREAS, there are processes and regulations in place that govern all endorsements and
9 elections both within and outside of the Public Employees Federation.

10
11 WHEREAS, it may be viewed as improper for the invocation to contain any endorsement of a
12 political candidate, a public official, anyone holding an office in the Public Employees
13 Federation or any other persons who members of the convention delegation may be asked to
14 endorse or otherwise vote for in the future.

15
16 THEREFORE BE IT RESOLVED, that the Public Employees Federation annual convention
17 invocation should be free from any language that would be a direct or indirect endorsement of a
18 political candidate, a public official, anyone holding an office in the Public Employees
19 Federation or any other persons who members of the convention delegation may be asked to
20 endorse or otherwise vote for in the future.

21
22 *Fiscal Impact: None*

23
24 *Submitted By: Frederick Bulmer, Division 231*

25
26 **This comment was prepared by the Legal Department**

27 While we see no specific legal or constitutional impediment to the adoption of this resolution, we
28 do see several problems with its implementation, which we believe the delegates should
29 consider.

30
31 The invocation is generally given by an individual not specifically affiliated with PEF. Although
32 PEF could request that the individual giving the invocation abide by the policy set forth in this
33 resolution, we would have no means by which to compel such compliance by a third party.

34
35 The resolution is too vague to meaningfully enforce, as we do not know what the maker of this
36 resolution intends by the term “indirect” endorsement. For example, if an individual giving an
37 invocation merely mentions a candidate or official in a positive light or makes a flattering
38 comment about that person, is that considered an indirect endorsement? Or does the individual
39 have to use specific language for it to be considered an endorsement? On the other hand, if the
40 invocation contains negative comments about an official or candidate, could that be construed as
41 an indirect endorsement of his/her opponent?

As the maker of this resolution seems to recognize, under current PEF policy, political endorsements are not and cannot be made during the opening invocation. PEF has a comprehensive Executive Board policy for making political endorsements. Thus, even if an invocation contained comments about a candidate or official that could be construed as an endorsement by that individual that would not be an official endorsement by PEF, but would merely be the personal views of the individual giving the invocation.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION B

ELECTRONIC SUBMITTAL OF CONVENTION RESOLUTIONS AND LEGISLATIVE AGENDA ITEMS: PURCHASE AND IMPLEMENTATION OF ELECTRONIC VOTING SYSTEM

WHEREAS, when necessary, the Union Delegation performs a hand vote during the convention which may take considerable time; and

WHEREAS, during the 2011 convention, the votes for the 2 hand counts each only amounted to approx. 66% of the delegates that were registered in attendance for the convention; and

WHEREAS, there is no control in place to determine if delegates who register and arrive at the convention actually partake and stay for the entire convention; and

WHEREAS, there is no record to record how individual delegates vote to inform their constituents:

THEREFORE BE IT RESOLVED, that PEF purchase and utilize an electronic polling / voting system to be utilized during future delegations; and

BE IT FURTHER RESOLVED, that the usage of this system will keep an accurate record of how delegates vote on agenda items for their constituents and allow a public record be created of who is in attendance during votes.

Fiscal Impact: The purchase and development of this system is based upon a quote from Meridia Audience Response for 1,000 user units. The cost ranges from \$30k - \$50k depending on warranty and version of software purchased. This may not be the lowest available method, but it is a starting reference point. This project cost will be offset the amount of funds spent by the Union every year on delegates who register for the convention and do not attend the functions.

Submitted By: Joseph Ziccardi, Leader
 Joseph McCann, Treasurer

This comment was prepared by the Legal Department

We see no legal or constitutional impediment to the adoption of this resolution. However, as explained more fully below, our concern is that since each Convention sets its own rules of procedure, this method of voting would have to be approved by each future Convention. Thus, if PEF expended the estimated amount of \$30,000 to \$50,000, it is conceivable that the 2015 Convention and those thereafter could decide not to use this election voting method, and thus, PEF may get little or even no benefit from such a large investment.

Article XIX. A. provides that “[m]eetings of all duly constituted bodies of this union shall be governed by this Constitution, the Special Rules of Order, and for the Convention, the Convention Rules; any matters not addressed by the Constitution or the Convention Rules, Robert’s Rules of Order, as most recently revised, or the Special Rules of Order as authorized in Section B of this Article or other procedural rules, as appropriate shall prevail.”

The PEF Constitution specifically provides that the delegates shall adopt an order of business and rules of procedure for their operation. (Article XVI. D.3) Each convention can set its own rules, and each Convention votes on the rules and procedures that it will follow.

Therefore, this Convention cannot bind successive conventions with respect to voting procedures. Thus, we urge the Convention to take this into account when determining whether to make this expenditure.

Finally, on a technical point we note that the title of this resolution includes “[e]lectronic submittal of Convention resolutions and legislative agenda items...” but there is nothing in the resolved clauses that address resolution submittals.

This comment was prepared by the Membership Information Systems Department

Ensuring the testing, maintenance, functionality, and tracking of hundreds of separate electronic voting devices and the required centralized computers to tabulate the vote results will require a substantial financial commitment in both hard and software purchase and maintenance and in both technical and non-technical staff time commitment. This method may be cost prohibitive.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION C

POLITICAL ENDORSEMENTS: CANDIDATES WHO SERVE ON OVERSIGHT COMMITTEES

1 **WHEREAS**, the Public Employees Federation has set out on a campaign to improve its public
2 image.

3
4 **WHEREAS**, political endorsements made by the Public Employees Federation should help to
5 enhance its public image.

6
7 **WHEREAS**, it is important to ensure that candidates that receive an endorsement from the
8 Public Employees Federation not have a conflict of interest when serving on oversight
9 committees, when this conflict could have a direct and negative impact on the PEF membership
10 and/or the public at large.

11
12 **WHEREAS**, making such an endorsement could be harmful to the public image of the Public
13 Employees Federation.

14
15 **THEREFORE BE IT RESOLVED**, that as part of the vetting process for all Political Action
16 Committees and the Executive Board when considering political candidates who are seeking an
17 endorsement from the Public Employees Federation, it should be determined if the political
18 candidate serves on any committees charged with the oversight of Industries and whether or not
19 the political candidate has accepted political contributions from entities who fall directly under
20 the oversight of the committee on which they serve.

21
22 **BE IT FURTHER RESOLVED**, when a political candidate who is seeking an endorsement
23 from the Public Employees Federation has been shown to have accepted political contributions
24 from entities who fall directly under the oversight of any committee on which they serve, that
25 these possible conflicts of interest and any negative impact on the public image of the Public
26 Employees Federation, the membership of the Public Employees Federation and/or the public at
27 large should be considered before a political endorsement is given to the candidate by any Public
28 Employees Federation Political Action Committee or the PEF Executive Board.

29
30
31 *Fiscal Impact:* *None*

32
33 *Submitted By:* *Frederick Bulmer, Division 231*

34
35
36
37
38 **This comment was prepared by the Legislative Office**

Legislators serve on a variety of committees each session, and committee assignments often change. It is important that PEF endorse candidates that are labor and union friendly and are advocates on PEF issues regardless of political affiliation or committee assignment. This is a good recommendation but unnecessary based on current practice.

This comment was prepared by the Legal Department

We see no legal or constitutional impediment to this resolution. However, we note that the current endorsement procedures adopted by the Executive Board provide that “endorsements should be based on the candidate’s record of service to PEF members; the individual’s voting record and major policy decisions, and the candidate’s support for PEF policies, as well as the candidate’s overall record on labor issues.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION D

PURCHASING POWER PARITY

WHEREAS, PEF must secure economic equality among its more than 53,000 members throughout the State of New York by negotiating a Purchasing Power Parity benefit.

WHEREAS, the PEF mission specifically vows to fight all discriminatory practices. “Location Discrimination” must be eliminated through collective bargaining that secures economic advantages for all its members regardless of where they live

WHEREAS, PEF recognizes the concept of “one pot of money” to be divided among the members is not a realistic approach to contract negotiations. Furthermore, providing purchasing power parity to PEF members will not result in diminished benefits for members who may not qualify to receive purchasing power parity.

WHEREAS, PEF members in certain locations pay some of the highest property taxes and housing costs in the United States. Purchasing Power Parity is essential for members burdened by high costs so that they may maintain the same quality of life enjoyed by members in more affordable locations.

WHEREAS, PEF members similarly situated in different locations earn the same salary which creates an economic imbalance impacting the members’ ability to maintain the same quality of life.

WHEREAS, the Nassau County Civil Service Employees Association (CSEA), negotiated a contract that provides a 12.75 % Cost of Living increase for its members over the next 3 years beginning in April 2014.

WHEREAS, The Nassau Interim Finance Authority, appointed by the Governor, Senate Majority Leader, Assembly Speaker, and State Comptroller approved the CSEA contract. PEF recognizes that a County under such fiscal scrutiny was able to secure a fair cost of living increase for its members and that PEF must follow suit and negotiate Purchasing Power Parity.

THEREFORE BE IT RESOLVED, that the leaders of PEF and the PEF contract negotiating team use any and all means necessary to insure that the next and all future contracts contain a meaningful Purchasing Power Parity benefit for its members and that PEF will not ask its members to ratify any contract that does not include a Purchasing Power Parity benefit.

BE IT FURTHER RESOLVED, that the Purchasing Power Parity adhere to the following as a guideline for establishing the benefit. This is just a sampling of cities.

	Amount you must earn to have the same purchasing power as a \$50,000 salary in Buffalo	Percent more expensive to live in this city compared to Buffalo (Percentage Bracket)
Buffalo	50,000	0
Watertown	55,223	10.4
Albany	63,546	27.1
Plattsburg	57,544	15.1
Binghamton	54,165	8.3
Syracuse	54,961	9.9
Utica	54,598	9.2
Avon	56,579	13.2
Schenectady	60,016	20.0
Stony Brook	89,614	79.2
Catskill	67,525	35.0
Hicksville	94,630	89.3
New York City	95,510	91.0
Poughkeepsie	73,535	47.1
Nanuet	85,038	70.1
Mt. Kisco	85,815	71.6
Oneonta	60,915	20.8
Potsdam	54,993	10.0
Massena	53,526	7.1
Lake Placid	62,546	25.1
Saratoga Springs	69,347	38.7
Monticello	65,666	31.3
Elmira	53,364	6.7
Ithaca	60,236	20.5
White Plains	89,679	79.4
Yonkers	79,791	59.6

Freeport	90,050	80.1
Rochester	53,692	7.4
Corning	54,659	9.3
Middletown	72,254	44.5
Percentage Bracket	Purchase Power Tier	Increase to base salary (Depending on Official Work Location)
0-11	A	0 %
11.1 to 28	B	6%
28.1 to 55	C	10 %
55.1 to 70	D	14 %
70.1 to 100	E	22 %

These are the ten geographic regions designated by the New York State Department of Labor.

OFFICIAL WORK LOCATION	PURCHASE POWER TIER	COUNTIES REPRESENTED
Capital District	B	Albany, Columbia, Greene, Rensselaer, Saratoga, Warren, Washington
Central New York	C	Cayuga, Cortland, Onondaga, Oswego
Finger Lakes	C	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates
Hudson Valley	D	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
Long Island	E	Nassau, Suffolk
Mohawk Valley	A	Fulton, Herkimer, Madison, Montgomery, Oneida, Schoharie
New York City	E	Bronx, Kings, New York, Queens, Richmond
North Country	B	Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence
Southern Tier	A	Broome, Chemung, Chenango, Delaware, Otsego, Schuyler, Steuben, Tioga, Tompkins
Western New York	B	Allegany, Cattaraugus, Chautauqua, Erie, Niagara

FISCAL IMPLICATIONS

The fiscal impact to PEF as a result of this resolution passing is minimal. This resolution will require the Contract Negotiation Team to work with PEF Headquarters to calculate the new proposed salaries for its members. This is required to put a dollar figure on the resolutions' cost to the state to bring to the negotiating table.

PEF Headquarters has access to the members' salaries and work locations. A spreadsheet will illustrate the members' name, official work location, PPP Tier, current salary and proposed salary with Purchasing Power Parity. PEF's administrative personnel can be used to organize and create the spreadsheet. Utilizing existing PEF staff to create the spreadsheet will eliminate the use of an outside firm.

Supporting Information

Purchasing Power Parity is imperative for PEF members who live in certain locations of New York with high property taxes and a high cost of living. These locations are no longer limited to New York City, Nassau County or Westchester. These locations have been steadily spreading outward from major metropolitan areas. PEF members can no longer keep pace with the rising costs with insignificant raises to their base salary.

A March 11, 2014 article in FORBES magazine ("*America's Most Affordable Cities*" written by Erin Carlyle) indicates that Buffalo is the most affordable city in the New York and New York City is the least affordable.

The following table provides a general idea of the inequities in the purchasing power of PEF members in 30 different cities. The data was compiled by a few sources such as www.areavibes.com, www.linkedin.com, American Community Survey, Quarterly Census of Employment and Wages.

This resolution recognizes that heading to the negotiating table asking for a 95% increase in the salary of a New York City PEF member is unreasonable. However, this resolution is an attempt to allow PEF members to purchase the same "Basket of Goods" no matter where they live in the State.

There is no way to reduce the complexities involved in calculating Purchasing Power Parity that will equally satisfy all PEF members. PEF member who do the same job as their counterpart in another location in the State should have the same ability to enjoy a similar quality of life

RESOLUTION proposed by Carl Fritz, Region 12 – Division 385 Encon – Stony Brook
Carlfritz@hotmail.com

This comment was prepared by the Contract Administration Department

This resolution, if passed, will require "that the leaders of PEF and the PEF contract negotiating team use any and all means necessary to insure that the next and all future contracts contain a meaningful Purchasing Power Parity benefit for its members and that PEF will not ask its members to ratify any contract that does not include a Purchasing Power Parity benefit." The resolution would further appear to compel PEF to negotiate specific percentage cost of living adjustments of between 0 and 22% varying by county of work location for all counties in the State as specifically outlined in the body of the resolution.

Initially, the language of the resolution would compel the union to refuse to enter into any tentative agreement that does not specifically include purchasing power parity (including the specified percentage increases for the specified counties as outlined in the resolution). Thus, we are concerned that the resolution would impose a mandate on the union to pursue a proposal addressing this issue through impasse and fact finding without flexibility, regardless of what otherwise may be proposed or agreed upon no matter how positive. Further, a wholesale declination to discuss any package that did not include purchasing power parity adjustments may constitute a refusal to bargain in good faith. A party's flat refusal to negotiate over particular proposals can constitute bad faith bargaining.

99 *See, e.g., CSEA, Inc., Local 1000*, 23 PERB ¶3003 (1990); *Addison Teacher's Association*, 19
100 PERB ¶ 3062 (1986). Similarly, a party's failure to vest in its negotiators the authority to enter
101 agreements or make concessions may also be found to be bad faith bargaining. *Vestal Teachers'*
102 *Association*, 3 PERB ¶ 3057 (1970).

103
104 We note that the 2002 Convention already adopted a resolution requiring that cost of adjustments
105 that provide PEF members with realistic compensation for the additional cost of living in different
106 geographic areas throughout the State be a high priority in all contract negotiations. Following
107 passage of that resolution, the 2003 bargaining team negotiated a new mid-Hudson Adjustment for
108 employees working in Orange, Dutchess and Putnam Counties, in addition to negotiating modest
109 increases in the existing Downstate adjustment. Thereafter, the 2007 bargaining team negotiated a
110 significant increase in the existing Downstate Adjustment – from \$1302 to \$3026 per year – and a
111 comparable significant increase in the Mid-Hudson Adjustment – from \$651 to \$1,513 during the
112 2007-2011 Agreement. As the 2002 resolution provides that negotiation of cost of live adjustments
113 be a priority for “all negotiations” it will also to apply to the upcoming round of negotiations unless
114 and until the convention passed another resolution superseding it.

115
116 Given our concerns regarding the overly restrictive nature of the mandate contained in this
117 resolution and given the existence of the 2002 resolution which has already established negotiating
118 geographic adjustments for cost of living around the State as a bargaining priority, we do not
119 recommend passage of this resolution.

120
121 **This comment was prepared by the Labor Relations Department**

122
123 There are provisions that attempt to address the disparities reflected in this resolution, which
124 would include Location, Down State and Mid-Hudson Adjustment Pay provided under Art 7.7 of
125 the Collective Bargaining Agreement (“CBA”). That is not to say that such provides (or is even
126 realistically capable of providing)“Purchasing Power Parity” for all 54, 000 members throughout
127 the entire State of New York.

128
129 There is arguably nothing more important for a Union to do than successfully negotiate a CBA
130 for all of its members. Although well intended, to focus and condition the negotiations of the
131 next and future CBAs on a “Purchasing Power Benefit” will arguably produce neither the benefit
132 nor a good CBA. In short, it inappropriately constrains bargaining.

133
134
135 **This comment was prepared by the Research Department**

136 Although the intent of the resolution seems clear, the text refers to members’ work location and
137 residences interchangeably. While the State has the statutory authority to implement salary
138 differentials to address recruitment and/or retention problems for specific titles and/or work
139 locations, even if PEF could convince the State to implement the proposed geographic cost of
140 living adjustments, it is highly unlikely that the State would agree to consider where members
141 reside as a factor.

142
143 The most relevant applicable provisions of the Civil Service Law are as follows:
144

Civil Service Law §115 establishes the policy of the State to provide equal pay for equal work.

Pursuant to *Civil Service Law* §118, it is the duty of the Director of Classification and Compensation to allocate the appropriate salary grade and provide the same rate of compensation for positions in the same title. It also references the principle of fair and equal pay for similar work. Salary schedules are published showing the minimum and maximum salaries (hiring rate and job rate) established for each salary grade and are revised accordingly as a result of negotiated increases.

The provisions that authorize various salary differentials include, *Civil Service Law* §§130.4 (Increased Hiring Salaries), 130.7 (Geographic Pay Differentials), and 131.1(a) (Appointments above the Minimum Salary).

It is well established that NYS, through the Department of Civil Service, creates titles and pay grades that cover the entire state. NYS's attempt to resolve regional differences in the cost of living primarily through the establishment of geographic differentials which increase the compensation (or just hiring rate) on a title by title basis for those titles that experience recruitment/retention difficulties. These differentials are non-negotiable.

On a more limited basis, geographic pay disparities are addressed in the PS&T contract through location pay in which all titles in an agreed upon location will receive extra compensation.

The resolution uses a hypothetical \$50,000 in purchasing power, but does not take into consideration the various geographic/location pay enhancements that are currently in use. Nevertheless, the proposed resolution illustrates the impact of geographic location on one's compensation and as such could be a starting point for negotiations to increase location pay in the next round of contract negotiations.

Finally, the wisdom of attempting to negotiate different salary increases based on where individual members live and work rather than across the board increases for all may be a difficult and divisive endeavor.

This comment was prepared by the Legal Department

We see both a legal and a constitutional impediment to this resolution.

First, under the PEF Constitution, the body within PEF that is charged with reviewing and approving collective bargaining agreements between PEF and any employer is the Executive Board (Article VII D.13)

In light the specific language in the PEF constitution, we believe the requirement of this resolution - that PEF not ask its members to ratify any contract that does not include a Purchasing Power Parity provision – is unconstitutional because it effectively restricts the Executive Board's review and approval power with respect to collective bargaining agreements.

191 Second, the requirement in the resolution that PEF use any and all means necessary to insure a
192 Purchasing Power Parity benefit, and that it not ask its members to ratify any contract that does
193 not include one, could leave PEF vulnerable to a charge of refusing to bargain in good faith
194 under the *Taylor Law*. Under the *Taylor Law*, a wholesale refusal to agree on any contract
195 package that does not include a particular benefit may constitute a refusal to bargain in good
196 faith. See, *CSEA, Inc., Local 1000*, 23 PERB ¶3003 (1990); *Addison Teacher's Association*, 19
197 PERB ¶3062 (1986)

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION E

PROMOTING A PREFERENCE FOR PUBLIC SECTOR UNION MEMBER IN HOUSING FINANCED WITH NEW YORK STATE PENSION FUNDS

1 WHEREAS, Access to a secure, stable place to live is a basic human need. For many New Yorkers, the
2 share of household income required to secure access to this basic need is increasing.

4 WHEREAS, Housing costs in New York rose sharply relative to income from 2000 to 2012, with more
5 than half of renters and more than a third of homeowners paying at least 30 percent of their income for a
6 place to live. Incomes and housing costs vary regionally statewide and are generally higher in the New
7 York City metropolitan area, although housing affordability is a statewide challenge.

9 WHEREAS New Yorkers are feeling pressure from a combination of stagnant or declining real income,
10 as well as increasing housing costs. A combination of factors including comparatively slow economic
11 growth over time, a rising property tax burden, and limited housing supply in many areas of the state
12 contribute to the increasing challenge New Yorkers face in finding affordable housing.

13 WHEREAS, Public Sector employees incomes generally do not qualify for government subsidies and
14 earn too little to afford market rate housing.

16 WHEREAS, New York State Public Sector employees contributed over 269 million in 2013 into the
17 New York State Pensions Fund.

19 WHEREAS, The Common Retirement Fund has developed programs to support the rehabilitation and
20 development of affordable housing in New York State. Since the inception of the program, the fund has
21 purchased more than \$585 million in these permanent mortgages, thereby providing stable, long-term
22 financing for over 15,035 affordable units in New York State.

24 WHEREAS, Pension funds are perfectly situated, to provide permanent financing for affordable housing
25 projects. With assets estimated at over \$160 billion, our pension funds can potentially provide one of the
26 largest sources of financing for affordable housing today.

27
28 THEREFORE, This resolution requests the NYS Public Employee Federation request common
29 retirement fund establish a requirement, which would enable Public sector employees, a preference in
30 applying for homes and apartments made available thorough financing provided by the New York state
31 common retirement pension funds.

32
33 THEREFORE, NYS PEF support for a preference in the marketing of housing financed with pension
34 funds in order to enable Public Sector union members gain increased opportunities to secure decent and
35 affordable housing as a benefit of union membership.

36
37 *Fiscal Impact: The inclusion of a preference in the marketing of Homes and Apartments financed by*
38 *New York State for public sector employees who are union members would not require any additional*
39 *funding, and therefore will not have a fiscal impact on the NYS Public Employees Federation or any*
40 *other Public Sector union.*

41 *Submitted by: Angel "Luis" Acosta, Region # 10 Division 168*
42
43

RESOLUTION F

MADE IN NEW YORK, MADE IN USA

1 WHEREAS the Public Employee Federation Members have a fiscal, moral, and a responsibility
2 to the membership and to the citizens of New York State (NYS) and the United States of
3 America (USA),

4
5 WHEREAS NYS tax revenue, alternate streams of revenue and any other monetary income in
6 New York State and the USA depends on all New Yorkers and all its citizens and the products
7 they purchase

8
9 WHEREAS NYS tax revenue has decreased immensely since 1981 due to immense taxbreaks
10 for the wealthy and corporate outsourcing of the NYS manufacturing base to low wage/slave
11 wage third world countries

12
13 WHEREAS the 1940's through 1970's were our most prosperous times, taxes on the wealthy
14 were over 50% higher than today, best quality products were made, citizens were more engaged
15 and demanded quality products Made in USA, and the USA had the greatest manufacturing
16 business sector ever in our history

17 WHEREAS the majority of outsourced goods are inferior in quality and therefore force New
18 York/USA citizens to waste their personal equity on even more foreign sub-standard replacement
19 products

20
21 WHEREAS government policies originating from corporate board room/Wall Street encourages
22 outsourcing manufacturing from NY and the USA to poor third world countries where slave
23 wages are paid to employees
24

25 WHEREAS the public and elected officials want “jobs, jobs, jobs” while at the same time
26 purchasing foreign made products and therefore sending those “jobs, jobs, jobs” to foreign
27 countries
28

29 WHEREAS certain special interests are attempting to minimize or reduce government services
30 by reducing tax revenue (i.e. “starve the beast”)
31

32 WHEREAS tens of thousands of workers have died in the past few years alone in Bangladesh
33 due to outsourcing
34

35 WHEREAS schools, fire houses, and other government services have been closed, abandoned, or
36 ceased to exist due to lack of corporate and sales tax revenues since the early 1980’s
37

38 WHEREAS the conditions of roads, bridges and other infrastructure are a result of this lack of
39 tax revenue
40

41 WHEREAS initial cost of NY/USA products may be higher than foreign made, in most cases the
42 initial higher cost will save many times over since less replacement(s) or no replacement
43

44 WHEREAS a large percentage of the cost and profit from each foreign made purchase ends up in
45 foreign lands or stashed away in the pockets of the wealthy and therefore is money stripped from
46 NY and the USA taxpayers
47

48 WHEREAS PEF members, US citizens and NYS citizens have less purchasing power than the
49 days prior to 1981
50

51 WHEREAS infrastructure in NY and the USA are crumbling with no major fix in sight
52

53 WHEREAS all PEF titles are funded by said tax revenues whether local, State or Federal monies
54

55 THEREFORE it be resolved that PEF shall make all purchases from NY based manufacturers
56 with production workers represented by unions and if not at all possible, US based manufacturers
57 with production workers represented by unions or if said manufacturers not available, any US
58 based manufacturer with non-union production workers based in the USA
59

60 BE IT FURTHER RESOLVED that PEF shall lobby/promote all NY and Federal government
61 representatives to change policies in order to promote NY/USA based manufacturing and
62 encourage tax revenues
63

64 BE IT FURTHER RESOLVED that PEF shall encourage all members to purchase Made in USA
65 products and include new Membership Benefits programs with offers/programs for these
66 products
67

66 *Fiscal impact:* *No cost and would achieve long term savings*

67
68 *Submitted By:* *Albert DeMarco*
69 *Division 205, PEF Region 8*
70 *NYS Department of Health*

71
72 **This comment was prepared by the Executive Offices**

73
74 The “fiscal impact of resolution” policy requires that the Secretary-Treasurer will review all
75 fiscal statements and be required to comment on any that, in his opinion, would have a
76 substantially different cost.

77
78 There would be a fiscal impact to PEF based upon this resolution. It is the responsibility of the
79 author to provide a cost estimate.

80
81 **This comment was prepared by the Legal Department**

82 First, we note that PEF has an Executive Board Policy that makes the purchasing of union goods
83 and services a priority for PEF. Specifically, that policy requires PEF to make a concerted effort
84 to buy union made goods and services, and to purchase New York State Products and American
85 made products. This policy differs from the proposed resolution, however, because it does not
86 specifically mandate PEF buy only union made goods and services, regardless of cost or
87 feasibility.

88
89 Second, with respect to the third item provided for in the resolution (mandating that PEF include
90 new Membership Benefits programs with offers/programs for these products), PEF and the
91 Membership Benefits Program are separate legal entities. Legal control of the Membership
92 Benefits Program is vested in the Program Trustees, whose actions are governed by the Program
93 Trust Agreement, State and federal law and fiduciary obligations. The Trustees have the sole
94 authority to decide what benefits the Program will provide, pursuant to Articles I and II of the
95 Program’s Restated Agreement and Declaration of Trust. The Convention has no legal authority
96 to direct what programs, products or services that the Membership Benefits Program offer.
97 Thus, we believe this aspect of the resolution is legally flawed.

98
99 **This comment was prepared by the Legislative Office**

100 The Legislative Office conferred with the NYS AFL-CIO on this issue. Their opinion is that Buy
101 NY legislation cannot be enacted because of interstate commerce issues. PEF, however, can
102 lobby and promote buy USA and buy “union made” products and services.

103
104 **This comment was prepared by the Executive Offices**

105 When making purchases PEF always tries to buy union made, and NY or USA made products.
106 While well intended, this resolution would be impossible to implement. The first whereas would
107 prioritize PEF purchases - first from NY based unionized firms, then to US based unionized
108 firms and finally to US non-unionized firms. However the resolution does not take into account
109 that many items are not made in the USA. Effectively this would prohibit us from any purchases
110 that do not fall into one of these three categories. Unfortunately, the reality is that we sometimes
111 have no alternative but to purchase items that do not meet this criterion.

Current Executive Board Policy, passed on August 25, 1999, expresses similar sentiments without limiting the ability of the union to make necessary purchases. It states in part:

Be it resolved, that PEF will make a concerted effort to buy union made goods and union services; and

Be it further resolved, that PEF will make a concerted effort to purchase New York State products and American made products; and

Be it further resolved, that PEF will encourage purchases in local communities where it is in the best interest of PEF members.

The second resolved in this resolution would require PEF to “lobby/promote all NYS & Federal government representatives”. The intent of this term “government representative” is not clear. Broadly interpreted this could require PEF to contact nearly every NYS and federal employee. If narrowly interpreted to include only legislators, it would require PEF to lobby all Senate and House representatives from the other forty nine states.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION G

PROTECT THE NEEDS OF MEMBERS IN TRAVEL POSITIONS

WHEREAS, PEF’s organizational purpose, as defined by the PEF Constitution, is “to promote the welfare of its members by representing them with respect to all terms and conditions of employment.”; and

WHEREAS, PEF represents state employees in the PS&T unit who provide critical and valuable services in a variety of job titles across many different agencies; and

WHEREAS, PEF has demonstrated its strength and effectiveness in engaging in all necessary activities to protect, preserve, and promote the welfare and interest of its members; and

WHEREAS, PEF has achieved, and continues to work for, both the development and implementation of policies and procedures addressing specific conditions of employment in various PEF-represented titles; and

WHEREAS, reduction of staff has increased the business-related travel demands placed on members working in titles requiring travel on a daily or recurring basis, with such demands coupled with the escalating cost of motor vehicle fuel placing an increasing burden on these members; and

20 WHEREAS, current contractual language (i.e. the “lesser of” mileage rule) and various agency
21 management policies (i.e. travel restrictions, prior approval and justification requirements for
22 travel) have highlighted some of the unique pressures placed on members traveling on a daily or
23 recurring basis, including travel rules and requirements, time and attendance, use of leave, health
24 and safety, etc.;

25
26 THEREFORE BE IT RESOLVED, that PEF examine which, if any agencies have established
27 reasonable reimbursement policies that provide for reimbursement in excess of the “lesser of
28 mileage rule” for business-related mileage when an employee is not in travel status, in
29 accordance with the OSC Travel Manual, and current contractual language; and

30
31 BE IT FURTHER RESOLVED, that PEF will make every effort to encourage all agencies to
32 fairly and equally treat all employees engaged in business-related travel, and reimburse persons
33 using personal vehicles for such travel for all miles traveled to and from an alternate work
34 location, regardless of “travel status”.

35
36 *Fiscal Impact: Minimal, as the state is compensating fewer field staff covering expanded*
37 *geographic areas, and saving the cost of expanding state vehicle fleet.*

38
39 *Submitted By: Michael Ballantine,*
40 *Division 286, Region 9, Department of Labor*

41
42
43 **This comment was prepared by the Contract Administration Department**

44 This resolution, if passed, will require that PEF examine which, if any, agencies have established
45 travel reimbursement policies that provide for reimbursement in excess of “the lesser of rule” for
46 business-related mileage when an employee is not in “travel status.” The resolution would further
47 require PEF to “encourage all agencies to fairly and equally treat all employees engaged in business
48 related travel, and reimburse persons using personal vehicles for such travel for all miles traveled to
49 and from an alternate work location, regardless of “travel status.”

50
51 Being in “travel status” is defined as travel to an alternate work location in excess of 35 miles
52 from both home and official duty station. “Travel status” triggers potential eligibility for full
53 mileage reimbursement and meals and lodging consistent with the Comptroller’s travel
54 regulations. When employees travel to alternate work locations that are less than 35 miles of
55 home and official station are they are not in “travel status.” Whether employee who are not in
56 “travel status” should be eligible for full mileage reimbursement, mileage reimbursement based
57 on the “lesser of rule,” mileage reimbursement based on a complete offset for normal commute
58 distance, or no mileage reimbursement at all for travel between home and alternate work
59 locations has been a subject of significant dispute between the State and PEF. In the 2007
60 negotiations (as agencies increasingly adopted less favorable mileage reimbursement rules for
61 non-travel status travel) the parties negotiated the “lesser of rule” as a floor for mileage
62 reimbursement for non-travel status travel home to/from work travel. While agencies remained
63 free to adopt more favorable mileage reimbursement rules for non-travel status travel, they were
64 barred from adopting mileage reimbursement rules which were less favorable than the “lesser of

rule” This agreement is now reflected in the side letter on proximity travel at page 110 of the 2011-15 Agreement and in the Comptroller’s Travel Manual.

We note that the 2010 Convention has already adopted a resolution addressing this issue which was also titled: “Protect the Needs of Members in Travel Positions.” That resolution provided first that PEF commit, through Executive Board, labor/management and bargaining processes, to recognize the unique needs of members with significant recurring travel and work to address such needs. That resolution (as amended at the 2010 Convention) also provided: “the Convention recommends that the contract team make it a priority to have members reimbursed for all miles travelled to and from alternate work locations while doing State business.” In comparing the two resolutions, it appears that this 2014 resolution would require action that is largely duplicative of what is already required by the passage of the 2010 resolution. As such, it would appear that passage of the 2014 resolution is redundant.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION H

PEF POLITICAL ACTION COMMITTEE ENDORSEMENTS

WHEREAS; - The political process benefits the most when all political parties put forth strong candidates for election.

WHEREAS; - It is far better to make a selection from a multitude of strong labor friendly candidates than it is to make a selection from “the lesser of two evils”

WHEREAS; - Candidates for election are first chosen by each individual party during the primary process.

WHEREAS; - Candidates tend to favor those who engage with them “early” in the political process. Members tend to be more engaged the earlier they get involved in the process.

WHEREAS; - PEF is a non-partisan organization

WHEREAS; - The PAC rules as written dictate that a person receiving an endorsement during the primaries carries that endorsement with them thru to the general election. Therefore, if you make an endorsement in the democratic primary, you cannot make an endorsement in the republican primary. To “make no endorsement at this time” during the primaries is a strategic decision. That allows the PAC to see which candidates will come out of each primary and they

can then make a more informed decision on their one endorsement. The current rules as written act as a disincentive.

WHEREAS; - The solution is to remove the disincentive. Make it so that primary endorsements are primary ONLY endorsements. Make general election endorsements be general election ONLY endorsements. It's a simple matter to communicate to candidates PEF is offering endorsements for the primaries and if they win their primaries they will then need to seek a general election endorsement.

THEREFORE LET IT BE RESOLVED THAT; - There shall be a change in the rules that gives PEF the option to make political endorsements in two stages.

During the first stage, PEF PAC shall choose to endorse the most favorable candidate to receive each political party's nomination for that party's primary.

The second stage will occur after each political party has chosen their party's nominee. In essence, the endorsements will "reset" and PEF PAC will then choose the most favorable candidate to receive their endorsement for the general election.

Financial Impact Statement:

Financial impact should be none. Regional PAC already holds meetings during both the "primary season" and the "general election season"

In that instance in which only one person is seeking his party's nomination, party endorsement is a non-issue. In those instances in which a candidate is running unopposed, party endorsement is a non-issue.

In addition, this will have no impact upon endorsement money. The money is only awarded to one candidate if they win the general election, as is currently the practice.

Financial impact is zero.

*Submission m: Scott Staub - Division – 399 Steward
Richard Fletcher e-board seat #445*

This comment was prepared by the Legislative Office

The worth of PEF's endorsement would be diminished if the primary candidate endorsement were allowed to be rescinded in the general election. It would create a disincentive for politicians looking to establish political relationships with PEF. The endorsement process is the initial step in building trust between PEF and legislators. This relationship grows over time when PEF knows that it can depend on and trust the legislators to support PEF issues and concerns. Politicians also need to be able to trust PEF.

Regions are able to wait until after primaries to make endorsement recommendations. Regions should be screening candidates during primary season to determine which candidate would best represent PEF's interest independent of political party affiliation. The Legislative Office recommends that the current PEF endorsement process remain in place.

66
67

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RESOLUTION I

SEATING OF ALTERNATE CONSTITUENCY DELEGATES

1 WHEREAS; - Any union benefits from a fully mobilized and invested membership

2
3 WHEREAS; - Every year there are departments/agencies/locations that do not field a full slate of
4 allotted delegates.

5
6 WHEREAS; - Delegate seating is already broken down by E-board via Departmental, agency
7 level, and work location.

8
9 WHEREAS; - There is already in place a procedure for ELIGIBLE alternate delegates to attend
10 the convention, when an elected delegate is unable to attend

11
12 WHEREAS; - Any delegate that has shown a desire to attend the convention, the desire to do
13 the hard work, and the desire to bring back to the membership the valuable information that is
14 gained and dispersed at the convention, can be considered a fully mobilized and invested
15 member.

16
17 WHEREAS; - An empty seat is a wasted seat, and a fully mobilized and invested member is a
18 much more valuable member than an empty seat.

19
20 WHEREAS; - The day after delegate elections are concluded, PEF is fully aware of how many
21 alternate delegates there are, and how many unfulfilled allotted delegates there are across all
22 agencies

23
24 THEREFORE LET IT BE RESOLVED THAT; - PEF shall develop a procedure to be submitted
25 to the E-board for a vote, before the seating of the 37th annual convention in 2015, which would
26 allow those; fully qualified and eligible alternate delegates, to attend and be seated in, those seats
27 that were unfulfilled within state departments/agencies. At the 2015 convention, PEF shall
28 report on the outcome of E-board vote

29
30 As an example; in 2013 my division (399), located at Glendale, 8 people ran for our allotted 5
31 delegates. 3 sat home, and yet OCFS and OTDA, failed to field all available delegates. There
32 should be a second run off to allow those 3 people, as well as any others across the OCFS/OTDA
33 divisions to run for those open seats within their own agencies. It should not go above the

department/agency level. It would not be appropriate for one of those people from Glendale to run for an open DOCCS seat.

Financial Impact Statement:

None. PEF already fully funds for a convention with 100% participation.

Submission by Scott Staub - Division – 399 Steward

This comment was prepared by the Legal Department

This resolution provides that PEF shall develop a procedure, to be submitted to the Executive Board for a vote before seating of the 2015 PEF convention, which would allow fully qualified and eligible alternate delegates to attend and be seated in convention seats that were unfilled within State departments/agencies. It also provides that PEF shall report on the outcome of the Executive Board vote at the 2015 convention.

This resolution is an amended version of a resolution submitted in 2013. In the current version, the maker has added that any procedure for seating alternates would be submitted to the Executive Board for their approval. As our comment on the 2013 resolution was that under Article XVI.C., the Executive Board, and not the Convention, has the authority to set constituencies for delegates, this change does correct that flaw with the resolution. However, we also advised that if the Executive Board decides to develop such a procedure, it must be in compliance with the Constitution. Thus, although based on the change made to the 2013 proposed resolution on this topic, we see no constitutional impediment to the resolution, whether the Executive Board could draft, or would undertake to draft, such a delegate seating arrangement, remains to be seen. The main concern for the Executive Board would be to ensure that the one person one vote is not undermined by any alternative seating proposal.

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RESOLUTION J
ENSURING A PROFESSIONAL AND ETHICAL CONTRACT
MANAGEMENT PROCESS

WHEREAS, the Public Employees Federation is a union of Professional, Scientific and Technical employees who are accustomed to contracts being developed and entered into in a professional manner;

WHEREAS, PEF has occasion to develop and enter into contracts periodically for services beyond those available within PEF itself;

8 WHEREAS, a contract for services not available within PEF should adhere to all ethical and
9 professional standards;

11 WHEREAS, the contract process should ensure that all ethical considerations are taken into
12 consideration when developing and awarding a contract for services;

14 THEREFORE, be it resolved that PEF shall follow the following for every contract of Fifty
15 Thousand dollars (\$50,000) or more, unless the contract is issued as a sole-source contract, in an
16 emergency or with the approval of the PEF Executive Board.

17 1. PEF shall develop and issue an RFP containing, at a minimum, the following:
18 Scope of Service - the RFP must detail what services/deliverables are being sought; and
19 any industry specific standards that need to be adhered to in fulfilling the contract.. Tasks
20 must be spelled out in particularity, while the services required may be fairly general, as
21 each responding firm will have its own approach to the project.

23 Budget - If PEF has a strict budget, it should be included. The RFP must require bidders to
24 detail how they plan to use the budget, as well as a breakdown of their billing and payment
25 requirements and procedures. The budget section must also include information about the
26 type of contract being granting and the duration or time-frames of the contract.

28 Qualifications - The RFP must require the bidders to detail their qualifications for the job.
29 If you are looking for specific experience, then PEF should ask the bidders to detail their
30 skills and experience in that area. In addition, request references, either for the company as
31 a whole or for the individual team members.

33 Evaluation and Submission - RFPs must include a breakdown of the evaluation criteria and
34 directions for submitting the proposal. If there are circumstances that would lead to
35 immediate disqualification those need to be included as well.

37 The RFP must specify each question that is required to be answered each document that is
38 required to be submitted, and the order that the documents should be submitted in.

39 Standard Contract Terms and Conditions.

40 The RFP will list the names of two individuals to whom questions may be posed. Contact
41 with any other officer or member of PEF staff will be cause to reject the bidder's proposal.
42 All officers and staff must report any such contact. Failure of staff to report such contact(s)
43 will be considered a gross dereliction of duty and may result in termination.

45 2. Issue RFP: Research various means to distribute RFP in order to get the widest
46 circulation, including associations, media publications, business associations, via radio, and
47 in house lists of vendors developed through various methods including internet searches
48 and the yellow pages.

50 Issue RFP to widest reasonably possible, yet reasonably relevant, audience.

52 3. RFP Intent to Bid and Questions:

A pre-bidders conference may be held, if deemed useful. If one is used any vendor interested in bidding may be required to attend.

PEF may require potential bidders to submit an indication of interest.

Answers to questions posed will be posted to the PEF website, or otherwise distributed to the bidders a reasonable period of time before Bids are due (minimum one week).

4. Receiving Proposals: All proposals must be received by a date certain. That date certain should be, at a bare minimum, thirty (30) days, with forty-five (45) or sixty (60) days preferred. In no event, can proposals be required to be back in less than twenty (20) days, not including any of the big-five holidays that may fall within that period. Any bids received after the return date will be returned to the Vendor unopened.
5. Complete Proposal: Each proposal will be evaluated for completeness. Incomplete proposals will be returned to the Vendor. If the RFP does not return at least three complete proposals, PEF shall explore re-bidding the project.
6. Evaluation of Proposals. Bid proposals shall be evaluated using those items listed below that are deemed necessary for a reasonably complete evaluation of the bidder, given the nature of the procurement:
 - a. Conduct initial review;
 - b. Conduct detailed vendor research;
 - c. Check references;
 - d. Validate prior experience;
 - e. Request Vendor clarifications, if necessary;
 - f. Develop short list Vendors to interview, if necessary;
 - g. Vendor presentations;
 - h. Complete evaluations.
7. Negotiate contract.
8. Award contract: after presentation to the E-Board.

Fiscal Impact: \$0

*Submitted By: Maddie Shannon-Roberts: Seat 450 OTDA
Michael Blue: Audit and Control Seat 9
Scott Harms: Seat 220 Workers Compensation Board
Marie Carmelle-Souffrant : Seat 315 OPWDD
Maureen Kozakiewicz: Seat 420 Motor Vehicles
Kenneth Ferro: Seat 185 Department of Health
Kevin Connolly: Seat 485 Tax and Finance
Kevin E. Jones: Seat 235 Department of Labor*

This comment was prepared by the Legal Department

99
100 We believe this resolution violates the PEF Constitution.

101
102 This resolution provides that PEF follow specified procedures when entering into any contract of
103 \$50,000 or more, unless the contract is a sole-source contract, in an emergency, or with the
104 approval of the PEF Executive Board.

105
106 Pursuant to Article VI. E., the Secretary-Treasurer is Chief Fiscal Officer of PEF. Among
107 his/her responsibilities is to prepare an annual line-item program budget for consideration by the
108 Executive Board. Also, pursuant to Article VII. D.6. of the PEF Constitution, the Executive
109 Board “[a]pproves the annual budget, the quarterly financial reports and acts upon expenditures
110 and transfers which may require modification of the budget.” Thus, budget changes and
111 expenditures and how they are presented, such as those provided for in this resolution, are within
112 the Constitutional authority of the Executive Board and the Secretary-Treasurer and not the
113 convention.

114
115 Thus, it is our opinion that this resolution is unconstitutional as it impinges on the authority of
116 the Secretary-Treasurer and Executive Board with respect to the approval process for contracts,
117 PEF budgets, and modifications to those contracts and budgets.

118
119 Lastly, we note that a very similar resolution was presented to the 2013 Convention and it was
120 ruled out of order. We do not recommend passage.

121
122
123 **This comment was prepared by the Executive Offices**
124

This resolution’s RFP process is modeled on the RFP process that New York State and other public entities utilize. In such a process a public entity is obligated to treat each bidder equally. As a private entity PEF has no such limiting obligation/impediment. The current process is most effective and provides a flexibility PEF can use to its advantage. For example:

- PEF has no obligation to share with bidders our evaluation process. (Lines 33-35)
- It is not in PEF’s interest to advertise the budget to potential bidders. (Lines 23-24).
- The requirement to submit an indication of interest is an unnecessary barrier. (Line 35)
- Similarly, the requirement to add a bidder conference, if used, is another artificial barrier to the process. (Lines 53-54.)

As proposed, this resolution would advantage the bidders and the requirements of this resolution would unduly slow the procurement process because the Executive Board only meets quarterly.

Finally, passage as proposed would create a new work rule (see lines 40-43) without negotiation with United Steel Workers Local 9265 and would likely result in an Unfair Labor Practice charge before the NLRB.

- | |
|--|
| <input type="checkbox"/> Adopted as Printed |
| <input type="checkbox"/> Adopted as Amended |
| <input type="checkbox"/> Defeated |
| <input type="checkbox"/> Postpone Indefinitely |
| <input type="checkbox"/> Referred to _____ |

RESOLUTION K

VIDEO DEBATE RULES

1 WHEREAS: PEF has an established policy of doing video debates; and

2
3 WHEREAS: This policy is not particularized with regard to all the elements of such debates;
4 and

5
6 WHEREAS: Such policies should be established well in advance of the next triennial election;

7
8 THEREFORE, BE IT RESOLVED, that the following rules shall guide the use of video debates
9 for all PEF triennial elections:

- 10
11 1. The moderator shall be a representative from the NYS League of Women Voters, if
12 available, but if not shall, to the extent possible, be some other similar nonpartisan group
13 with no direct link to PEF, or any of the candidates running for offices subject to PEF
14 sponsored triennial election video debates.
15
- 16 2. The debates shall be videoed by either PEF staff or an outside vendor that PEF, and its
17 officers, have no relationship with.
18
- 19 3. The resulting video, and all of its components, shall be the property of PEF and shall be
20 maintained by PEF.
21
- 22 4. Rules for the Audience
23 a. Observers should arrive no later than fifteen minutes before the debate begins.
24 b. Once a segment of the debate has started, no one will be allowed to enter the room;
25 c. Observers may not participate in the debate;
26 d. Observers shall remain silent;
27 e. Support for a given candidate or slate may not be shown, either through the wearing
28 of buttons, shirts, applause, cheering, booing, or the carrying of a banner or similar
29 items;
30 f. Cell phones must be turned off;
31 g. No Flash photography; and
32 h. No campaigning is allowed.
33
- 34 5. Ground Rules
35 a. This is not a campaigning event. There will be no supporting of a candidate either
36 through the wearing of buttons, shirts or carrying banner or through applause,
37 cheering, booing.
38 b. Each slate will be allowed an equal pre-determined number of guests, not including
39 the debaters, which will be set by the PEF Triennial Election Committee based upon
40 an analysis of the reasonable capacity of the venue used for the debate. A list of

- 41 guests shall be given to the Triennial Election Committee at PEF Headquarters no
42 later than the day before the debate. No Press will be allowed in the room.
- 43 c. Candidates should respect the instructions of the Moderator:
- 44 i. A time keeper will assist the Moderator; and
- 45 ii. This person will also, to the extent possible, be from the League of Women Voters
46 or other group as provided in paragraph 1, but if none are available, may be
47 chosen by the PEF's Triennial Election Committee;
- 48 d. The Moderator will introduce the candidates by name, not slate. A reference will be
49 made to the Candidate Directory and the edition of the Communicator in which it is
50 printed.
- 51 e. Personal and ad hominem attacks are strongly discouraged.
- 52 f. If the moderator is not able to maintain order, the Triennial Elections Committee may
53 eject all observers to the debate.
- 54 g. The debate shall be scheduled by the Moderator in consultation with the chair of the
55 PEF's Triennial Election Committee.
- 56 h. Every effort will be made to work with all the parties to find a mutually agreeable
57 date(s) for the debate(s).
- 58 i. The scheduled debate shall not be canceled if some candidates fail to attend.
- 59 j. There will be no open chair debates, however, unopposed candidates for President
60 and Secretary/Treasurer will be given time for remarks.
- 61
- 62 6. Selection of Debate Questions
- 63 a. Questions shall be solicited from the membership through the PEF website.
- 64 b. This information shall be maintained in a secure area on the server. Access shall be
65 limited to the Director of MIS or an MIS Systems Analyst.
- 66 c. At the request of the Triennial Election Committee Chair, these questions will be
67 downloaded by the MIS Systems Analyst into an Excel spreadsheet and emailed to
68 the Divisions Controller. The Divisions Controller (or similar position) shall then
69 forwards this spreadsheet to the Committee Chair via hard copy or email.
- 70 d. The Election Chair will collate all appropriate questions for each office.
- 71 e. Questions directed to one individual candidate will be omitted.
- 72 f. Questions for the debate will reviewed by the Moderator prior to the debate.
- 73 g. The Moderator will draw questions randomly during the debate.
- 74
- 75 7. Debate Format
- 76 a. President and Secretary Treasurer
- 77 i. Shall last approximately 30 minutes.
- 78 ii. A coin flip will determine the starting order, beginning with the opening remarks,
79 and alternating for the remainder of the debate. The coin flip will be conducted
80 by the Moderator at the beginning of the debate.
- 81 iii. Each candidate will each be allowed 2 minutes for opening remarks. This time
82 can be used to further introduce themselves, or explain their goals if elected.
- 83 iv. Each Candidate will be allowed up to 2 minutes to answer each debate question.
- 84 v. Each Candidate will be allowed to answer each debate question asked.
- 85 vi. The number of questions asked will be based on the total time allowed for debate
86 on a given job title.

vii. Closing remarks will be limited to 2 minute for each candidate.

b. Vice President and Trustee

i. Shall last approximately 35 minutes.

ii. Each Vice President and Trustee debater will be treated as individual candidates without regard to their respective slate.

iii. The starting order will be determined randomly by draw (position 1-6) starting with the opening question and then sequentially for the remainder of the debate. The drawing for positions will be conducted by the Moderator when all the respective candidates are present, before the debate to allow for more efficient use of time.

iv. Each Candidate will be allowed up to 1 minute to answer the debate question.

v. Each Candidate will be allowed to answer each debate question asked.

vi. The number of questions asked will be based on available time for this portion of the debate.

Vii Closing remarks will be limited to 1 minute for each candidate.

c. Conclusion

i. Closing remarks by the moderator will include:

1) Ballots will be mailed by the American Arbitration Association (AAA) on [insert date];

2) Ballots are due back on [insert date];

3) Ballots will be counted at AAA in New York City on [insert date].

Fiscal Impact: None.

Submitted by: Kevin E. Jones

Lyndon W. Jones

This comment was prepared by the Legal Department

This resolution proposes very specific video debate rules for all PEF Triennial elections for State-wide officers.

We do not see a PEF Constitutional impediment to this resolution. However, since the Convention has the authority to “[e]stablish *general* policies through resolutions [emphasis supplied]” (Article XVI. D.7), and since this resolution presents a very specific video debate procedure, we recommend that the debate rules be presented only as guidelines for the Election Committee (which is appointed by the President and approved by the Board) to implement with respect to the triennial video debates.

We note that a similar resolution was proposed at the last Convention (2013) but was not considered by the delegates. Legal commented extensively on that proposed resolution, and it appears that, based on our comments, several changes were made to the 2014 proposed video debate resolution. Legal had also suggested that if the video debate rules were guidelines rather

than directives, it would also eliminate those stated concerns. The maker of the resolution did not adopt that change.

Article VII. D.7 of the PEF Constitution gives the Executive Board the authority, and indeed duty to “establish and provide for implementation of schedules and procedures for nominations and elections for all other elective positions....” Additionally, the President appoints the Regular, Special and Delegate Election Committee subject to the approval of the Executive Board. Article VI D.6, Article VII. D.8. Thus, these sections of the Constitution distribute the authority with respect to election rules and procedures and do not include the Convention. Although technically the proposed video debate rules are not election rules as they do not establish qualifications for office or actual election procedures, and although we note that there is a currently a convention resolution that requires video debates for the triennial election, we are concerned that the current specific rules border on infringement of the constitutionally established scheme for election rules. Thus, we once again recommend that the resolution be framed as guidelines for video debate rules. Lastly, we note that during the last triennial elections, debates were held with a moderator from the League of Women Voters and those debates were conducted pursuant to rules similar to those proposed.

This comment was prepared by the Organizing Department

At the May 2014 Executive Board Meeting, the President appointed members to the Triennial Elections Committee, as set forth in PEF policy. That committee make up was approved by the Executive Board. That committee developed the Triennial Election Rules which included video debate rules. Their work product was also approved by the Executive Board.

Resolution K substantially repeats the debate rules from 2013. The purpose of candidate debate in a democratic organization is to inform the electorate of the issues and persons putting themselves forward for positions of leadership. Considered from this viewpoint Resolution K falls short of the goal in two ways.

Firstly the election process allows for slates and historically slates have been on the ballot. Slates of candidates that form to run for leadership positions will reflect a particular point of view that informs their judgments, advice, actions and a shared approach to governance. One can reasonably say that a candidate slate shares a philosophy and projects that as part of their campaign. Resolution K forbids identification of candidates by slate. It forbids the moderator from mentioning the slate names of candidates instead requiring reference to the printed Candidate Guide. Informing a voter in a video that key information is available in a printed guide, a different medium and timeframe, in effect withholds the information from the voter. Denying this information to the electorate is a disservice to union democracy. The debate held to inform the electorate about leadership choices should not omit information which appears on the ballot. The proposed process would hide information from the membership.

The second problem with this resolution is structural and has two parts. In each of the Vice President and Trustee debate sections Resolution K calls for six candidates. This may not be the case. The candidates would answer the same question one after the other (determined by random selection) without identifying which other candidates that they are affiliated with by slate.

179
180 Firstly the proposed format is very repetitive and so makes for boring and uninformative video.
181 Six or more speakers in a row successively responding to a single question is the least effective
182 way to expos information in the 35 minute format proposed. The format limits dissemination of
183 information. The video format in this Resolution disconnects information about the speakers that
184 the voter will see on the ballot where slate alignments and names will appear. The electorate
185 should be informed in a consistent manner about the choices to be made.

186
187 The format adopted by the 2014 Triennial Election Committee in the proposed election rules will
188 provide clear information to voters and increases the time limit to 40 minutes.

- | |
|---|
| <input type="checkbox"/> Adopted as Printed
<input type="checkbox"/> Adopted as Amended
<input type="checkbox"/> Defeated
<input type="checkbox"/> Postpone Indefinitely
<input type="checkbox"/> Referred to _____ |
|---|

RESOLUTION L

NEPOTISM

1 WHEREAS, the Public Employees Federation is a union of Professional, Scientific and
2 Technical employees; and
3

4 WHEREAS, PEF's membership demands the highest standards in its elected officials; and
5

6 WHEREAS, the charge of nepotism has for many years been used in context of PEF hiring
7 practices; and
8

9 WHEREAS, PEF is committed to the use of merit and fitness in the hiring and promotion of
10 State employees; and
11

12 WHEREAS, PEF should expect no less in the hiring of PEF staff or the hiring of staff by any of
13 the other corporations controlled by PEF appointees;
14

15 THEREFORE, BE IT RESOLVED that the hiring of any staff or elected official's mother,
16 father, brother, sister, child, aunt, uncle, or first cousin, by blood or marriage, without the prior
17 approval of the PEF Executive Board, shall be a violation of PEF the PEF Code of Ethics,
18 enforced by the PEF Ethics Committee
19

20 *Fiscal impact: none.*
21

22 *Submitted By: Kevin E. Jones, Executive Board Seat 235 -- Department of Labor*

23 *Lyndon W. Jones, Executive Board Seat 005 -- Office of the State Comptroller*
24
25

This comment was prepared by the Legal Department

This resolution provides that the hiring of any staff or elected official's mother, father, sister, child, aunt, uncle, or first cousin, by blood or marriage, without the prior approval of the PEF Executive Board, shall be a violation of the PEF Code of Ethics, enforced by the PEF Ethics Committee.

We believe this resolution is unconstitutional, as it infringes on the President's authority under Article VI (D) (1) and (12) of the PEF Constitution. Article VI (D) (1) provides that the President is the Chief Executive Officer ("CEO") of PEF. As CEO, the PEF President traditionally determines the hiring of staff, which includes the decision to hire a particular individual for a position. Indeed, Article VI (D) (1) grants the President of PEF the authority to appoint staff, and such authority is limited only to budgetary provisions for such employees.

Any restrictions on the President's authority to appoint staff, including but not limited to the restrictions in this resolution, must be set forth in the constitution. Therefore, we believe the Convention is without authority to restrict the President's authority to appoint staff in the manner sought by this resolution.

This comment was prepared by the Executive Offices

In order to implement this resolution PEF would need to require applicants to reveal any personal relationships when applying for employment at PEF and/or require PEF staff to notify PEF when an individual fitting one of the specified relationships has applied for employment. (How would this affect staff that marries?) The latter would represent a change in terms and conditions of employment for our USW represented staff. Instituting such a change unilaterally would likely result in an unfair labor practice change being filed with the National Labor Relations Board for failure to negotiate.

Staff and members often refer qualified candidates when PEF recruits for positions. All appointments are considered by experience and education. Often, situations such as peak holiday or summer periods require temporary administrative appointments. In these short term situations the exhaustive search required by this resolution and the requirement of Executive Board input would make these appointments unattainable. Work product and service to the members would suffer.

This resolution states that any violation "shall" be a violation of the PEF Code of Ethics. However, it does not specify who would be the "violation". Remember that staff are only subject to disciplinary actions, while, the PEF Code of Ethics applies only to members.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION M

SOCIAL MEDIA PROTECTION FOR MEMBERS

1 WHEREAS: Social Media (Networking) such as Facebook, LinkedIn, and Twitter have
2 become part of many PEF members' daily lives; and
3

4 WHEREAS: There are no protections from employer access to, and use of, Social Media
5 account information; and
6

7 WHEREAS: Some employers request and/or require access to employee's, and /or potential
8 employee's, Social Media profiles and accounts; and
9

10 WHEREAS: Other States have banned the practice of employers accessing employee's, or
11 employee candidate's, Social Media profiles and accounts; and
12

13 WHEREAS: Security and Privacy are important to all PEF members: and
14

15 WHEREAS: PEF should set an example for other employers in the manner in which it treats its
16 own employees;
17

18 THEREFORE, BE IT RESOLVED, that PEF will add the following to the Statewide Legislative
19 Agenda: PEF will propose and/or support legislation making it illegal for any State agency to
20 require, or even ask a PEF member, or any State job applicant, for access to their social media
21 account(s). PEF shall also propose or support legislation to prohibit the consideration of any job
22 applicant's Social Media profiles and/or account information for purposes of employment,
23 promotional opportunities, or disciplinary action; and
24

25 BE IT FURTHER RESOLVED, that PEF Policy will prevent access to any PEF employee's
26 Social Networking profiles and accounts as part of any hiring requirement, continued
27 employment, promotional opportunity, or disciplinary procedures by the PEF Administration.
28

29 *Fiscal Impact: None.*
30

31 *Submitted by: Kevin E. Jones*
32 *Lyndon W. Jones*
33
34

This comment was prepared by the Legal Department

36 This resolution provides that PEF will propose and/or support legislation making it illegal for
37 any State agency to require, or even ask a PEF member or any State job applicant, for access to
38 their social media account(s). It also requires that PEF support legislation to prohibit the
39 consideration of any job applicant's Social Media profiles and/or account information for

40 purposes of employment, promotional opportunities, or disciplinary action. Further, it provides
41 that PEF policy will prevent access to any PEF employee's Social Networking profiles and
42 accounts as part of any hiring requirement, continued employment, promotional opportunity, or
43 disciplinary procedures by the PEF Administration.

44
45 We have concerns with the second resolved clause, which provides that PEF policy will prevent
46 access (by PEF in its capacity as an employer) to any PEF employee's Social Networking
47 profiles and accounts as part of any hiring requirement, continued employment, promotional
48 opportunity, or disciplinary procedures by the PEF Administration. Specifically, we believe this
49 portion of the resolution unconstitutionally infringes on the President's authority under Article
50 VI (D) (1) and (12) of the PEF Constitution which provides that the President is the CEO of PEF,
51 and that the President appoints staff, respectively.

52
53 As CEO, the PEF President is, in essence, the "appointing authority" within PEF, and is thus
54 responsible for hiring, deploying, disciplining, promoting staff and making other related
55 employment decisions. We also note that, as the maker of this resolution seems to acknowledge,
56 that current State law does not prohibit an employee from accessing an employee's or applicant's
57 social media account, we believe that any restrictions on the President's lawful and constitutional
58 authority in these respects must be set forth in the PEF constitution itself to be made valid. Thus,
59 we believe that this resolution is unconstitutional as written.

60
61 Furthermore, we believe a policy prohibiting PEF from using an employee's Social Media for
62 essentially any employment decision is extremely ill-advised and may potentially make PEF
63 financially liable in certain circumstances. For example, if PEF became aware that an employee
64 had made threats of workplace violence or was engaging in harassment of another employee on
65 social media, we believe it would have a legal obligation (as well as a moral one) to take to
66 reasonable preventative measures. Indeed, the United States Occupational Safety and Health Act
67 ("OSHA") requires employers, including PEF, to provide a work environment that is "free from
68 recognized hazards that are causing or are likely to cause death or serious physical harm to
69 employees." Such preventative measures might, under appropriate circumstances, include
70 accessing social media to view material posted by an employee, and to undertake discipline or
71 other corrective measures if needed. PEF could also potentially incur liability for negligence if it
72 failed to prevent foreseeable harm to an employee, based on such information, resulting from
73 workplace violence, harassment or similar behavior. Thus, in addition to the constitutional
74 impediment above, we think it would be extremely ill-advised from a policy standpoint for PEF
75 to implement such a policy. Of course, if PEF were prohibited by law from making such
76 inquiries, we would not have such liability. However, currently, there is no such prohibition.

77
78 **This comment was prepared by the Contract Administration Department**

79 This resolution if passed would require that PEF propose and/or support legislation to prohibit
80 the State from requiring employees or job applicants to grant access to their social media
81 accounts for employment purposes and prohibit the State from using information obtained from
82 social media accounts for employment purposes including discipline. The resolution would also
83 establish PEF policy prohibiting PEF from accessing the social media accounts of PEF
84 employees in conjunction with employment actions of the PEF administration.

As this resolution would primarily require PEF to advocate for legislation on this issue, we defer to any comment submitted by the Legislative office on this topic. We note only that there is no current contractual prohibition against or limitation on the State's use of information obtained from employees' personal social media accounts for employment purposes including discipline.

This comment was prepared by the Labor Relations Department

Although we would ultimately defer to the Legislative Office, it would appear, given the realities for Public Employees/Civil Servants, and the corresponding laws that allow access under specific conditions to certain aspects of one's personal life, such sweeping legislation to prohibit and render access to Social Media illegal is not realistic.

Therefore, we recommend that this resolution not be passed.

This comment was prepared by the Legislative Office

There is not sufficient information available at this time. Further research would be needed to identify states that have similar statutes and to review the scope of the protections afforded to public employees covered by such social media legislation. It would also be necessary to review data on members that have had their social media accounts used by the State in disciplinary actions.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION N

INTERPRETING CONVENTION RESOLUTIONS

WHEREAS, the Public Employees Federation is a union of Professional, Scientific and Technical employees; and

WHEREAS, the PEF Constitution requires that an annual Convention be held where resolutions may be debated and voted upon; and

WHEREAS, after many years, the interpretation of such resolutions may come into doubt and the intent of the resolution may be in dispute; and

WHEREAS, with all of the resolutions passed by PEF conventions, since the first PEF convention, there has never been a standard established for determining the intent of such resolutions;

THEREFORE, be it resolved that henceforth, when the intent of a convention resolution is questioned, determining the intent of the resolution shall first be done by a simple reading of the

“be it resolved” paragraphs, giving the words their common meaning, unless the resolution deals with a particular issue, the study of which has certain jargon that has a special meaning when used in the context of that issue; and

BE IT FURTHER RESOLVED, that only if the meaning of said resolution cannot be determined as described above, may the title and “whereases” be considered in interpreting the intent of said resolution.

Fiscal impact: none.

Submitted By: Kevin E. Jones,

Executive Board Seat 235 -- Department of Labor

Lyndon W. Jones, Executive Board Seat 005

– Office of the State Comptroller

This comment was prepared by the Legal Department

This resolution violates the PEF Constitution.

This resolution provides that questions concerning the intent of any convention resolution shall be resolved by a simple reading of the “be it resolved” paragraph. The reading would give the words their common meaning, unless the resolution deals with a particular issue or has certain jargon that has a special meaning when used in the context of that issue. The proposal provides that, only if the meaning of the resolution cannot be determined by such means may the title and “whereas” clauses be considered in interpreting the intent of said resolution.

Article VII. D.4 of the PEF Constitution provides that the Executive Board shall “interpret the Constitution, the Special Rules of Order and all policies.” (Note, Convention resolutions are policies. See, Article XVI. D.7 which provides the Convention “[e]stablishes general policies through resolutions. . .” Therefore, the Convention is without any authority to pass a resolution which sets forth requirements for interpreting resolutions. We do not recommend passage.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION O

STAFF COMMENTS ON PROPOSED CONVENTION RESOLUTIONS

WHEREAS: PEF members spend a significant amount of time and energy drafting PEF convention resolutions; and

3
4 WHEREAS: Technical information and comments by PEF staff can many times be helpful to
5 both the author(s) of the resolution and the convention delegates in deciding on, and
6 improving, proposed resolutions; and
7

8 WHEREAS: PEF members and delegates have every reason to expect to PEF staff to be totally
9 non-partisan; but
10

11 WHEREAS: In the past, sometimes such comments tended to betray a bias on the part of the
12 author, such as offering solutions to fix resolutions that they liked, but not doing so
13 for resolutions that they do not personally favor; and
14

15 WHEREAS: As stated in Staff Comments to a recent PEF Convention resolution dealing with
16 “Staff Comments,” such comments necessarily represent the views of the PEF
17 President;
18

19 THEREFORE, BE IT RESOLVED, the first page of staff comments shall contain the following
20 statement in an appropriate 20 point bold font:
21

22 PEF Staff are appointed by and answerable to the PEF President. Therefore, Staff
23 Comments necessarily represent the views of the PEF President. Accordingly, PEF
24 convention delegates should understand that the comments herein MAY be politically
25 influenced, and MAY not be free of political bias; and
26

27 BE IT FURTHER RESOLVED, that to the extent that Staff Comments are contained in a
28 document that contains Resolutions as well as Staff Comments, that the following statement be
29 included on the first page of said document an appropriate 20 point bold font:
30

31 This document includes comments from PEF Staff. PEF Staff are appointed by and
32 answerable to the PEF President. Therefore, Staff Comments necessarily represent the
33 views of the PEF President. Accordingly, PEF convention delegates should understand
34 that such comments MAY be politically influenced, and MAY not be free of political
35 bias.
36

37 *Fiscal Impact: None.*
38

39 *Submitted by: Kevin E. Jones*
40 *Lyndon W. Jones*
41

42 **This comment was prepared by the Legal Department**

43 This resolution is contrary to the PEF Constitution, the *LMRDA* and defames PEF staff.
44

45 This resolution provides that on the first page of staff comments concerning resolutions, and on
46 any other document that contains resolutions and staff comments, the following statement shall
47 be included on the first page of said document in 20 point bold font:
48

PEF Staff are appointed by and answerable to the PEF President. Therefore, staff comments necessarily represent the views of the PEF President. Accordingly, PEF convention delegates should understand that such comments MAY be politically influenced, and MAY not be free of political bias.

First, who is this “warning” statement to be attributed to? Who is providing this “warning”? If it is being attributed to current and future PEF administration, the Convention cannot mandate a particular opinion be expressed by the administration. This violates free speech rights as you cannot compel an individual to speak. PEF Constitution Article XXII.D and the *Labor Management Reporting and Disclosure Act* (“LMRDA”) 29 USC §401(a)(2).

Second, such a “warning label” defames PEF staff. For example, PEF’s Office of General Counsel reviews resolutions to determine whether they are contrary to the PEF Constitution and Special Rules of Order. This is a legal analysis. Therefore, to set forth that these legal opinions are affected by political bias, in essence, accuses counsel of unethical behavior. The same applies to other staff as, for example, it suggests that staff’s statements as to how much MIS equipment cost, the technical viability of electronic voting equipment or the technical feasibility of implementing a purchasing policy is influenced by bias. There is no evidence whatsoever to support such a statement. This defames the staff who review and make comments from their area of expertise, and it defames them for all future Convention resolution comments.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION P

PEF PAYMENT FOR NEW STEWARD TRAINING

WHEREAS, PEF is the largest white collar union in the United States of America, representing almost 54, 000 professional, scientific, and technical workers; and

WHEREAS, usually, there are many PEF members who are interested in representing their PEF brothers and sisters as a Shop Steward; and

WHEREAS, It is imperative for those PEF members who do become “NEW” Stewards to have pertinent information about the history of the labor movement, the history of PEF, the importance of representing PEF members in matters involving various employment concerns, etc.; and

WHEREAS, One great tool that is used to orientate new Stewards to the Life of representing PEF members is by the PEF Union conducting PEF New Steward training; and

WHEREAS, New Steward Training is a successful and necessary in educating New Steward about their duties of representing PEF; and

17
18 **WHEREAS**, New Steward training is usually a full day training program that is not paid by the
19 PEF Union, and New Steward have to “charge” time from their participation in the New Steward
20 training program ; and

21
22 **WHEREAS**, PEF’s new Steward are needed to promote the importance of PEF representation
23 of PEF members, and to promote the PEF union as an organization that is fighting for the overall
24 betterment of PEF members in their respective employment locations, and

25
26 **WHEREAS**, there are many new stewards who are upset about having to charge their time to
27 attend PEF New Steward training; and

28
29 **WHEREAS**, In order to have a strong PEF Union representative workforce involving Stewards,
30 PEF Council Leaders, PEF Executive Board Members, and PEF Regional Coordinators, is to
31 first start at the lowest level of representation by supporting new PEF Stewards to attend paid
32 New Steward; and

33
34 **WHEREAS**, It should be PEF’s priority to PAY for new PEF Steward to attend PEF’s New
35 Steward training program; and

36
37 **WHEREAS**, No “New” PEF Steward should have to “charge” their hard earned accrual time to
38 attend PEF Steward Training;

39
40 **THEREFORE BE IT RESOLVED**, that the Leaders of PEF (PEF Administration) pay for all
41 new PEF Steward to attend PEF New Steward training; and

42 **BE IT FURTHER RESOLVED**, that the Leaders of PEF(PEF Administration) use EOL time
43 or any other means of paying for new Stewards to attend PEF New Steward training programs;
44 and

45
46 **BE IT FURTHER RESOLVED** that every year the Leaders of PEF (PEF Administration) pay
47 for any and all “NEW” stewards who are interested in attending PEF’s New Steward training
48 program.

49
50 ***Fiscal impact:*** *No impact*

51
52 ***Submitted By:*** *Sharon V. DeSilva, Esq., Region 8, Division 234, Executive Board*
53 *Debra Walton, Region 8, Division 234*
54 *Kevin E. Jones, Esq., Region 8, Division 202, Executive Board*
55 *Timothy Lane, Region 8, Division 234*
56 *Ronald Sampath, Region 8, Division 234 Council Leader*
57 *Barbara Gregorek, Region 8, Division 234*
58 *Miki Ramos-Ensselin Region 8, Division 234, Executive Board*
59 *Maddie Shannon-Roberts, Region 8, Div. 409, Executive Board*
60 *Debi Chowdhary, OTDA DDD, Region 8, Division 409*
61 *MarySusan Timpson, OTDA DDD, Region 8, Division 409*
62

63 **This Comment was prepared by the Executive Offices**

64 The “fiscal impact of resolution” policy requires that the Secretary-Treasurer will review all
65 fiscal statements and be required to comment on any that, in his opinion, would have a
66 substantially different cost.

67
68 There would be a fiscal impact to PEF based upon this resolution. It is the responsibility of the
69 author to provide a cost estimate.

70
71 **This comment was prepared by the Legal Department.**

72 This resolution provides that the Leaders of PEF (PEF Administration) pay for all new stewards
73 to attend PEF Steward training; that the PEF Administration use EOL time or any other means of
74 paying for new stewards to attend new steward training programs; and that every year the PEF
75 Administration pay for any and all new stewards who are interested in attending PEF’s New
76 Steward Training Program.

77
78 We note that while the resolution recognizes “no” fiscal impact, we believe the financial impact
79 for PEF would in fact be significant if PEF were required to pay for all steward training
80 including EOL, space, training materials, etc. We defer to Contract Administration Department
81 on whether EOL time can be used for steward training and to Accounting as to the specific fiscal
82 impact on PEF.

83 EOL may not be eligible for this training. If this resolution is requiring PEF to compensate
84 stewards for lost wages or to reimburse them for use of accruals, PEF has not paid for such items
85 in the past. To do so raises concerns about whether PEF is creating an employee/employer
86 relationship; is the reimbursement taxable income; would attending such training be covered by
87 Workers’ Compensation. Reimbursement would not be equitable but would be based on salary
88 grade and work schedule. Legal recommends that PEF not reimburse directly for lost wages or
89 accruals used by stewards to attend training during their work time.

90
91 **This comment was prepared by the Contract Administration Department**

92 This resolution, if passed, would require that every year PEF pay for all new PEF stewards to
93 attend new steward training. The resolution further provides that PEF use employee
94 organizational leave (EOL) time or “any other means” to pay new Stewards to attend PEF new
95 stewards training.

96
97 As background, Article 4 of the State/PEF Agreement defines the circumstances under which
98 employees can be released on EOL time to engage in union activity. Some of this EOL is State
99 release time (e.g. 400 days of PEF committee time and PEF convention time per Article 4.7 (a)
100 and (b)) and some is paid for by PEF (e.g. any PEF Committee time in excess of 400 days per
101 year per Article 4.7(d)). There is currently no contractual requirement that the State release
102 employees on State paid for Employee Organizational Leave (EOL) to attend new stewards
103 training.

104
105 In some cases, agencies have voluntarily agreed to release stewards for such training on the
106 theory that having effectively trained stewards is a benefit to both employees and management.
107 When this has not occurred, new steward training has either been scheduled during non-work
108 times or employees have been asked to charge accruals to attend.

PEF has historically not paid the State to release employees on PEF paid for EOL and does not do so currently. Further, even if PEF were willing to pay for EOL time to attend new stewards training, currently it is not necessarily guaranteed that the State will release new stewards for training (see Article 4.7(d)).

As a threshold matter, it is incorrect to assert that this resolution would have no fiscal impact (at the authors contend). A requirement that PEF pay for new stewards training will have a fiscal impact on PEF's budget as it is an expense the union does not currently incur. Depending on the number of new stewards trained per year, and the number of training days they are asked to attend, the size of that impact will vary. However, the current PS&T Unit EOL rate for one day of EOL is approximately \$500 per member per day. So, for example, assume 50 new stewards attend a one day training, the EOL bill for that training alone would be roughly \$25,000.

Second, we note some potential lack of clarity regarding the scope of the requirement to pay for attendance at new stewards training. The whereas clauses of the resolution suggest that the resolution authors are primarily interested in having PEF pay for EOL time for new stewards training so that new stewards will not have to charge accruals for attendance during the work day. However, the resolved clauses can be read much more broadly to require PEF to pay new stewards for attendance even if that attendance does not cross their regular work day.

It is not always the case that new stewards' training is scheduled during the work day. For example, the union might decide to schedule new stewards training in conjunction with a regional conference or other weekend event. Similarly, training scheduled during the "normal" administrative work week may not occur on work time for employees who work on a 24/7 schedule. In these circumstances, EOL is not an available option. Despite this, the resolution would still appear to require that that PEF "pay" for all new stewards attendance at new stewards training and to use EOL time "or any other means of paying" new stewards for their attendance. These provisions could be interpreted to require PEF to pay stewards for their attendance even though the training is not held during the steward's work day.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION Q

PEF ENDORSEMENTS

WHEREAS, PEF Policy requires that all SWPAC Recommended endorsements be reviewed and approved by the PEF Executive Board, excepting in the instances of special elections, local elections, and primaries for federal office where endorsements cannot wait until the next regularly scheduled PEF Executive Board Meeting.

6 WHEREAS, situations may develop where PEF may need to make endorsements before the next
7 regularly scheduled PEF Executive Board Meeting.

8
9 WHEREAS, at some PEF Executive Board Meetings there may be insufficient time by the PEF
10 Executive Board to take up endorsements recommended by the PEF SWPAC or any PEF
11 Executive Board member.

12
13 THEREFORE BE it resolved that any statewide, federal, or local election(of state wide
14 importance) recommended endorsements that the PEF Executive Board fails to take up for
15 consideration for lack of time or for lack of a regularly scheduled PEF Executive Board Meeting
16 before the election, primary or otherwise, the endorsement(s) will be reviewed and approved by
17 the PEF SWPAC Committee. Those approvals will be reported out to the Ex. Board.

18
19 *Fiscal Impact: None*

20
21 *Submitted by: Kevin Hintz*

22
23 **This comment is prepared by the Legal Department**

24
25 This resolution provides that any statewide, federal or local election of statewide importance
26 which the PEF Executive board fails to take up for consideration due to lack of time or absence
27 of a meeting before the election, primary or otherwise, the endorsement(s) will be reviewed and
28 approved by the PEF Statewide PAC Committee. The approvals will be reported to the
29 Executive Board.

30
31 Legal cautions that the meaning of the phrase “for lack of time” is somewhat ambiguous and
32 could be open to some abuse. For example, delay tactics could be used so that the Board cannot
33 reach endorsements in order to allow the Statewide PAC to control the endorsement process. It
34 might be helpful to clarify that language.

35
36 **This comment was prepared by the Legislative Office**

37
38 The PEF Endorsement Procedures are quite detailed and establish the process and time
39 frame for every type of election endorsement at the federal and state level. The Statewide PAC
40 recommends endorsements and those recommendations are forwarded to the Executive Board
41 for approval per PEF policy. The PEF Statewide Political Action Committee and the PEF
42 Executive Board are required to follow these procedures to ensure that endorsements are done in
43 a professional and timely manner. The Legislative Office has reviewed these procedures and
44 believes that if the endorsement process is followed as outlined in the Endorsement Procedures,
45 there is no need to amend the endorsement process.

- 46
- | |
|--|
| <input type="checkbox"/> Adopted as Printed |
| <input type="checkbox"/> Adopted as Amended |
| <input type="checkbox"/> Defeated |
| <input type="checkbox"/> Postpone Indefinitely |
| <input type="checkbox"/> Referred to _____ |

RESOLUTION R

ACCESS TO PENSION IN LIEU OF DEATH BENEFIT

1 WHEREAS, if an employee dies (other than work related) while still in State service the pension
2 which was legitimately earned and expected, is forever lost even if the employee were eligible
3 for full retirement; and
4

5 WHEREAS, the beneficiary instead, receives a death benefit which is often significantly less
6 than the value of the earned pension; and
7

8 WHEREAS, to protect their family's pension income, the current system motivates an employee
9 to leave State service as soon as possible instead of remaining in the work force beyond the
10 minimum retirement age and years; and
11

12 WHEREAS, this resolution is more likely to attract a senate sponsor due to its being more
13 comprehensive than proposed legislation A04916B which sought only to protect those whom had
14 died after applying for retirement,
15

16 THEREFORE BE IT RESOLVED, that PEF engage in initiating legislative amendments to the
17 current New York State Retirement and Social Security Law to allow the beneficiary to choose
18 to either receive the death benefit or a 100% joint pension allowance based on the pension value
19 had the employee retired on the day of their death; and
20

21 BE IT FURTHER RESOLVED, that seeking this is asking for what is fair and just based on
22 years of service to the State of New York and will protect employee dependents, improve
23 employee morale and improve State supplied services by retaining experienced employees
24 longer.
25

26 *Fiscal Impact: This pension reform will be a huge benefit for employees' dependents but of*
27 *minimal cost to the State since the case of an employee dying prior to retirement is a relatively*
28 *rare (0.14%) occurrence.*
29

30 *Other than staff time expended in order to develop agreements that will be acceptable to the*
31 *State, PEF should not entail any major capital costs and may receive additional dues monies*
32 *from members remaining at work for additional years.*
33

34 Submitted by: Keith H. Gronwald
35 Division 169
36 New York State Department of Environmental Conservation
37 PEF/EnCon Statewide Shop Steward Council,
38 Division 169
39 New York State Department of Environmental Conservation
40
41
42

This comment was prepared by the Legislative Office

This resolution seeks to allow the beneficiaries of state employees who died to choose to either receives the death benefit or a 100% joint-pension allowance based on the pension value had the employee retired on the day of their death. While the resolution notes that the occurrences of this set of circumstances are rare, there is a cost involved to the State Pension System. The political and fiscal climates these days are not conducive to providing more or enhanced benefits to public employees. It is the Legislative Office's analysis that this bill would be a difficult bill to pass the Legislature and to get the Governor to sign.

RESOLUTION S

ACCOUNTABILITY OF DIVISION COUNCILS

WHEREAS, divisions are the formal local communicative and administrative body of the New York State Public Employees Federation; and

WHEREAS, divisions exist to promote the welfare of their members in their constituency with respect to all terms and conditions of employments; and

WHEREAS, division councils are composed of the stewards elected by their appropriate constituency and the officers elected by the division membership; and

WHEREAS, council members are the official PEF representatives of their divisions with the expectation of fulfilling the provisions of their division's constitution.

THEREFORE BE IT RESOLVED that regional coordinators will provide a list to the President of PEF of division councils that fail to send at least one elected council member or an active member designee from their division to participate in regional meetings and activism efforts without obtaining prior approval to be excused from participation along with a regional plan of action to work with the division councils to improve participation.

Fiscal Impact: None

*Submitted by: Brian Purnell
Susan Kent
Carlos Garcia
Barbara Ulmer
Wayne Bayer
Sheik Nabijohn*

- | |
|--|
| <input type="checkbox"/> Adopted as Printed |
| <input type="checkbox"/> Adopted as Amended |
| <input type="checkbox"/> Defeated |
| <input type="checkbox"/> Postpone Indefinitely |
| <input type="checkbox"/> Referred to _____ |

This comment was prepared by the Legal Department.

We see no legal or constitutional impediment to the adoption of this resolution. However, we do note that the PEF Constitution Article VI. G. provides that Regional Coordinators will "[p]erform other duties as requested by the President, Executive Board or his/her constituency."

Thus, the President would have the authority to require such information as well as the Convention Body.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION T

EXECUTIVE BOARD MEETINGS SHALL BE VIDEO/AUDIOTAPED

WHEREAS PEF Delegates have the final power of authority in this organization and

WHEREAS Delegates only meet once per year and

WHEREAS the Executive Board shall serve as the policy setting body between Conventions and

WHEREAS the Executive Board meets at least 4 times per year and

WHEREAS information obtained at Executive Board meetings may be vital to our members and delegates and

WHEREAS that information may not reach the members of Delegate body and

WHEREAS each delegate needs to be aware of how their Executive Board Representatives actually represent them at these meetings

THEREFORE be it resolved that all future Executive Board Meetings shall be Videotaped with a copy of such video going to each delegate via electronic means

Fiscal Impact: negligible as PEF already has the resources to accomplish this

Submitted by:

Rocco Brindisi - E Board Member Seat 207 NYSIF, Division 240 Assistant Council Leader

Dan Warren - Steward Division 240 NYSIF, Region 1 Civil Service Committee Chair

Kathy Czachorowski - Secretary Division 240 NYSIF

Susan Kent - President

Carlos Garcia - Secretary Treasurer

Barbara Ulmer - Vice President

Wayne Bayer - Vice President

Sheik Nabijohn, Regional Coordinator

This comments was prepared by the Organizing Department

This resolution would allow the membership to see / hear PEF Executive Board discussion. (Other than when the Board is called into executive session) This would create an ongoing

ability to inform the division officers, delegates and membership about the critical activities and decisions that occur between conventions. Members would know what is discussed at the Executive Board in a timely way in both tone and content. This is much more accessible than requesting transcripts.

Visual access would strengthen the relationship between the Executive Board and the membership and the members and their union; the positive effect would be to cause better communication.

A majority of state and federal legislatures (NYS included) successfully broadcast proceedings, PEF would be at the forefront of better communication when video broadcasting is utilized.

This comment was prepared by Membership Information Systems Department

MIS currently has the knowledge and capacity to accomplish this goal. Viewing these tapes can be easily accomplished via the Secure Members Section of the PEF website.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION U

**SEATING OF DIVISION COUNCIL LEADERS AS DELEGATES TO PEF'S ANNUAL
CONVENTION IN ADDITION TO THE ALLOTTED NUMBER
OF DELEGATES IN EACH DIVISION**

WHEREAS, it is important that Division Council Leaders be informed regarding the business and activities of PEF in order to best serve the members they represent and further the goals of PEF;

WHEREAS, it is possible, that individuals are seated as Council Leaders but fail to be seated as delegates to the annual Convention, and, indeed, this has occurred;

WHEREAS, the requirement that Division Council Leaders be elected as part of the allotted number of delegates in each Division, in order to be seated at the annual Convention, can result, and has resulted in, situations in which otherwise non-active or minimally active PEF members are seated as such delegates, while their Council Leader, who is actively involved in servicing and representing her/his members is not so seated;

WHEREAS, the situation described in the two paragraphs immediately above is one that is not beneficial to PEF or its members;

17 WHEREAS, there is no logical reason that PEF Executive Board members are permitted to be
18 automatically seated as delegates to PEF's annual Convention, in addition to the allotted number
19 of delegates in each Division, without having to be elected, while Council Leaders must be
20 elected in order to be seated as Convention delegates;

21
22 WHEREAS, that, although an additional expense would be incurred to seat the Council Leaders
23 as convention delegates in addition to the allotted number of delegates for each Division, the
24 benefit of having Council Leaders that are better and well informed about the business and
25 activities of PEF, and thereby better able to represent their members and further the goals of
26 PEF, outweighs and is worth the additional expense;

27
28 THEREFORE, BE IT RESOLVED, that PEF seat its Division Council Leaders as delegates to
29 the annual Convention in addition to the allotted number of delegates for each Division, without
30 the requirement that the Council Leaders be elected as delegates, in the same manner that PEF
31 Executive Board members are currently seated as delegates;

32
33 BE IT FURTHER RESOLVED, that this resolution take effect in time for the annual Convention
34 in 2015.

35
36 *Fiscal Impact:* *Approximately \$225,500*

37
38 *Submitted by:* *Arlyne R. Zwyer*
39 *Robin Nussbaum*

40
41
42 **This comment was prepared by the Legal Department.**

43 There is a constitutional impediment to adoption of this resolution. This resolution provides that
44 PEF seat its Division Council Leaders as delegates to the annual Convention in addition to the
45 allotted number of delegates for each Division, without the requirement that the Council Leaders
46 be elected as delegates, in the same manner that PEF Executive Board members are currently
47 seated as delegates.

48
49 Article XVI (B) sets forth the composition of the Convention, which includes "all duly registered
50 delegates, Officers, Executive Board Representatives and Trustees." Executive Board
51 Representatives are specifically included in the composition of the PEF Convention, and thus
52 they are automatically eligible to be seated as Delegates. Council Leaders are not included in
53 that list, nor are they PEF "Officers" under the PEF Constitution. Thus, unlike Executive Board
54 Representatives, Council Leaders are not automatically eligible under the Constitution to be
55 seated as Delegates. If PEF desires to make Council Leaders automatically eligible to be seated
56 as Delegates, it would have to be done by amending the PEF Constitution. It cannot be validly
57 accomplished via a Convention Resolution.

58
59 **This comment was prepared by the Organizing Department**

60 The participation of Division Leaders in the annual convention is valuable and important.
61 Participation by the member leaders responsible for the day to day monitoring, communication
62 and observation of contract compliance by the employer is a point of view that should be present

to inform the delegate body in its deliberations process. As of May 2014, 94 Division Council Leaders were elected delegates to the 2014 Convention, 32 members of the Executive Board are also Division Council leaders which is a total of 128 division leaders or 74% of sitting Division Council leaders seated as delegates. 26% of sitting Division Council leaders are not delegates to the 2014 Convention.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION V

AUTOMATIC SEATING OF DIVISION COUNCIL LEADERS AS DELEGATES TO PEF'S ANNUAL CONVENTION AS PART OF THE ALLOTTED NUMBER OF DELEGATES IN EACH DIVISION

WHEREAS, it is important that Division Council Leaders be informed regarding the business and activities of PEF in order to best serve the members they represent and further the goals of PEF;

WHEREAS, it is possible, that individuals are seated as Council Leaders but fail to be seated as delegates to the annual Convention, and, indeed, this has occurred;

WHEREAS, the requirement that Division Council Leaders be elected in order to be seated at the annual Convention, as part of the allotted number of delegates in each Division, can result, and has resulted in, situations in which otherwise non-active or minimally active PEF members are seated as such delegates, while their Council Leader, who is actively involved in servicing and representing her/his members is not so seated;

WHEREAS, the situation described immediately above is one that is not beneficial to the members or to PEF;

WHEREAS, there is no logical reason that PEF Executive Board members are permitted to be automatically seated as delegates to PEF's annual Convention, without having to be elected, while Council Leaders must be elected in order to be seated as delegates;

WHEREAS, the automatic seating of PEF's Council Leaders as part of the allotted number of delegates for each Division, without the requirement that the Council Leaders be elected, will result in Council Leaders being better and well informed about the business and activities of PEF, and thereby better able to represent their members and further the goals of PEF;

THEREFORE, BE IT RESOLVED, that PEF seat its Division Council Leaders as delegates to the annual Convention as part of the allotted number of delegates for each Division, without the

requirement that the Council Leaders be elected as delegates, in the same manner that PEF Executive Board members are currently seated as delegates;

BE IT FURTHER RESOLVED, that this resolution takes effect in time for the annual Convention in 2015.

Fiscal Impact: *None*

Submitted by: *Arlyne R. Zwyer*
 Aaron Woskoff
 Robin Nussbaum

This comment was prepared by the Legal Department

As written, this resolution is in conflict with the PEF Constitution and should not be adopted . This resolution is substantively identical to Resolution U, in that it also provides that PEF seat Division Council Leaders as delegates to the annual Convention as part of the allotted number of delegates for each Division, without requiring Council Leaders to be delegates, in the same manner that PEF Executive Board members are not currently seated as delegates.

As stated above with respect to Resolution U, Article XVI(B) of the PEF Constitution sets forth the composition of the Convention, which includes Executive Board Representatives but not Council Leaders, and Article XVI(C)4 sets forth the eligibility requirements for Convention Delegates. In order to make Council Leaders eligible for automatic seating at the PEF Convention, appropriate amendments to one or both of those Articles would have to be made.

This comment was prepared by the Organizing Department

The participation of Division Leaders in the annual convention is valuable and important. Participation by the member leaders responsible for the day to day monitoring, communication and observation of contract compliance by the employer is a point of view that should be present to inform the delegate body in its deliberations process. As of May 2014, 94 Division Council Leaders were elected delegates to the 2014 Convention, 32 members of the Executive Board are also Division Council leaders which is a total of 128 division leaders or 74% of sitting Division Council leaders seated as delegates. 26% of sitting Division Council leaders are not delegates to the 2014 Convention.

The difference between these resolutions is potential cost to PEF.

- | |
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| <input type="checkbox"/> Adopted as Printed
<input type="checkbox"/> Adopted as Amended
<input type="checkbox"/> Defeated
<input type="checkbox"/> Postpone Indefinitely
<input type="checkbox"/> Referred to _____ |
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RESOLUTION W

EXECUTIVE BOARD MEMBER ITEMS

1 WHEREAS by PEF Constitution, (Article VII Executive Board, C2 Composition), Executive
2 Board members are responsible to a specific constituency of which they are an active member
3 and, WHEREAS the PEF constitution does not outline any mechanisms for an Executive Board
4 member to get input from their members on matters of concern to bring forward at Executive
5 Board meetings and,
6

7 WHEREAS the Executive Board agenda contains a member items category that often includes
8 items that are not reflective of the concerns or issues of the individual Executive Board member's
9 constituents and,
10

11 WHEREAS policies that are developed and submitted as member items
12 should be reflective of the concerns and issues of the Executive Board member's specific
13 constituency.
14

15 THEREFORE BE IT RESOLVED that items submitted as Executive Board member items shall
16 include documentation that reflects meeting minutes, the motion, and the summary of the
17 ensuing discussion, passage of the motion and attendance sheet.
18

19 *Fiscal Impact: None*
20

21 *Submitted by: Susan Kent*
22 *Carlos Garcia*
23 *Barbara Ulmer*
24 *Wayne Bayer*
25 *Sheik Nabijohn*
26

27 **This comment prepared by the Legal Department**

28 This resolution provides that items submitted as Executive Board member items shall include
29 documentation that reflects meeting minutes, the motion, the summary of the ensuing discussion,
30 passage of the motion and attendance sheet.
31

32 If this resolution is simply seeking to define “membership issues” per Executive Board policy
33 under Rules for Executive Board, and requiring that certain items, if they exist, be provided, it
34 does not violate the Constitution.
35

36 This Executive Board policy states: “ As a courtesy, the PEF Executive Board will accept
37 for the first day of its session, the printed agenda as amended by new membership issues
38 presented at the Board meeting and placed after the membership issues previously
39 submitted for consideration.
40

41 On the second day, all priority issues not considered by the Board will be considered after
42 9:00 a.m. as soon as practical.
43

44 New membership issues will be placed on the agenda in order of receipt at PEF
45 Headquarters.
46

Adopted: December 8, 1995

Pursuant to Article VI. E.4, the Secretary-Treasurer has the authority and responsibility to give timely notice and publish the agenda of all meetings. Pursuant to Article VII. D.1., the Executive Board has the authority to adopt an agenda for each Executive Board meeting.

Thus, authority with respect to the proposed Executive Board agenda (Secretary-Treasurer) and final agenda (Executive Board) does not rest with the Convention. Therefore, if this resolution is requiring that certain documents must be provided in order to get a member item on the Executive Board agenda, it would violate the above-cited sections of the Constitution.

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION X

PEF PREPARING FOR POTENTIAL STATE CONSTITUTIONAL CONVENTION

WHEREAS, PEF and its members have a significant interest in the benefits secured to public employees in various provisions of the New York Constitution such as the merit and fitness requirement contained in Article 5, § 6 and Retirement security as provided by Article V, §7;

WHEREAS, the citizens of the State of New York will get to determine the question of whether or not to convene a constitutional convention in November 2017;

WHEREAS, if this vote is answered in the affirmative, regardless of what PEF's position on this vote is, the citizens of New York will begin to nominate and elect delegates to the Convention and PEF and its members must be prepared to act;

WHEREAS, the Constitution provides the "the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election, and the electors of the state voting at the same election shall elect fifteen delegates-at-large.";

THEREFORE, BE IT:

RESOLVED, that PEF legal shall research what lawful ways PEF and its PAC can encourage and support, financially and otherwise, its members in running for Delegate to a State Constitutional Convention; and it is further

RESOLVED, that it issue a written report to be delivered to the Delegates of the 2015 PEF Convention.

Fiscal Impact: Up to \$10,000.00 to be used for cost of this research.

Submitted by:

Daniel T. Warren, Region 1 Civil Service Committee Chair, Division 240 Steward

Rocco Brindisi, Article 18 Health and Safety Committee Chair, Executive Board Member Seat #207 NYSIF, Assistant Council Leader Division 240 NYSIF

Kathy Czachorowski, Secretary Division 240

This comment is prepared by the Legal Department.

This resolution provides that the PEF Legal Department shall research what lawful ways PEF and its PAC can encourage and support, financially or otherwise, its members running for Delegate to a State Constitutional Convention, and that it issue a written report to be delivered to the Delegates of the 2016 PEF Convention.

The Legal Department sees no constitutional or legal impediment to the adoption of this resolution.

- | |
|---|
| <input type="checkbox"/> Adopted as Printed
<input type="checkbox"/> Adopted as Amended
<input type="checkbox"/> Defeated
<input type="checkbox"/> Postpone Indefinitely
<input type="checkbox"/> Referred to _____ |
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RESOLUTION Y

PETITIONS

WHEREAS, PEF needs to encourage PEF members to become active & involved.

WHEREAS, elections are required to fill most leadership roles and convention delegate seats.

WHEREAS, currently, any PEF member running for delegate to the AFT & SEIU Conventions can submit their nomination petitions to a local PEF Regional Office for receipt & stamping in.

WHEREAS, any PEF member running for delegate to the annual PEF Convention can submit their nominating petition to the local PEF Regional Office for receipt & stamping in.

WHEREAS, any PEF member running for office in the Triennial election can submit their nomination petitions to the local PEF Regional Office for receipt & stamping in.

THEREFORE BE IT RESOLVED that any PEF member running for steward and/or division leader can submit their nomination petition to a local PEF Regional Office for receipt and stamping in.

1 *Fiscal Impact: None*

2
3 *Submitted by: Kevin Hintz*
4 *Nikki Brate*
5

6 **This comment was prepared by the Legal Department**

7 This resolution provides that any PEF member running for steward and/or division leader can
8 submit their nomination petition to a local PEF Regional Office for receipt and date stamping
9 There are PEF Constitutional impediments to the adoption of this resolution.

10
11 First, Division Constitutions contain the mechanism for election of Division Leaders and/or
12 stewards. If this resolution is seeking to change contrary provisions in those Division
13 Constitutions, it is unconstitutional because it violates Article XX.A.1. That article provides
14 that each Division Constitution must be consistent with the PEF Constitution and Special Rules
15 of Order and approved by the Executive Board. Therefore, the Convention could not mandate
16 changes to the election process contained in Division Constitution.

17
18 Second, if the intention of the resolution is to change PEF policy regarding Division Steward and
19 Division Leader election procedure, it is unconstitutional because it is the Executive Board, not
20 the Convention, that has the authority to establish such rules for Officers, Trustees, Executive
21 Board position and “elections for all other elective union positions, consistent with the
22 Constitution and Special Rules of Order.” Article VII. D.7.

23
24 **This comment was prepared by the Organizing Department**

25 The only way for PEF to assure equal treatment in the application of election rules and office
26 processing of petitions is to maintain the current requirement that petitions must be sent directly
27 to the Organizing Department in the Albany office.

28
29 This resolution appears to promote equal treatment/access by the union of all levels of petitions.
30 However the resolution fails to include other Division offices such as Treasurer, Secretary,
31 Assistant Council Leader and the other titles utilized by some Divisions.

32
33 Historically some Divisions ran their own elections and used PEF regional offices to prepare and
34 collect petitions and distribute ballots. Only a few divisions still do this. Today over 90 percent
35 of divisions have relegated those functions to the Organizing Department at PEF headquarters.
36 There are limited occasions when regional offices accept petitions – convention delegate
37 elections, the Triennial election, and special elections for a vacancy in an office selected during
38 the Triennial election e.g., open Executive Board seats. In those petitioning periods we must
39 guarantee all twelve offices are open and ready to accept petitions from 9am to 5pm each
40 business day. This is not always practical as PEF administrative staff might be on vacation or
41 need to take emergency sick or personal time. PEF then has to employ and train temp staff to
42 cover the 9-5 period. This requirement/expense would increase if this resolution was adopted.

- 43
44
45
46
- | |
|---|
| <input type="checkbox"/> Adopted as Printed
<input type="checkbox"/> Adopted as Amended
<input type="checkbox"/> Defeated
<input type="checkbox"/> Postpone Indefinitely
<input type="checkbox"/> Referred to _____ |
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RESOLUTION Z

EXECUTIVE BOARD SEATING AT THE CONVENTION

WHEREAS, the demarcation of regional seating at the floor of the convention is rarely followed and mostly immaterial to the process of the convention,

WHEREAS executive board policy and votes often drive much of the business at the convention'

WHEREAS, the rank and file have the right to know how e-board votes on various items,

THEREFORE BE IT RESOLVED, this resolution requests that in lieu of region seating for all delegates, that 20% of the front seats in the plenary session be reserved for and assigned to the executive board members in attendance.

Fiscal impact: None

Submitted by: Richard Vehlow

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION AA

TIME DURING PLENARY SESSION FOR OPEN DISCUSSION AND DEBATE ON THE MERITS OF CONVENTION CANDIDATE CITIES

WHEREAS, the executive board is charged by PEF policy to select the annual convention time and location,

WHEREAS the selection of time and location does affect the schedules and travels of all convention delegates,

WHEREAS those participants may want to hear about the bids received from locations being considered and provide selection input so that the e-board may choose to take the will of the convention into consideration,

THEREFORE LET IT BE RESOLVED that at future conventions, time be allotted in either of the first two days of the plenary sessions for open discussion and debate on the merits of future possibilities for candidate cities.

Fiscal impact: None

Submitted by: Richard Vehlow

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____

RESOLUTION BB

SPEECHES BY NON-PEF OFFICERS DURING CONVENTION

WHEREAS, the resolutions are the heart of grassroots activity in the convention,

WHEREAS, there is a need for candidate and dignitary speeches in election years,

THEREFORE BE IT RESOLVED that in convention years where neither a gubernatorial nor state senate/assembly general election is held that November, that the plenary sessions do not have special speeches by non-PEF officers and expanded resolution schedule is instead on the convention plenary agenda.

Fiscal impact: None

Submitted by: Richard Vehlow

- ☐ Adopted as Printed
- ☐ Adopted as Amended
- ☐ Defeated
- ☐ Postpone Indefinitely
- ☐ Referred to _____