

2024 CONVENTION RESOLUTIONS



| NYS PUBLIC EMPLOYEES FEDERATION

TABLE OF CONTENTS

<i>Resolution No.</i>	<i>Page #</i>
<u>PEF Internal</u>	
#3 Term Limits for PEF Presidents	5
#9 PEF DUES POLICY	22
#14 Term limits	35
#18 Unused Convention Seats	46
#19 Convention Charity	49
#20 Member Payment at/for Regional Events	51
#21 PEF/AFT/SEIU CONSULTANTS HIRED TO PERFORM WORK ON BEHALF OF PEF MEMBERS: CANNOT PARTICIPATE IN ANY PEF ELECTION PROCESS	53
#22 PEF ETHICS COMMITTEE DISMISSING CASES BASED ON UNTIMELY REASONS	56
#24 PEF CONVENTION RESOLUTIONS: REQUEST FOR FISCAL IMPACT STATEMENTS	60
#26 PEF UNION POLITICAL ACTION COMMITTEE (PAC) MONEY DONATIONS RECAPTURED FROM CONVICTED LEGISLATIVE REPRESENTATIVES	67
<u>PEF Information/Disclosures</u>	
#4 Quarterly EOL Report	7
#5 Providing Lists of Attendees where PEF Resources are Expended	10
#6 Convention and Executive Board Transcripts Available to PEF Members - update to existing Policy	12
#13 Lawsuit Disclosures	32
#15 PEF President's Report	38
#16 Recording of Executive Board Meetings	41
#17 Accurate and Explicit Financial Reporting	44
<u>Contract /Civil Service</u>	
#7 Sick Leave credit and healthcare subsidy should be paid in cash with pension	15
#8 Agencies Responsibility when they Outsource to the Business Service Center	18
#10 Enhancing Professional Examination Transparency, Occurrence, and Relevance	25
#11 Article 33	28
#12 Training	31
#23 PEF MEMBERS RECEIVING AN EXTRA VACATION CREDIT LIKE CSEA ADMINISTRATIVE MEMBERS	58
#25 EDUCATING PEF MEMBERS ON ARTIFICIAL INTELLIGENCE AND DIGITILIZATION (AI/D)	63
<u>Domestic and World Affairs</u>	
#1 Fighting Antisemitism	2
#2 Resolution to Support the Ratification of the Equal Rights Amendment in New York State Constitution	3

RESOLUTION 1

Fighting Antisemitism

1

2

3 WHEREAS, New York State Public Employees Federation (PEF) members hail from a

4 multitude of backgrounds; and,

5 WHEREAS, hate grows in the shadows of silent acceptance; and,

6 WHEREAS, violence against any group is an attack upon our shared values;

7 THEREFORE, BE IT RESOLVED: PEF encourages our 50,000 members to tell New York’s

8 leaders of the need to strongly and repeatedly condemn the surge in antisemitic attacks.

9 FISCAL IMPACT: Publicly communicating PEF’s values will enhance PEF's reputation and

10 increase membership. Hence, adopting this resolution will have a positive fiscal impact.

11 Jacob Weintraub, Treasurer, Division 245 Labor

12

Resolution 1 Staff Comments:

13 This Comment was prepared by the Executive Department

14

15 This resolution is consistent with Article II.F of the PEF Constitution which provides that PEF

16 shall serve the interests of its members by “Exposing and fighting all forms of bigotry and

17 discriminatory practices that tend to deprive persons of their human and/or civil rights.”

18

19

20 This Comment was prepared by the Organizing Department

21 The Organizing Department has no objections to the adoption of this resolution. The objective

22 of this resolution to condemn antisemitic attacks is consistent with PEF’s goal of preventing

23 discrimination based on religious affiliation.

24

25 Finance Department Comment on Fiscal Impact

26 No significant financial impact.

27

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

RESOLUTION 2

Resolution to Support the Ratification of the Equal Rights Amendment in New York State Constitution

****Whereas****, the New York State Legislature has passed the Equal Rights Amendment (ERA) in two consecutive sessions, paving the way for its inclusion on the November 2024 ballot for ratification by the people of New York;

****Whereas****, the ERA (S.108-A Kreuger/A.1283 Seawright) aims to prohibit governmental discrimination based on a person’s ethnicity, national origin, age, disability, and sex — including sexual orientation, gender identity, gender expression, pregnancy, and pregnancy outcomes;

****Whereas****, the ERA seeks to safeguard reproductive autonomy and access to reproductive health care, explicitly recognizing that discrimination based on pregnancy or its outcomes constitutes sex discrimination, a necessary clarification in light of national trends criminalizing pregnancy outcomes and the Supreme Court’s overturning of Roe v. Wade;

****Whereas**** “ Equality will literally be on the ballot in 2024 emphasizing the inadequacies of current state anti-discrimination statutes and highlighting the opportunity for New Yorkers to enshrine lasting protections in the state Constitution against discrimination of historically targeted groups, including individuals with disabilities, LGBTQI+ persons, people of color, immigrants, women, and pregnant individuals;

****Whereas****, , it is imperative for New York to enshrine protections against discrimination within its state Constitution

****Whereas****, New Yorkers overwhelmingly support measures that advance equality, and the Legislature’s passing of this landmark ERA legislation allows voters to defend reproductive rights and protect against discrimination on the basis of age, race, ethnicity, national origin, disability, sex, sexual orientation, or gender identity;

****Whereas****, New York is taking critical steps to create a State Constitution that upholds the values and protections appropriate for the 21st century;

Therefore Be it Resolved that the New York State Public Employees Federation will prioritize this issue and engage in a targeted member engagement and advocacy campaign to encourage members to support ratification of the Equal Rights Amendment in the November 2024 ballot, thereby enshrining comprehensive protections against discrimination in the state Constitution and affirming the state’s commitment to equality for all its residents.

Fiscal Impact: Minimal as there are existing committees, such as the SWPAC and departments, such as Organizing, Communications and Legislative to support this initiative.

Submitted by:
PEF Statewide Women’s Committee

46 Randi Diantonio
47 Vice President
48 NYS Public Employees Federation-AFLCIO

49
50

51 **Resolution 2 Staff Comments:**

52

53 This Comment was prepared by the Executive Department

54 This resolution is consistent with Article II.F of the PEF Constitution which provides that PEF
55 shall serve the interests of its members by “Exposing and fighting all forms of bigotry and
56 discriminatory practices that tend to deprive persons of their human and/or civil rights.”

57

58 This Comment was prepared by the Organizing Department

59 The Organizing Department has no objections to the adoption of this resolution. The objective
60 of this resolution aims to prohibit governmental discrimination based on a person’s ethnicity,
61 national origin, age, disability, and sex, including sexual orientation, gender identity, gender
62 expression, pregnancy, and pregnancy outcomes. This goal is consistent with PEF’s goal of
63 preventing discrimination and promoting diversity, equity, and inclusion.

64

65 This Comment was prepared by the Legislative Department

66 This is an important addition to the State Constitution given the shifting positions occurring
67 away from long-standing precedent in the U.S. Supreme Court.

68

69 Finance Department Comment on Fiscal Impact

70 No significant financial impact.

71

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

RESOLUTION 3

Term Limits for PEF Presidents

Whereas: Term Limits have been shown to be a great way to promote democracy; and

Whereas: PEF was founded on the ideals of a truly democratic union; and

Whereas: PEF has retreated from this ideal in recent years; and

Whereas: PEF does not want to devolve into a CSEA / AFT / SEIU type union where the union president only changes when the union leader him/herself decide to retire; and

Whereas: This union's members demand that PEF uphold the highest in democratic principles;

THEREFORE, BE IT RESOLVED THAT: the following Amendment be forwarded by the PEF Executive Board for consideration and enacted by the 2024 PEF Convention:

Article VI OFFICERS

D. President

The President shall be elected by vote of the entire membership except for the Founding Convention where he/she shall be elected by the delegates. The President shall:

20. Be limited to two terms in office as PEF President.

Fiscal Impact: None, but a WIN/Win for the members!

Respectfully submitted by:

Kevin E. Jones – Division 202, PEF Region 8, NYS Department of Labor

Jessica Verhoff – PEF Division 202 Assistant Council Leader

Chris Werns – PEF Division 202 Treasurer, former E-Board member

Resolution 3 Staff Comments:

This Comment was prepared by the Legal Department

There are constitutional impediments to this resolution. The resolution resolves that a constitutional amendment “be forwarded by the PEF Executive Board for consideration and enacted by the 2024 PEF Convention.” However, the PEF Executive Board has not proposed such an amendment and, as such, the resolution would violate the Constitution.

The resolution seeks to amend the Constitution by providing that the President shall be limited to two terms. The Constitution may only be amended in accordance with the referendum process

47 outlined in Article XVII, or through the amendment process detailed in Article XVIII. As neither
48 process was followed, the resolution would violate the Constitution. As more specifically
49 applicable here under Article XVIII, an amendment to the Constitution may be proposed by a
50 majority vote of the Executive Board. Here, as the Executive Board has not voted to propose the
51 amendment, the resolution would violate the Constitution.

52

53 This Comment was prepared by the Legislative Department

54 From external legislative and political perspectives, leadership stability and continuity enhance
55 PEFs ability to forge longer-term, more durable relationships with the Governor and legislative
56 leadership. These relationships enhance PEFs ability to achieve positive budgetary, legislative,
57 and other policy outcomes. While regular and fair elections are critical to holding the President
58 and all elected union leaders accountable for their actions or inactions, the imposition of arbitrary
59 term limits for PEF President would create a recognizable power vacuum or “lame duck”
60 situation that could weaken PEF’s leverage with the Executive and in the State Legislature at
61 critical decision points during the legislative session.

62

63 Finance Department Comment on Fiscal Impact

64 The fiscal impact for this resolution is undeterminable.

65

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

RESOLUTION 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

Quarterly EOL Report

Whereas: The PEF Executive Board is charged with the responsibility of amending and approving the Secretary/Treasurer’s proposed budget to meet the needs of the members, and approving same; and

Whereas: PEF expends a great deal of its resources on EOL; and

Whereas: PEF received a quarterly bill from GOER detailing said EOL; and

Whereas: It would be unseemly for the PEF Executive Board to have to rely on FOILs of management documents to obtain same; and

Whereas: With the Janus Supreme Court Decision, E-Board oversight of PEF administration spending is more crucial than ever;

Whereas: Every PEF member has a right to expect that such information will be gladly supplied to the PEF Executive Board for their oversight and review; and

Whereas: As you can see from the attached, complying with this resolution will require no real effort at all on the part of PEF Management;

THEREFORE, BE IT RESOLVED THAT: beginning immediately, copies of said billings shall be provided via e-mail to the PEF Executive Board as soon as any disagreements over entries in the billing statement are resolved.

Fiscal Impact: No direct cost, other than the use of existing personnel, may result in cost savings over the long run, if undesirable expenses are identified and eliminated.

Respectfully submitted by:
Kevin E. Jones – Division 202, PEF Region 8, NYS Department of Labor

**Please note – no attachments are being included due to the sensitivities involved.

Resolution 4 Staff Comments:

This Comment was prepared by the Finance Department
The PEF Finance Department has copies of all EOL information sent by OER (NYS Office of Employer Relations). Executive Board members can review the information by requesting to come in and review the documentation. If anti-union organizations were able to access the paid union leave information of union leaders, they could potentially use this information to undermine the work of the union and create divisions among rank-and-file members in several ways.

40
41 This Comment was prepared by the Organizing Department
42 Anti-union organizations could use the information to identify specific union leaders who take
43 advantage of paid union leave. They might then launch personal attacks or smear campaigns
44 against these leaders, aiming to tarnish their reputations and credibility within the union. This
45 could include, spinning this as a misuse of union resources or an indication of leaders prioritizing
46 their interests over those of the rank-and-file members.

47
48 Further, by exposing the details of union leaders' paid leave, anti-union organizations could
49 create resentment among rank-and-file members. Some members might perceive leaders as
50 receiving preferential treatment or taking advantage of union privileges, leading to internal
51 division and mistrust within the union. This could then disillusion some union members, causing
52 them to question the union's leadership and effectiveness thereby weakening member support for
53 union initiatives, including collective bargaining efforts and political advocacy.

54
55 Ultimately, the goal of anti-union organizations is to weaken the labor movement's effectiveness.
56 By sowing discord, eroding trust, and distracting union leadership, they aim to hinder the union's
57 ability to negotiate on behalf of its members, advocate for worker rights, and achieve its goals. It
58 is important for unions to be aware of potential strategies employed by anti-union organizations
59 and to have mechanisms in place to protect their leaders and maintain unity among members.
60 Privacy measures, communication strategies, and a strong commitment to transparency and
61 accountability can help unions navigate these challenges.

62
63 This Comment was prepared by the Contract Administration Department
64 This resolution, in the Whereas clauses, claims that PEF expends a great deal of its resources on
65 EOL, and notes that OER send bills to PEF for EOL usage, and proposes that such bills be made
66 available to the Executive Board as soon as any disputes over the billing entries are resolved.
67 Contract Administration would point out that contrary to the claim of the resolution, PEF does
68 not pay for the vast majority of “billed” EOL. Instead, pursuant to Article 4.7(b) of the
69 PEF/State Agreement, unused Convention days are allocated each year for such EOL resulting in
70 PEF having a credit of several hundred EOL days per year for these billing purposes. It should
71 also be noted that not all EOL is billed; for example, EOL for grievance representation,
72 negotiations, and joint labor/management committee meetings are not billed and do not cost PEF
73 anything.

74
75 This Comment was prepared by the Legal Department
76 We do not see legal or constitutional impediments to the resolution.

77
78 This Comment was prepared by the Executive Department
79 The maker of the resolution points out the Janus Supreme Court decision. It is imperative to
80 protect the union from post-Janus entities who are trying to stop public sector employers from
81 allowing unpaid or paid release time, including EOL. Based on our PEF history, we have seen
82 certain executive board members post images or documents detrimental to the union on social
83 media. Accordingly, the circulation of these documents and the likelihood of them being put on
84 social media could provide support for anti-union forces in their quest to stop such release time

85 to hinder union activities. As noted by the Finance Department, this information is available to
86 any Executive Board member presently.

87

88 Finance Department Comment on Fiscal Impact

89 We see no issue with the stated fiscal impact.

90

91

92

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

RESOLUTION 5

Providing Lists of Attendees where PEF Resources are Expended

1
2
3 Whereas it is customary for PEF to send attendees to numerous events throughout a fiscal year
4 and,

5
6 Whereas, it is a fact that PEF spends tens of thousands of dollars annually on tickets to various
7 events for members who are not elected statewide officers and,

8
9 Whereas it has frequently been a complaint of members that access to events paid for by PEF
10 member dues repeatedly is given only to those members who appear to be foot soldiers of the
11 administration and,

12
13 Whereas it has also been a frequent complaint that members believe that spouses and significant
14 others are given access to and have had their expenses paid for by PEF and,

15
16 Whereas, this practice of selective exclusion and priority to non-members above rank and file
17 members is contrary to the core democratic values and principles of our union and,

18
19 Whereas, there is no current reporting mechanism that allows members (even Executive Board
20 members) to know who specifically are the beneficiaries of these perks and,

21
22 Whereas, the Executive Board has a fiduciary responsibility regarding PEF expenditures and,

23
24 Whereas the PEF Trustees have not made this information available through their reporting and,

25
26 Whereas, the current administration repeatedly states that they are in full support of transparency
27 and,

28
29 Whereas every Division and region in PEF is required to keep a list of attendees at functions
30 where PEF funds that they have oversight of are expended and,

31
32 Whereas PEF leadership should be held to the same accountability practices as rank and file
33 leaders,

34
35 Therefore be it resolved that the Secretary Treasurer will provide quarterly reports to the PEF
36 Executive Board via lists that identify any person who is financially supported at PEF events
37 including: all political events statewide (i.e., fundraisers, AFL-CIO events, NYS Black and
38 Puerto Rican Caucus, Somos events), AFT events, SEIU events and any event where PEF is
39 spending dues money or is spending money given to PEF by our parent unions and,

40
41 Therefore be it further resolved that these lists will be made available to any member upon
42 request.

43
44 Fiscal Impact: There is none to little fiscal impact as this information is readily available when
45 PEF makes payment for their participants in these events.
46

47 Submitted by,
48
49 Carlos J. Garcia
50 Division 194 Council Leader, Executive Board Seat #77
51

52
53 **Resolution 5 Staff Comments:**
54

55 This Comment was prepared by the Legal Department
56 We have constitutional concerns with the resolution.
57

58 The resolution resolves that the Secretary-Treasurer will provide quarterly reports to the
59 Executive Board via lists that identify any person who is financially supported at PEF events,
60 and that these lists will be made available to any member upon request.
61

62 Article VI(E)(7) of the Constitution provides that the Secretary-Treasurer shall “Provide
63 membership accessibility to financial and membership records; the Executive Board shall adopt
64 reasonable procedures for this process that shall not abridge this membership right nor unduly
65 burden the Secretary-Treasurer.” Furthermore, Article VII(D)(12) provides that the Executive
66 Board shall “Establish procedures to allow the membership to review PEF membership records
67 and financial documents.”
68

69 Based on the foregoing, the Constitution vests the Executive Board with the power to adopt
70 procedures for accessibility to financial records. In so far as the resolution would establish a
71 procedure for the accessibility of financial records, it would infringe upon the Executive Board’s
72 constitutional role.
73

74 Finance Department Comment on Fiscal Impact

75 Fiscal impact is the time required to pull together all of the information requested from this
76 member item each quarter.
77

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

RESOLUTION 6

Convention and Executive Board Transcripts Available to PEF Members - update to existing Policy

Whereas, the requirement for online access to Executive Board and Convention transcripts pursuant to the 2007 PEF Delegate Convention resolution entitled, "Availability of Convention and Executive Board Transcripts to PEF Members" was suspended until such time as security of said transcripts can be reasonably assured and

Whereas, under the Kent administration, Executive Board and Convention transcripts were made available to all PEF members in a secure site on the www.pef.org site and

Whereas, the practice of making transcripts available has become an obstacle for PEF members and the current practice is unclear and

Whereas, PEF members are entitled to full transparency regarding the meetings of two of the highest bodies in PEF and the current administration cited transparency as one of their core values while campaigning for re-election,

Therefore, be it resolved that the Secretary Treasurer will create an accessible electronic portal on the www.pef.org site via the members only link to make Executive Board and Convention transcripts available to all PEF members at no cost.

Financial Impact: Since a previous method was used by PEF, the MIS office can identify a viable protective software for installation on the www.pef.org website at a minimal cost.

Submitted by

Carlos J. Garcia
Division 194 Council Leader
Executive Board Seat #77

Resolution 6 Staff Comments:

This Comment was prepared by the Secretary-Treasurer's Office

Because of the anti-union forces seeking to undermine the good work unions perform for their members, it is our responsibility to be increasingly diligent in protecting our information. While minutes are available online, as of September 2008, the official transcripts are not. This is for security reasons. If anyone wants to review the transcripts, they may make an appointment go to any of the twelve regional offices.

This Comment was prepared by the Legal Department

We do not see legal or constitutional impediments to the resolution.

47 This Comment was prepared by the Organizing Department
48 Transparency is undoubtedly crucial in any organization, especially a union. However, we must
49 also be mindful of potential risks and unintended consequences. Sharing these transcripts
50 without adequate security measures in place could inadvertently provide anti-union organizations
51 with valuable insights into our strategies, discussions, and decision-making processes. Such
52 information could be exploited to weaken our union and sow discontent among our
53 membership. Until we can implement robust security measures that prevent the unauthorized
54 copying and distribution of these transcripts, we must exercise caution. It is not about hiding
55 information but rather safeguarding our union's integrity and protecting the interests of our
56 members.

57
58 This Comment was prepared by the MIS Department

59 Starting in 2013, PEF MIS sourced a software vendor from overseas that would allow PEF MIS
60 to maintain a section on the PEF website that enabled authenticated PEF Members to download a
61 custom web browser that would disable the cut, copy, paste, screen captures, printing, etc. on the
62 system running the secure web browser while accessing transcripts. Sometime between 2013
63 and 2016, the software vendor underwent a change in ownership and the vendor's website went
64 offline for almost 3 months. When PEF MIS needed to upgrade our web server in late 2017 and
65 we reached out to the new owner for installation instructions/assistance to re-enable the
66 functionality described above, the new ownership required full administrative privileges to the
67 new web server to install the protection software on the web server themselves. In addition to
68 providing the vendor with full administrative access to the web server PEF MIS was not allowed
69 to view the installation process or monitor what was being installed or configured. These
70 requirements were not part of the original installation and setup conducted in 2013 and were in
71 clear violation of our established practices with external vendors and cyber security best
72 practices.

73
74 In 2018, MIS introduced a secure PDF reader approach as an alternative to the secure web
75 browser method. However, to install the necessary secure PDF reader software, users were
76 required to disable multiple security features on their personal computers. This step was
77 necessary because the software needed deep system access to prevent copying or printing of the
78 secure PDF documents, and standard security settings would often flag the software as
79 malicious. Furthermore, some users encountered issues where their computers blocked the
80 software even after relaxing security settings, resulting in failures while trying to access the
81 transcript documents. The secure PDF reader method added additional risk on top of sharing
82 sensitive information, as it instructed members to compromise or disable their default security
83 settings on personal devices to enable the dissemination of these documents.

84
85 Furthermore, since 2013, there has been major advancements in text recognition technology
86 enabling smartphones to capture images and extract text in a digital form in seconds. This
87 functionality can be found in Google Photos on Android devices and the Live Text button
88 available on photos taken with Apple's iOS. This effectively breaks all protections and
89 restrictions that the above software tools provided. We have not identified any tools or solutions
90 that can deal with that type of technology to demonstrate due diligence and care in protecting this
91 sensitive information.

92

93 This Comment was prepared by the Executive Department
94 No method of online access to transcripts have been workable and secure since initiated in 2013.
95 From the initial software in 2013, which was ineffective and not workable for most members, to
96 other subsequent attempts, members have been forced to either make their personal equipment
97 insecure and susceptible to cyber threats or be frustrated by the ineffective software. To date the
98 safest way is visual examination of the transcripts at a PEF office under supervision. That meets the
99 intent of access and security.
100
101 Finance Department Comment on Fiscal Impact
102 Costs for this resolution are difficult to estimate due to significant security concerns.

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

RESOLUTION 7

Sick Leave credit and healthcare subsidy should be paid in cash with pension

Whereas the cash value of accumulated sick leave credit is used to pay for healthcare premium after retirement at present,

Whereas many employees are not able to make full use of credit if their healthcare premiums are less than sick leave credits, especially those who seek single coverage or they are eligible for healthcare coverage from any other jobs like military veterans,

Whereas state continues to subsidize healthcare premiums for employees and dependents even after retirement and Medicare eligible active employees,

Whereas many Medicare Advantage and Medicare supplemental plans offer better benefits at lower costs, especially for dependents of Medicare eligible active and retired employees,

Therefore, be it resolved that PEF will make its best effort to give the option of getting the cash value of sick leave credit and healthcare subsidy for employees and dependents in cash installments with pay for Medicare eligible active employees and along with pension to retired employees.

Financial Impact – Minimal. This should be a part of normal PEF activity.

Sponsors:

Mithilesh Kumar, Steward Div. 357, ITS.

Michael Tracy-Ireland, Steward, Div. 357 ITS.

Sky Bell, Steward Div,357, ITS.

Ron O’Bryan, Chair, Labor Management Committee, Div 357, ITS.

Chris Difilippo, Steward, Div 357, ITS.

Heather Craven, Secretary, Div. 357.

Gary Moore, Steward, Div. 357, ITS.

Sam Win, Steward, Div 357, ITS.

Mihir Vasavada, Div 357, ITS.

Harini Vasavada, Div. 357, ITS.

Bharati Verma, Div. 295, DOS.

Resolution 7 Staff Comments:

This Comment was prepared by the Contract Administration Department

Currently, accumulated sick leave may be used in two ways upon retirement. Under Article 12.8(a) of the 2023-2026 Contract, PS&T unit members may apply up to 200 days of sick leave to retirement service credit and they may simultaneously use those 200 days of sick leave as a credit to pay for NYSHIP insurance premiums in retirement. The value of the sick leave is calculated by applying the NYSHIP actuarial tables specified in Article 9.13. It should also be noted with respect to the preamble of this resolution that eligible PEF retirees always have the

47 option to enroll in NYSHIP insurance to supplement Medicare, Tricare (military insurance), or
48 private insurance. In this way, all PEF retirees may make use of their accumulated sick leave
49 credits.

50
51 The resolution instructs, in its “therefore” clause, that: “PEF will make its best effort to give the
52 option of getting the cash value of sick leave credit and healthcare subsidy for employees and
53 dependents in cash installments with pay for Medicare eligible active employees and along with
54 pension to retired employees.” Unfortunately, there is a great deal of ambiguity in this resolution
55 as currently written. It is unclear whether these efforts are to be through contract negotiations,
56 legislative advocacy, or some other means. Contract Administration is also unsure of the
57 meaning and intent in the last phrase of the resolution: “and along with pension to retired
58 employees.” The resolution would be improved by more specifically defining the change that is
59 being sought and the means by which the change is to be pursued.

60
61 Please note, if a change to the PEF/State Agreement is intended, contractual provisions cannot be
62 created by the convention delegates in and of themselves, but rather would need to be negotiated
63 with the State through collective bargaining. If PEF were to refuse to enter into an agreement
64 unless such an article was included, that could be considered failing to bargain in good faith.
65 Notwithstanding the ambiguity discussed above, Contract Administration takes this resolution to
66 mean that the sponsors want a legislative or contractual change, such that PEF members may
67 obtain the cash value of their sick leave upon retirement, in installments, so that the money may
68 be used as a subsidy for payment of the premiums of other health insurance plans apart from
69 NYSHIP. If the resolution’s authors intend a contractual amendment, not a legislative solution,
70 to effect this change, the following analysis is applicable.

71
72 Cash payment for accumulated sick leave at the termination of employment is a mandatory
73 subject of bargaining under the Taylor Law. *Teachers Assn, Cent High Sch Dist. No. 3 v. Board*
74 *of Education, Cent. High School Dist. No. 3*, Nassau County, 34 AD2d 351, 3 PERB ¶8012 (2d
75 Dept 1970). By contrast, retiree benefits are typically not a mandatory subject of bargaining
76 under the Taylor Law. Consequently, negotiations to implement this resolution through changes
77 in the Contract may be stymied, at least to the extent that sick leave cash would be paid in
78 installments for non-NYSHIP medical benefits rather than a pay-out at separation from service.
79 The Public Employment Relations Board (PERB) has reasoned under the *Cohoes Conversion*
80 *Theory of Negotiability*, that matters which are non-mandatory in nature may become mandatory
81 subjects of bargaining if the contract already contains such matters. *See In the Matter of Town Of*
82 *Olive Police Benevolent Association, Charging Party, and Town Of Olive*, 52 PERB ¶ 4509,
83 Case No. U-35141 (March 7, 2019). In practice this theory has been applied sparingly by PERB,
84 and most frequently applies to matters of staffing and scheduling which would typically be non-
85 mandatory subjects of bargaining. Nevertheless, Article 12.8(b), which defines the current sick
86 leave retirement-subsidy benefit is currently in the Contract. Thus, Contract Administration
87 would argue that modification of Article 12.8(b) would fall within the scope of the Cohoes
88 Conversion Theory of Negotiability. Under this Theory, we could argue that the State must
89 negotiate modifications of Article 12.8(b) in accordance with this resolution.
90 In sum, cashing out sick time is absolutely a mandatory subject of bargaining, but applying the
91 cash value in installments to pay for medical insurance/benefits outside of NYSHIP after
92 separation from service may be difficult to implement, because retiree benefits are a non-

93 mandatory subject of bargaining under the Taylor Law. The *Cohoes Conversion Theory* offers a
94 path to success, but not a fully reliable one. We suggest that this resolution be clarified and that
95 to the extent it is seeking a contractual provision to address the issue, language should be
96 included “recommending” that the Contract Team pursue such a contractual change.
97
98 Finance Department Comment on Fiscal Impact
99 No significant financial impact.
100

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

RESOLUTION 8

Agencies Responsibility when they Outsource to the Business Service Center

Whereas agency management is responsible to provide accurate information to the Department of Civil Service and the Office of the State Comptroller that affects our members health insurance coverage, and pension benefits; and

Whereas some agency management choose to outsource these responsibilities to the Business Service Center (BSC); and

Whereas the BSC in many cases seem to not allow for the perspective and rights of our members to correct or even question information and determinations they decide; and

Whereas PEF members desire accurate, timely responses from the BSC but the BSC demonstrates a lack of engagement with PEF members in addressing their concerns and queries, often responding with impersonal links to publications instead of considerate dialogue.

Therefore, be it resolved that this Convention and its delegates direct that PEF develop a policy and a communication that clarifies the expectation that agencies remain responsible and involved when outsourcing administrative duties to the BSC. These communications shall be made available to divisions and members so they can use them to communicate with agency management through the labor management process and other available means, ensuring that agencies continue to be responsible and involved in these administrative duties.

Be it further resolved that this communication make clear to agencies that although they have outsourced these responsibilities to the Business Service Center, that they remain responsible to allow our members and their representatives the opportunity to present their perspective and be heard. PEF Field Staff shall be trained to follow up with the BSC on behalf of members.

Be it further resolved that the communication will include an expectation that Agencies will either present our members' perspectives to the BSC decision-makers in their quarterly meetings or reclaim and fulfill their responsibility to directly provide accurate information to the Department of Civil Service and the Office of the State Comptroller.

Be it further resolved that this body sets a policy that PEF shall develop a special email address (e.g., BSCISSUES@pef.org) to be communicated to our members and their representatives. This email address will be used to document issues experienced with the BSC, providing a sense of the volume and severity of these issues, and allowing PEF to communicate this information to agency management and New York State to reduce the occurrence of these issues and thereby raise the morale of our members and the state workforce.

The estimated fiscal impact resulting with the passage of this resolution is minimal (perhaps \$100 to \$500) considering that it is an integral part of what our union does for our members.

47 Respectfully submitted by:
48 Mario Chiarello – Executive Board Member – Seat # 172 – ITS
49
50 Co-Sponsored by:
51 Mamadou Balde – Steward – Div. 357 – ITS
52 Kristina Tereburke – Steward – Div. 357 – ITS
53 Christopher Ford – Executive Board Member, Council Leader – ITS
54 Ron O’Bryan – L/M Chair Div. 357 – ITS
55 Reissa Alderman – Steward Div. 357 – ITS
56 Dana Blair – Steward Div. 357 – ITS
57 Elaine Peters – Guthrie – Steward Div. 357 – ITS
58 Joe Ugino - Steward Div. 357 – ITS
59 Heniu Matala - Steward Div. 357 – ITS
60 Mithlesh Kumar - Steward Div. 357 – ITS
61 Gary Moore - Steward Div. 357 – ITS
62 Ion Tomlin - Steward Div. 357 – ITS
63 Heather Craven – Div. 357 Secretary, Executive Board Member – Seat # 176 – ITS
64 Rita Jordan - Steward Div. 357 – ITS
65
66
67

68 **Resolution 8 Staff Comments:**
69

70 This Comment was prepared by the Organizing Department
71 The Organizing Department has no objections to the adoption of this resolution.
72

73 This Comment was prepared by the Statewide Field Services Department
74 Field has not received significant complaints about communication difficulties at BSC. We
75 typically see agencies failing to provide BSC the information needed to process the issues, not
76 the other way around.
77

78 That said, our interpretation of this resolution is that it seeks to have PEF write a formal letter to
79 agencies that utilize the BSC for payroll and accrual issues demanding greater involvement
80 between the agencies utilizing the BSC and the BSC itself and that Field Services staff be
81 trained in “following up” with the BSC regarding issues that members are having. Improving
82 services and responsiveness from the State is laudable. However, it is unclear from this
83 resolution specifically what problems members are facing and what improvements are being
84 sought. The Field Services department makes the following observations:
85

86 The BSC is staffed largely by PEF-represented members under the authority of the Office of
87 General Services. We would first recommend that interested PEF leaders speak with the PEF
88 leaders at OGS (as of this writing, BSC has no active PEF leaders) to discuss concerns they have
89 so that the union leadership can come together and discuss viable solutions to present to
90 management.
91

92 Agency-specific concerns should be raised by the LM Chair at the particular agency. Issues that
93 rise to the level of a contract grievance could be referred to any steward or field representative
94 for processing. Moving non-contractual enforcement issues to Field Services staff would appear
95 to subvert the Constitutional role and authority of LM Chairs. Field Services can support LM
96 chairs and assist any leader or member with any question. However, by democratic design, it is
97 not staffed sufficiently to carry issues like this alone. Thus, to the extent training is needed on
98 this issue, it would need to include all leaders.
99

100 Due to the confidentiality of payroll and leave records, including FMLA, Field Services does not
101 have direct access to the information at BSC. As such, PEF has to send members to the BSC to
102 receive answers and guidance based on their unique situation. Field Services and PEF leadership
103 can then clarify and corrects the information with the agency via conversation, LM, or the
104 grievance process as appropriate. It is therefore not clear what training or changes in the role of
105 the field representative here are being asked or may be necessary to meet the stated goals of the
106 resolution. We are not aware of any concerns from leadership or members that PEF has not been
107 able to assist them with issues at the BSC.
108

109 A letter outlining the concerns and problems faced by members at BSC would be best directed at
110 OER as the liaison between NYS and PEF for Executive LM. Again, a list of specific concerns
111 and problems would be very helpful in crafting this letter and discussing possible solutions. The
112 estimated fiscal impact is likely low, because monitoring and triaging issues at the BSC on a
113 statewide level will require significant staff time in terms of follow up, delegation, tracking and
114 reporting. This will either require additional staff to address these concerns or will require Field
115 services to de-prioritize other services in favor of finding a staff person to monitor and report
116 these concerns. Moreover, setting up an additional mailbox for a specific issue of indeterminate
117 duration is problematic, as we cannot feasibly do that for every important issue.
118

119 It is also not clear what “members and representatives” would need to see concerns in the
120 mailbox. At present, members call, email, or use the Webmaster “Contact us” feature on the
121 PEF website to communicate their issues.
122

123 In conclusion, while Field Services is supportive of improving communications between BSC,
124 agencies and members, as far as we are aware, we have not had any issues we could not handle,
125 and we are not aware of issues affecting members writ-large that need to be addressed by
126 resolution. We would welcome conversations and discussions on this issue to offer assistance.
127

128 This Comment was prepared by the Contract Administration Department

129 We do not see any contractual or bargaining impediment with adopting this resolution.
130 However, Contract Administration defers to Field Services’ comments in general and in
131 particular with regard to addressing BSC issues in Agency and Executive level
132 labor/management forums. We would also note that any advocacy on this matter will likely run
133 up against the State’s likely position that pursuant to Article 5 of the PEF/State Agreement
134 (Management Rights), the State has the right to “determine the facilities, methods, means and
135 number of personnel required for conduct of State operations.” This would seemingly give the
136 State broad authority to decide which agency, or agencies, deliver services or perform duties on
137 behalf of the State.

138 Finance Department Comment on Fiscal Impact
139 The resolution mentions training of staff, which depending on the type of training, could cost a
140 significant amount of money due to the need for lodging, meals, and the cost of a trainer. The
141 resolution also discusses an email address which would increase the number of email addresses
142 that PEF has, increasing the cost.
143

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

RESOLUTION 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PEF DUES POLICY

WHEREAS, PEF’s current dues amount of 0.9 percent of salary has been in effect since April 1 of 2001;

WHEREAS, The dues structure put in place in 2001 was prior to the Janus case being decided when all members of the PS&T bargaining unit (i.e. fee payors) where required to pay money into the bargaining unit;

WHEREAS, As a result of the Janus decision, PEF needs to maintain the highest level of services possible to retain and attract new members;

WHEREAS, Since 2001, New York State, and the Country as a whole, have gone through unprecedented inflation and cost increases;

WHEREAS, While PEF has endeavored to keep expenses and costs to a minimum, an increase in dues is necessary to keep up with these cost increases and to provide the services the members need and deserve;

WHEREAS, By increasing dues in a small and incremental way, PEF can have additional resources for member engagement, additional staff, divisions and other key priorities of the union;

THEREFORE BE IT RESOLVED, Effective April 1, 2025, the union will modify its dues structure to 1.0 percent of salary with no cap on earnings;

BE IT FURTHER RESOLVED, Effective April 1, 2027, the union will modify its dues structure to 1.1 percent of salary with no cap on earnings.

- Fiscal Impact:** Additional revenue to PEF
- Fiscal Year 2025(4/1/25-3/31/26) \$4,873,335 (per Ray Brown on what this number would be)
 - Fiscal Year 2026(4/1/26-3/31/27) \$4,970,801 (per Ray Brown on what this number would be)
 - Fiscal Year 2027(4/1/27-3/31/28) \$10,140,435 (per Ray Brown on what this number would be)

Submitted By:
David Dubofsky Region 5 Coordinator

- 33 Leisa Abraham Region 3 Coordinator
- 34 Myron Getman Executive Board Seat #190
- 35 Ross Dorsey Executive Board Seat #430
- 36 Scott Staub Executive Board Seat #445
- 37 Nicole Tarson Executive Board Seat #280
- 38 Bellew McManus Executive Board Seat #169
- 39 Germaine Greco Executive Board Seat #455
- 40 Albert Famularo Executive Board Seat #380
- 41 Barb Stransky Region 7 Coordinator
- 42 Maureen Kozakiewicz Executive Board Seat #420
- 43 Monica Moore Region 4 Coordinator
- 44 Michele Iorfida Region 1 Coordinator
- 45 Angela Reh Executive Board Seat #290

46
47

48 **Resolution 9 Staff Comments:**

49

50 This Comment was prepared by the Legal Department

51 We do not see legal or constitutional impediments to the resolution.

52

53 We do observe that Article XXII(H) of the Constitution provides that “The membership shall be
54 given 60 days written notice of the pending consideration by an upcoming Convention of any
55 change in the dues or dues structure.” In light of the resolution’s proposed change in dues, such
56 notice was provided on July 15, 2024, via a story distributed to members by email.

57

58 In addition, under Article XV, “Dues for all categories shall be set by a sixty percent (60%) vote
59 of the Convention.”

60

61 This Comment was prepared by the Finance Department

62 The numbers presented are accurate based on membership totals of 51,000. We are now over
63 52,000 members so the revenue increase would be higher using the current membership levels.
64 What is not considered is the potential impact of losing membership due to an increase in dues.

65

66 Finance Department Comment on Fiscal Impact

67 The numbers presented are accurate, assuming a 2% contractual salary increase each year and
68 total membership of 51,000.
69
70
71
72

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

RESOLUTION 10

Enhancing Professional Examination Transparency, Occurrence, and Relevance

Description: New York State agencies face high turnover rates and a lack of professional staff in promotional positions, which significantly impacts service delivery. As such, we propose the following resolution:

Whereas: The mission of the New York State Department of Civil Service is to build and support a diverse, talented, and effective state workforce by administering the civil service system, developing fair and valid examinations, managing job classifications and compensation, and promoting professional development and diversity initiatives;

Whereas: The current civil service examinations for Professional, Scientific, and Technical (PS&T) professionals do not adequately reflect the technical skills and knowledge required for their roles, resulting in delays in hiring and promotion or the hiring and promotion of individuals whose qualifications may not align with job demands;

Whereas: There is a lack of a clear and transparent schedule for civil service examinations, including those for promotional positions, causing uncertainty and difficulties in career advancement planning, and halting promotions for PS&T professionals;

Whereas: The existing skill inventory, derived from available questionnaires, does not comprehensively capture the diverse and evolving skill sets needed in agency-specific fields, leading to gaps in the assessment and utilization of work talent; and,

Whereas: The process for establishing eligible lists for promotional positions lacks transparency, leading to confusion and uncertainty among candidates about their status and prospects for promotion;

Therefore be it resolved: That PEF should recommend the formation of a broader collaborative committee involving various agency representatives, the Department of Civil Service, and other relevant stakeholders to regularly review and dynamically update the schedule, skill inventory and examination content to ensure they remain aligned with current industry standards and technological advancements and better assess candidates' professional, scientific, and technical competencies.

Be it further resolved: That PEF should advocate for the publishing of a clear and transparent schedule for all promotional examinations, providing visibility for at least one to two years in advance, to facilitate understanding of the occurrence rate, better planning, and preparation for exam-taking professionals.

Be it further resolved: That PEF should work towards promoting a timely delivery of an advanced tentative schedule for examination requests, including promotional ones and publishing clear Test Guides for all New York State examinations.

36 **Be it further resolved:** That PEF should advocate for enhancing the transparency of the process
37 for establishing eligible lists for promotional positions by regularly updating candidates on their
38 status and the criteria used for list establishment.

39 **Fiscal Impact:** Minimal (\$200-\$300), as it involves collaboration and utilization of existing
40 resources within PEF, and the Department of Civil Services to revise and maintain the
41 examination schedule and skill inventory.

42 **Submitted by:**

43 Kristina Tereburke, PEF Division 357 Steward

44 **Sponsored by:**

45 Christopher J. Ford, PEF Division 357 Council Leader

46 Jim Desso, PEF Division 357 Ast. Council Leader

47 Andrew Michela, PEF Division 357 Treasurer

48 Heather Craven, PEF Division 357 Secretary, Executive Board Seat 176

49 Mario Chiarello, PEF Division 357 Steward

50 Mamadou Balde, PEF Division 357 Steward

51 Ron O'Bryan, PEF Division 357 Steward

52 Eugene Broughman, PEF Division 357 Steward

53 Lola Barranco, PEF Division 357 Steward

54 Henry Matala, PEF Division 357 Steward

55 Traci Scalzo, PEF Division 357 Steward

56 Sky Bell, PEF Division 357 Steward

57 Rita Chowdhury Jordan, PEF Division 357 Steward

58 Ion Timotin, PEF Division 357 Convention Delegate

59 Prakash Lal, PEF Division 357 Steward

60 Reissa Alderman, PEF Division 357 Steward

61 Justin Hoellig, PEF Division 357 Steward

62 Elaine Peters-Guthrie, PEF Division 357 Steward

63 Lilani Asmara, PEF Division 357 Steward

64 Gary Moore, PEF Division 357 Steward

65 Rita C Jordan, PEF Division 357 Steward

66

67

68 **Resolution 10 Staff Comments:**

69

70 This Comment was prepared by the Civil Service Department

71 The Civil Service Department agrees the formation of a committee could be a benefit. PEF is clearly a
72 stakeholder with respect to examinations, as are the agencies. Having all stakeholders involved in assessing
73 NYS DCS's exam program and making suggestions for improvement would be advantageous to all. Doing
74 this would provide DCS with information and viewpoints it doesn't currently have access to, especially
75 PEF's.

76 It should be noted that skills inventories are used for selective certification, which has been used
77 inappropriately at ITS to promote candidates with low written test scores. In the past, this has been a

78 major issue for PEF members at ITS. Any opportunity to work with DCS and discuss selective
79 certification would be especially helpful.

80 Exam scheduling is done according to DCS's resources and vacancies in State job titles, among other
81 things. Those can change dramatically over the course of a year or two, so long term scheduling would be
82 very difficult. We would recommend continuing to monitor DCS's staffing levels and advocating that they
83 hold more exams and open more test centers. Some members have had to travel for several hours to get to
84 their assigned test site due to DCS's lack of adequate test sites.

85 We agree with the recommendation that DCS should publish more test guides than it currently does.
86 Currently, PEF is working on having a set of test guides published and available to members.

87 It seems reasonable to advocate that DCS share more information regarding list appointments. Providing
88 information on declinations and related aspects would help members to understand how a candidate with
89 a low score was promoted. Also, advocating that eligible lists are kept up to date would be helpful
90 because when inaccuracies occur on eligible lists it causes quite a bit of angst among the affected
91 members.

92 The fiscal impact should also consider the staff time and resources in carrying out the work presented in
93 the resolution including meetings, guides, review of materials and advocacy which could be considerable.

94 This Comment was prepared by the Communications Department

95 The Communications Department sees no significant issues with this resolution. If enacted, we have the
96 resources to cover the efforts of a collaborative committee and publicize their work product.

97
98 This Comment was prepared by the Contract Administration Department

99 We know of no contractual impediment to the adoption of this resolution.

100

101 This Comment was prepared by the Statewide Field Services Department

102 Field Services agrees wholeheartedly with this resolution. PEF has been very successful over the past few
103 budget cycles to advocate for increases in resources for the Department of Civil Service to carry out its
104 Constitutionally required merit and fitness programs. Unfortunately, however, we have seen more
105 attempted erosion of merit and fitness by the state as they argue that they need more candidates for the
106 vacancies. Field Services feels very strongly that the merit and fitness system protect the State of New
107 York from cronyism and nepotism and PEF must lead in ensuring these protections are not sidelined.

108

109 We also observe, however, that the fiscal impact statement is unreasonable as these meetings, guides and
110 advocacy would take considerable staff time and resources to the extent the resolution expects staff to be
111 involved in the creation and review of these materials.

112

113 Finance Department Comment on Fiscal Impact

114 While the cost of the resolution may appear minimal, we must take into account the staff time associated
115 with doing the work presented in the resolution. The meetings, guides, and advocacy presented in the
116 member item would take considerable staff time and resources to the extent that the resolution expects
117 staff to be involved in the creation and review of the materials.

118

119

120

121

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

RESOLUTION 11

Article 33

Whereas a review and modification of Article 33 is a top priority

Therefore, be it resolved that the PEF contract committee establish a 90 day time frame for employers to conclude an investigation.

Submitted by: Gabriela Franklyn

Resolution 11 Staff Comments:

This Comment was prepared by the Contract Administration Department

As written, we see contractual and bargaining impediments to this resolution. This resolution would require “the PEF [C]ontract [C]ommittee to establish a 90-day timeframe for employers to conclude an investigation.” Please note, contractual provisions cannot be established by either the Convention delegates or the PEF Contract Committee. Rather, contractual terms must be negotiated with the State in the collective bargaining process. If PEF were to refuse to enter into an agreement unless such a provision/term was included, that could be considered failing to bargain in good faith. *This concern can be alleviated if the resolution were simply amended to “recommend” or “suggest” that the Contract Team attempt to negotiate such a provision in the next Agreement.*

Turning to the substance of the resolution, the proposal to limit the period of time during which the employer may investigate an issue also has practical and legal impediments. Limiting an employer’s investigation may actually be a non-mandatory subject of bargaining. The Public Employment Relations Board (PERB) has issued several decisions indicating that procedures pertaining to preliminary investigations are a nonmandatory subject of bargaining. While it could be argued that the time-period for an employers’ investigation touches on the terms and conditions of employment and is therefore a mandatory subject of bargaining, it is unclear if this argument would prevail.

That being said, it would be possible, albeit difficult, provided the resolution is amended, to try to change the language of Article 33.5(h) such that a Notice of Discipline (NOD) must be issued within 90 days of an act, except where an act that would constitute a crime is alleged. The current language of 33.5(h) limits the State’s authority to issue a NOD to acts that occurred one year or less from the date of the Notice of Discipline except where an act that would constitute a crime has been alleged. Reducing the timeframe to issue an NOD would not necessarily prevent the State from continuing to investigate a matter after the NOD has been issued, but it would satisfy what we infer is the main thrust of this resolution – a means to contain spurious State investigations.

46 Finally, Contract Administration notes that a shorter period during which the employer must
47 investigate and issue an NOD, may not be to our members’ benefit as aptly noted by both the
48 Field Services and Legal Departments.

49
50 This Comment was prepared by the Statewide Field Services Department
51 This resolution appears to direct PEF to advocate for additional language in Article 33 that limits
52 the time that the employer has to investigate a disciplinary matter to 90 days. This would conflict
53 with current language that allows the State to discipline someone for something that happened
54 more than one year prior to the issuance of the NOD if the conduct would be considered a crime.

55
56 While Field Services is very empathetic to those who go through lengthy investigations, we
57 observe that these lengthy investigations are generally to the members’ benefit. Over time,
58 evidence becomes stale, witnesses become reluctant or leave state services, and memories fade.
59 It is our opinion that while the uncertainty can be challenging, members are in a better position if
60 investigations take longer than 90 days.

61
62 This Comment was prepared by the Legal Department
63 As we understand the resolution, it resolves to modify Article 33 of the PEF/State Agreement to
64 establish a 90-day time frame for employers to conclude an investigation. We first note that the
65 convention delegates may not revise Article 33: revisions would need to be mutually agreed
66 upon by PEF and the State through collective bargaining.

67
68 If we read the resolution to *recommend* that the contract team work to revise Article 33, we offer
69 the following comments. Article 33.5(h) provides that “An employee shall not be disciplined for
70 acts, except those which would constitute a crime, which occurred more than one year prior to
71 the notice of discipline.” While the proposal calls for a 90-day period for employers to conclude
72 an investigation, it does not provide that the employer would only have until the end of that 90-
73 day window to issue a Notice of Discipline. Accordingly, we do not see the proposal as
74 changing the current requirement that members may not be disciplined for acts, except those
75 which would constitute a crime, which occurred more than one year prior to the Notice of
76 Discipline.

77
78 Next, we have questions concerning the implementation of the resolution. For example, the
79 following questions are left unanswered: How exactly would “investigation” be defined – would
80 it be when the employer first learns of an issue requiring an investigation; when an issue is
81 referred for an investigation; when an investigation is formally opened; when an interview or
82 interrogation takes place, or some other measurement? What would constitute the
83 commencement of an investigation? How would PEF and/or the employee be notified, if at all,
84 that an investigation has commenced? What would constitute the conclusion of an investigation?
85 How would PEF and/or the employee be notified, if at all, that an investigation has concluded?
86 What consequences, if any, would follow if an investigation were not concluded within 90 days?
87 If an investigation is concluded, could it be reopened if additional facts became known, and, if
88 so, would a new 90-day time frame begin?

89
90 Additionally, placing a time frame on the conclusion of an investigation may not be in our
91 members’ interests. Again, as highlighted above, concluding an investigation within 90 days

92 would not prevent the employer from issuing charges after that 90-day period. Second, adding a
93 deadline for the conclusion of investigations may propel employers into issuing hasty charges
94 without all of the facts. Instead of conducting full and fair investigations, employers may feel
95 pressured to issue charges. Moreover, as a disciplinary suspension and Notice of Discipline are
96 generally not issued until the conclusion of an investigation, a prolonged investigation may – at
97 the very least – delay an employee’s suspension and disciplinary charges. Finally, through a full
98 and fair investigation the employee has the chance to tell his/her side of the story, present
99 exculpatory information, and suggest favorable witnesses. If an investigation is short-circuited,
100 an employee’s right to a full and fair investigation may be jeopardized.

101

102 Finance Department Comment on Fiscal Impact

103 No fiscal impact statement is provided.

104

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

RESOLUTION 12

Training

Whereas a creation of joint labor and management staffed committees is a top priority.

Therefore, be it resolved that labor staff be appointed to review and provide input towards the development of agency employment training modules

Submitted by: Gabriela Franklyn

Resolution 12 Staff Comments:

This Comment was prepared by the Statewide Field Services Department

It is not clear what the resolution is asking regarding the creation of joint LM Committees. PEF leaders that are struggling with the development of their LM Committee can reach out to their field representative for help. They can also access LM training benefits under Article 15. In addition, PEF's Education and Training Department is developing joint LM training with OER which Field has assisted in reviewing to ensure that it supports the needs of the LM chairs.

This Comment was prepared by the Education and Training Department

As Field Services has noted, the PEF's Education and Training Department is developing joint LM training with OER to ensure that it supports the needs of the LM chairs. Agencies develop their own employment training modules without union involvement. LM committees can try to make recommendations or suggestions where warranted.

Finance Department Comment on Fiscal Impact

No fiscal impact statement is provided.

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

RESOLUTION 13

Lawsuit Disclosures

Whereas PEF obtains about \$40 million in union dues from its' \$52,000 members, and

Whereas, PEF members at an average salary grade 18 will pay about \$800 per year in union dues, and

Whereas, PEF is currently being sued for an “alleged” sexual assault that incurred where “allegedly” no action was taken, and

Whereas, PEF is currently being sued after committing 160 counts of legal malpractice, and

Whereas, at the May 2024 executive board, it was disclosed that over \$200,000 in union dues, money was allocated in the budget toward legal fees for lawsuits, and

Whereas, of the \$200,000 that was allocated, that does not include any awards due to the plaintiff for wrongful behavior of PEF as an institution, and

Whereas, the PEF President, and the Secretary Treasurer under the authority of the PEF president, has demonstrated both power and authority over funding spent on legal fees to defend PEF when charges are brought, and

Whereas, decisions that are made in response to situations, both positive and negative can impact legal fees and have a negative impact on PEF, as an institution, as well as its reputation, and

Whereas, every board member has a fiduciary responsibility to the membership, and

Therefore, let it be resolved that all legal actions taken against PEF will be reported out to the executive board within 5 days; the board will be kept informed of developments as they occur; and the eventual outcome of ongoing litigation. A full report will be provided at the next executive board meeting so that Executive board members can inform their constituents timely and with detail of actions taken toward PEF as well as responses and responsibility taken by PEF to not only respond but to mitigate damages.

Fiscal impact: None. Can be done with existing resources, and accountability will likely save money.

Respectfully submitted:
Gina M. Corona, LCSW-R
Region 4 Coordinator

Angelina Rodriguez
Executive Board Seat # 65

47 Audrey Myers
48 Steward
49
50 Janice Anderson
51 Steward
52
53 Thomas DiTullio
54 Council Leader, Department of State
55
56 Donna DiTullio
57 Auburn Correctional Facility
58
59 James Desso
60 Executive Board Seat # 175
61
62 Annette Everette
63 Council Leader Division 333
64
65 Beth Karalak
66 State Education Department (SED)
67
68 Barbara Fahey
69 Council Leader Division 265
70

71
72 **Resolution 13 Staff Comments:**

73
74 This Comment was prepared by the Legal Department

75 There are numerous inaccuracies contained in this resolution that require correction. First, the
76 allegations against PEF referenced in the third whereas clause have been dismissed. Second,
77 PEF is not being sued for malpractice as claimed in the fourth whereas clause. Third, with
78 respect to the fifth whereas clause, the 2024-2025 budget – which was duly approved by the
79 Executive Board – includes \$200,000 in professional and consulting fees for the Legal
80 Department, a \$75,000 increase over the duly approved 2023-2024 budget. Unfortunately, anti-
81 union forces continue to seek to undermine our union values and, from time to time, PEF is
82 forced to defend against specious claims. In addition, contrary to the resolution’s suggestions,
83 the use of the budgeted funds is not limited to defending PEF and may be used when outside
84 professionals and experts are required in representing individual members. For all of these
85 reasons, it is prudent for PEF to plan accordingly, and the Executive Board saw fit to approve the
86 amount that was presented in the budget. Fourth, regarding the sixth whereas clause, PEF does
87 not owe an award to anyone for wrongful behavior. Further, we observe that PEF has
88 appropriate insurance coverages to protect against awards in any event.

89
90 Beyond the resolution’s myriad inaccuracies, we note that the Legal Department – and indeed
91 every PEF Department – submits a report to the Executive Board for each regular meeting. The
92 report updates the Board on pending and concluded litigation as well as any significant activities

93 of the Department. Furthermore, each PEF Department, including the Legal Department,
94 prepares an annual report for the Convention. The annual report details the major activities of
95 the Department during the past year and provides further information on the functions of the
96 office. In addition, Executive Board members have the opportunity to ask questions at meetings
97 and the Legal Department, as well as the President, regularly provide information and updates in
98 response to those questions. Finally, we note that the Secretary-Treasurer has provided
99 information on legal fees at Executive Board meetings.

100

101 As highlighted above, PEF provides regular updates to the Executive Board. Occasionally, a
102 matter requires discussion in Executive Session. As the resolution does not take into account
103 those matters that require confidentiality in Executive Session, we have concerns with the
104 proposal.

105

106 This Comment was prepared by the Finance Department

107 There is misinformation included in this resolution. The FY2025 budget includes \$200,000 in
108 professional fees for the legal department, not for strictly legal fees as the resolution suggests.
109 While these professional fees dollars can be used to hire outside legal help to defend PEF, it can
110 also be used to hire outside help when handling cases for the membership or when PEF is the
111 plaintiff in a case in which outside experts are needed. Also included in this budget line are
112 processing fees for the various services provided by the PEF legal department. Also, the
113 Secretary-Treasurer has provided information on legal fees and staff time costs for open
114 litigation at executive board meetings.

115

116 Finance Department Comment on Fiscal Impact

117 No significant financial impact

118

119

120

121

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

RESOLUTION 14

Term limits

Whereas, the most important obligation an elected officer can have is to prioritize the membership of which he or she is responsible, and

Whereas, when an elected officer takes office, it is a temporary position, and not a career choice, and

Whereas, when an elected officer is elected to office as part of their “work” responsibilities, altruistic membership union needs should be the priority and focus, and

Whereas, term Limits ensure greater fiscal responsibility and fiscal sensibility, and

Whereas, the longer leaders stay in office, the more of our union dollars are spent on items not directly having a positive impact on the membership but at times, for the benefit of a few, and

Whereas, when leaders stay in office longer, it creates an imbalance of such power that has a negative impact on positive union advancement, and

Whereas, term limits reduce corruption and open our union to new members with new ideas to resolve our member’s issues.

Therefore let it be resolved that term limits of two (2) terms be set forth for the office of President, Secretary Treasurer, Vice President and Trustee with no limit to run for a different office, with no financial incentive (Regional Coordinator, Council Leader, Executive Board Member).

Financial Impact: None. Can done with existing resources as there is an election every 3 years.

Submitted:

Gina Corona, LCSW-R
Region 4 Coordinator

Angelina Rodriguez
Executive Board Seat # 65

Audrey Myers
Steward

Janice Anderson
Steward

Thomas DiTullio
Council Leader, Department of State

Donna DiTullio

47 Auburn Correctional Facility

48

49 James Desso

50 Executive Board Seat # 175

51

52 Annette Everette

53 Council Leader Division 333

54

55 Beth Karalak

56 State Education Department (SED)

57

58

59 Barbara Fahey

60 Council Leader Division 265

61

62

63 **Resolution 14 Staff Comments:**

64

65 This Comment was prepared by the Legal Department

66 There are constitutional impediments to the resolution.

67

68 The PEF Constitution sets forth the eligibility requirements for elected office, details the rules for
69 nominations, and provides for a three-year term of office. The Constitution does not include
70 term limits and the resolution’s proposal to add the qualification of a limit of two terms would
71 require a constitutional amendment. As the process to amend the Constitution has not been
72 followed, the resolution would violate the Constitution.

73

74 Specifically, the Constitution may only be amended through (1) referendum of the entire regular
75 membership as detailed in Article XVII; or (2) the amendment process set forth in Article XVIII.
76 With respect to referenda, the Constitution provides that a “referendum shall be called by a vote
77 of two-thirds (2/3) of either the Executive Board or the Convention, or by a petition signed by
78 twenty (20) percent of the regular membership, this membership size being the total taken for the
79 last Annual Convention delegate election.” Article XVII(B). If advanced by a vote or petition,
80 ultimately, the referendum shall be held by secret ballot, and the results of a referendum shall not
81 be considered valid unless at least forty (40%) of the regular membership have returned ballots.
82 Here, a referendum has not been called.

83

84 Turning to Article XVIII(A), an amendment to the Constitution may be proposed by a majority
85 vote of the Executive Board; a petition of ten percent (10%) of the regular membership; or by a
86 petition of twenty-five (25%) of the delegates to the previous Annual Convention. In order to be
87 considered for adoption, a proposed amendment shall be submitted in writing to the Secretary-
88 Treasurer at least sixty (60) days prior to the Annual Convention at which it is to be considered.
89 Then, a proposed amendment shall be published in the official publication of PEF at least thirty
90 (30) days prior to the Annual Convention at which it is to be considered. Furthermore, copies of
91 the proposed amendment shall be available for each member of the Convention at least three (3)
92 hours prior to the vote upon the amendment. Finally, a two-thirds (2/3) vote of the members of

93 the Convention present and voting is required to amend the Constitution, provided that an
94 affirmative vote shall represent at least a majority of the registered delegates.

95
96 Based on the foregoing, the process to amend the Constitution has not been followed and the
97 resolution would therefore violate the Constitution.

98
99 This Comment was prepared by the Legislative Department

100 From external legislative and political perspectives, leadership stability and continuity enhance
101 PEFs ability to forge longer-term, more durable relationships with the Governor and legislative
102 leadership. These relationships enhance PEFs ability to achieve positive budgetary, legislative,
103 and other policy outcomes. While regular and fair elections are critical to holding the President
104 and all elected union leaders accountable for their actions or inactions, the imposition of arbitrary
105 term limits for PEF President would create a recognizable power vacuum or “lame duck”
106 situation that could weaken PEF’s leverage with the Executive and in the State Legislature at
107 critical decision points during the legislative session.

108
109 Finance Department Comment on Fiscal Impact

110 The fiscal impact for this resolution is undeterminable.

111

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

RESOLUTION 15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

PEF President's Report

Whereas, it is imperative that the PEF president report out to the Executive Board and the delegate body at their respective meetings, and

Whereas, in recent years, the Presidents report has taken as long as the first day of Executive Board time, and on occasion, upwards near 10 hours, extending into day two, and

Whereas, members of the board should have an opportunity to get to all the business of the union, and

Whereas, the business of the union includes important committees and topics such as Political Action, Member Items, and Trustees Reports, and

Whereas, setting and approving the Agenda includes moving items, and this becomes a large part of the morning on day one, because everyone is fighting to be heard, and

Therefore, let it be resolved that the president report should take no longer than two (2) hours, including videos, guests, guest speakers, etc. so that all agenda items of the executive board that represents the membership are given the attention that they deserve. The two-hour limit does not include the time the members may utilize to ask questions as the two-hour limit is on the president's report.

Fiscal impact: None. More business of the union will be completed.

Respectfully submitted:

Gina M. Corona, LCSW-R

Region 4 Coordinator

Thomas DiTullio

Council Leader, Department of State

Donna DiTullio

Auburn Correctional Facility

Annette Everette

Council Leader Division 333

Beth Karalak

State Education Department (SED)

Barbara Fahey

Council Leader Division 265

47 **Resolution 15 Staff Comments:**

48
49 This Comment was prepared by the Legal Department

50 There are constitutional impediments to the resolution.

51
52 The resolution resolves that the President’s Executive Board report should take no longer than
53 two (2) hours, including videos, guests, guest speakers, etc. Article VII(D)(1) of the PEF
54 Constitution provides that the Executive Board shall “Adopt an agenda for each meeting.”
55 Accordingly, the Executive Board is vested with the exclusive power to adopt its agenda.
56 Because the resolution seeks to set the maximum duration of an agenda item outside of the
57 Executive Board’s approval, it would infringe upon the Executive Board’s constitutional power.

58
59 To the extent that the resolution is merely aspirational, in that it provides that the report “should”
60 rather than “shall” take no longer than two hours, we have the following additional concerns.
61 Under the Constitution, the President is the chief executive officer of PEF; administers all the
62 affairs of PEF; presides at all meetings of the Convention, the Executive Board and Special
63 Meetings; acts as chief spokesperson for PEF; heads delegations and represents PEF at
64 Conventions; calls meetings of the Executive Board and Convention; appoints assistants;
65 provides for the holding of elections; and sets and implements policy between Executive Board
66 meetings, among other duties. The Constitution further details that members shall have the right
67 to receive timely and accurate information relating to the affairs of the union. To this end, and in
68 accordance with his/her constitutional duties, it is essential that the President’s ability to
69 communicate with members is unencumbered. By curtailing the President’s opportunity to
70 report on the important business of the union, the resolution would infringe on the members’
71 ability to receive complete information and would undermine the President’s chance to freely
72 communicate with members.

73
74 In addition, the Executive Board generally meets once in each quarter of the year, and the
75 President’s activities throughout a quarter are significant. Given the varied and important
76 matters that the President shares with members, it strikes us as arbitrary and a disservice to
77 members to limit the duration of his/her report.

78
79 Finally, we observe that the resolution includes “guests, guest speakers, etc.” as part of the two-
80 hour limitation. First, as the resolution seeks to place a limit on particular parts of the agenda,
81 the exact agenda items need to be defined. As drafted, we are left guessing as to what is included
82 in “etc.” so as to fall within the ambit of the two-hour limitation. In addition, the inclusion of
83 guests and guest speakers as part of the two-hour limitation means that the President’s
84 opportunity to report directly to members could be far less than two hours. Finally, to name just
85 a few, guest speakers have included elected officials who are essential in advancing PEF’s
86 legislative agenda; state commissioners who impact our members’ terms and conditions of
87 employment; labor leaders who stand in solidarity with PEF; and representatives from PEF’s
88 affiliates who are vital to PEF’s success. Adding the proposed limitation period would diminish
89 the opportunities for members to hear from these important guests and for the guests to hear from
90 them, thereby weakening PEF’s relationships and capacity to achieve its goals.

91
92

93 Finance Department Comment on Fiscal Impact
94 No significant financial impact.
95
96

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

RESOLUTION 16

Recording of Executive Board Meetings

Whereas, the executive board shall serve as the policy setting body between conventions and will be a form for the exchange of ideas between the representatives of the various membership constituencies to decide upon their common goals after deliberation, and

Whereas, the executive board will meet at least once in each quarter of the year on a regular schedule, and

Whereas, minutes of each board meeting shall include an attendance list and will be recorded by the secretary treasurer, and

Whereas, the minutes will be distributed to the board members at least two weeks prior to the next meeting, and

Whereas, after approval by the board, its minutes shall be maintained at all PEF offices and be available there for inspection by the PEF membership, and

Whereas, routine and consistent inspection has been met with obstinance and barriers, and

Whereas, the written recording of board minutes can only reflect the written interpretation of the auditory word, and

Whereas, the written recording will inevitably miss the behavioral actions and interactions that occur in sessions which are often important in terms of responsibility to the membership, and

Therefore, let it be resolved that all executive board meetings shall be video recorded in its entirety in the interest of full transparency and maintained for the life of the union. Such written minutes will continue to be available as written in the constitution; such additional video/audio recordings will be available to any active member to view upon request.

Fiscal impact: None. Will likely save money for the Union and its members by not soliciting witnesses and statements for allegations that can be cleared up instantly.

Respectfully submitted:

Gina M. Corona, LCSW-R
Region 4 Coordinator

Thomas DiTullio
Council Leader, Department of State

Donna DiTullio
Auburn Correctional Facility

47 Annette Everette
48 Council Leader Division 333
49
50 Barbara Fahey
51 Council Leader Division 265
52
53

54 **Resolution 16 Staff Comments:**

55
56 This Comment was prepared by the Legal Department

57 We have significant concerns with the resolution.

58
59 The resolution resolves that all Executive Board meetings shall be video recorded in their
60 entirety and made available to any active member. At a starting point, the Executive Board may
61 elect to enter into Executive Session. In Executive Session, members have a duty of
62 confidentiality and may be disciplined if they disclose information obtained in Executive
63 Session. The resolution provides that meetings shall be recorded in their entirety without
64 excepting Executive Session. Accordingly, as the resolution provides that any active member
65 would have access to the entirety of meetings, including Executive Sessions, the resolution
66 would violate the sanctity of the confidential sessions. It would also have a chilling effect on the
67 opportunity to have frank, confidential discussions.

68
69 In addition to the considerable concerns set forth above, excluding Executive Session from the
70 resolution would not alleviate our concerns. The Executive Board discusses many important
71 issues during its meetings, including PEF’s internal strategies to achieve its goals. Injecting the
72 use of video recordings into meetings would only increase the chance of PEF’s business making
73 its way to management and/or anti-union forces. This could in turn corrode PEF’s efforts to
74 improve members’ terms and conditions of employment. Moreover, offering the potential for
75 management and/or anti-union forces to have a spotlight on members during meetings may incite
76 further scrutiny of Employee Organizational Leave. For all of these reasons, it is PEF’s
77 responsibility to be increasingly diligent in protecting its information.

78
79 We also note that a professional produces a full transcript for Executive Board meetings and
80 members may review general session transcripts. While the resolution opines that a written
81 recording misses “behavioral actions and interactions”, we do not see how such actions and
82 interactions would be particularly elucidating “in terms of responsibility to the membership” as
83 indicated by the resolution.

84
85 Finally, it bears mentioning that the introduction of video recordings – which would be available
86 for viewing by the membership – may lead to theatrics and a certain level of “playing to the
87 camera” that would detract from the important business of the union.

88
89 This Comment was prepared by the MIS Department

90 The stated fiscal impact of the resolution does not accurately reflect the true costs involved with
91 setting up such a recording system. Establishing recording equipment and ensuring adequate

92 storage will undoubtedly require additional budgetary funds for extra staff and technical
93 resources.

94
95 Whether the recordings are managed in-house or by a vendor, this will introduce an additional
96 layer of event and technical management for every meeting. This added responsibility involves
97 coordinating with technical staff to ensure the equipment is set up correctly, managing potential
98 technical issues during the meeting, and handling post-meeting processing and storage. This
99 added complexity could stretch our resources and lead to further logistical challenges. For
100 example, what will be recorded—just the dais, the entire room, or multiple angles?

101
102 There are significant concerns about the retention and editing of these recordings, particularly
103 regarding executive sessions. If these parts of the meetings are recorded, we must determine who
104 will be responsible for editing them and how we can ensure that sensitive information remains
105 confidential.

106
107 This resolution could introduce significant risks and complications. Recording meetings raises
108 our risk profile and the potential for damage to the union if the recordings are mismanaged or
109 inadvertently released to a party seeking to harm the labor movement and/or PEF.

110
111 Finance Department Comment on Fiscal Impact
112 There will be a fiscal impact for this resolution. The cost to bring in the equipment to record the
113 meeting would be substantial. Also, there would be significant cost to store the video data as
114 days long video files would be quite large and take up significant storage space, leading to
115 having to purchase more space continuously as more meetings are held.

116

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

RESOLUTION 17

Accurate and Explicit Financial Reporting

Whereas, the role of the PEF Secretary Treasurer is to manage the finances of PEF as an institution obtained by PEF, members' dues paid, and

Whereas, the Secretary Treasurer gives financial reporting out of all spending at the executive board meetings, and

Whereas, the executive board is like the legislative branch and is there to monitor the expenditures that include funding by members' dues money, and

Whereas, the executive board, made up of the members in good standing, is responsible to the general membership of PEF members that elected them, to represent them, and protect their interests, that includes responsible spending of PEF monies, and

Therefore, be it resolved that the Secretary Treasurer will report out on all expenditures quarterly, and to include line items and attached responsible party/parties, at all board meetings. Reports should be sent to the board at least two weeks in advance for proper time to review and ask questions.

Fiscal impact: None. Can be done with existing resources.

Respectfully submitted:

Gina M. Corona, LCSW-R
Region 4 Coordinator

Thomas DiTullio
Council Leader, Department of State
Donna DiTullio
Auburn Correctional Facility

Annette Everette
Council Leader Division 333

Beth Karalak
State Education Department (SED)

Barbara Fahey
Council Leader Division 265

Resolution 17 Staff Comments:

This Comment was prepared by the Finance Department

46 We are unsure of what this resolution is requesting. The Secretary-Treasurer currently reports out
47 on the expenditures as PEF as a whole, and also the expenditures of each committee within PEF,
48 as well as provide a detailed budget of the spending of each committee and department within
49 PEF. The budget is approved by the Executive Board each year while the financials of the Union
50 are presented at each quarterly meeting and all questions on the financials are answered. The
51 annual audit is presented to the convention delegates by the Secretary-Treasurer and an in-depth
52 presentation of the audit is done by the Partner at the audit firm used by PEF at the fall/winter
53 EBoard meeting. Any and all questions are answered during these segments as well.

54

55 Finance Department Comment on Fiscal Impact

56 Fiscal impact is undeterminable as resolution is unclear.

57

58

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

RESOLUTION 18

Unused Convention Seats

Whereas, the PEF Delegate Convention body is the Highest decision-making body of PEF, and

Whereas, this body has been consistently shrinking in numbers over the last 10 years, and

Whereas, we, the elected officers of PEF are responsible to build engagement and membership, and

Whereas, delegate elections are held once the winter before the scheduled convention and there is limited means to add delegates if the number of seated delegates is lower than the number allowed, and

Whereas, many delegates are inspired to run for an office once introduced to a PEF Convention, and

Therefore let it be resolved that any portion of unappointed seats be offered to a second round of appointment after the initial appointment of delegates, to start with those who are elected alternates within the agency that the PEF members are assigned, then the unused seats can be run and assigned as at-large constituency vacancies of remaining agencies.

Fiscal impact: The cost of running an election; membership engagement is priceless.

Respectfully submitted:

Gina M. Corona, LCSW-R

Region 4 Coordinator

Sharon V. DeSilva, Esq.

PEF Vice President

Thomas DiTullio

Council Leader, Department of State

Donna DiTullio

Auburn Correctional Facility

Annette Everette

Council Leader Division 333

Beth Karalak

State Education Department (SED)

Barbara Fahey

Council Leader Division 265

47 **Resolution 18 Staff Comments:**

48
49 This Comment was prepared by the Legal Department
50 There are constitutional impediments to the resolution.

51
52 As we understand the resolution, it would fill unfilled delegate seats with “a second round of
53 appointment after the initial appointment of delegates, to start with those who are elected
54 alternates within the agency that the PEF members are assigned.” The resolution further
55 provides that “then the unused seats can be run and assigned as at-large constituency vacancies
56 of remaining agencies.”

57
58 First, the PEF Constitution vests the Executive Board with the power to “establish and provide
59 for the implementation of schedules and procedures for nominations and elections for all other
60 elective union positions, consistent with this Constitution and Special Rules of Order.” Article
61 VII(D)(7). As specifically applied to Convention delegates, the Constitution provides as follows:

62
63 Delegates from the departmental and agency level followed by work location shall be elected
64 according to the schedule and procedures established by the Executive Board to achieve a broad-
65 based accountability. The schedules and procedures shall specifically provide for delegate
66 eligibility, delegate apportionment, nomination and election rules, and any other matters deemed
67 necessary, and shall be furnished at the same time and in the same manner as the
68 nomination petitions for delegate elections. Article XVI(1)(C).

69
70 Because the Executive Board has the exclusive constitutional power to establish procedures
71 concerning delegate elections, the resolution would impair the Executive Board’s role.

72
73 The proposal set forth in the resolution would also require substantial revisions to the
74 Constitution. For example, under Article XVI(C)(3) of the Constitution delegates must be
75 members of their respective constituency. Article XVI(C)(1) also provides that representation to
76 the Convention shall be assigned on a one member/one vote basis with one delegate per fifty (50)
77 regular members or major fractions thereof. Delegates from the departmental and agency level
78 followed by work location shall be elected according to the procedures established by the
79 Executive Board.

80
81 Contrary to these constitutional requirements, the resolution would seemingly permit alternate
82 delegates to serve in seats from a different constituency within the same agency. It would also
83 apparently permit “at-large” delegates to serve in seats from an entirely different agency. For
84 these reasons, the proposal would require a constitutional amendment. The proposal does not
85 present language that would amend the Constitution, and a proposed amendment has not been
86 duly advanced for consideration by the Convention. Accordingly, the resolution would violate
87 the Constitution.

88
89 This Comment was prepared by the Divisions Department

90
91 This resolution states “any portion of unappointed seats be offered to a second round of
92 appointment after the initial apportionment of delegates, to start with those who are elected

93 alternates within the agency that PEF members are assigned...”. The makers of this resolution
94 do not indicate how this second round of appointments should be processed, and the resolution
95 suggests that all alternates from the initial delegate election would be seated. The resolution then
96 goes on to state “then the unused seats can be run and assigned as at-large constituencies
97 vacancies of remaining agencies”. Thus requiring 2 delegate elections to be conducted. The
98 resolution does not indicate what happens if the at-large constituencies vacancies result in more
99 delegates applying than at-large constituency vacancies available. A full delegate election takes
100 roughly 9 weeks to complete from petitioning through balloting. Putting aside the need for a
101 constitutional amendment to even consider the effects of adding at-large constituencies how that
102 would affect delegate elections, adding a second delegate election would be problematic due to
103 the time constraints of having the elected delegate list available as early as possible for EOL,
104 budgeting/planning purposes of the PEF Convention.
105

106 There are also fiscal concerns to divisions when paying their delegate stipends. While the
107 division stipend is not mandatory this could produce a hardship for a division if they want to
108 continue to offer a delegate stipend but could only do so for the delegates that are duly elected by
109 that constituency based on 1 delegate per 50 members and not on an “at large” constituency
110 basis.
111

112 Finance Department Comment on Fiscal Impact

113 The cost of running elections starts at \$20,000 but would likely be higher. Also, the cost of EOL
114 must be considered as PEF receives 3 free EOL days for each vacant delegate seat per the
115 contract. EOL days are currently approximately \$625 a day so each vacant seat saves PEF
116 \$1,875 in future EOL costs. The last piece that must be considered is each additional delegate
117 means convention is more expensive. The hotel, travel, and stipend add up to, at a minimum,
118 \$600 per delegate.
119

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

RESOLUTION 19

Convention Charity

Whereas, PEF holds its' annual convention every year in the fall, and

Whereas, a tradition of the annual PEF Convention is for the Host Region to choose a charity that they support, and

Whereas, sometime during the last 5 years, there has been a shift from host region convention lead, to Albany directed convention lead, and

Whereas, the 2023 PEF Convention that was previously held in Syracuse, NY was met with confusion due to the Albany directed choice, and

Whereas, regional charities are called such, because it's the Region that recognizes the need of its citizens, as determined by their leaders, and

Therefore, let it be resolved that local leaders who know, live, volunteer and grow in their communities should choose the charity that they feel meets their community's needs.

Fiscal Impact: None.

Respectfully submitted:
Gina M. Corona, LCSW-R
Region 4 Coordinator

Sharon V. DeSilva, Esq.
PEF Vice President

Thomas DiTullio
Council Leader, Department of State

Donna DiTullio
Auburn Correctional Facility

Annette Everette
Council Leader Division 333

Beth Karalak
State Education Department (SED)

Barbara Fahey
Council Leader Division 265

47 **Resolution 19 Staff Comments:**

48
49 This Comment was prepared by the Finance Department

50 There was significant confusion regarding the charity choices at the 2023 Syracuse convention.
51 When the Director of Finance discussed the charitable payment with host Region 4 Coordinator
52 Gina Corona on the convention floor, he was told that all of the money collected was to be given
53 to the charity of her choice, David’s Refuge. Later, after amounts were paid to David’s Refuge,
54 it was found out that the money was supposed to be split between David’s Refuge and another
55 charity, Brian’s Kids, as was decided by the PEF Convention committee.

56
57 The charity decision should be relayed to the Finance Department beforehand, therefore stopping
58 the above scenario before it happens.

59
60 Finance Department Comment on Fiscal Impact

61 No significant financial impact.

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

RESOLUTION 20

Member Payment at/for Regional Events

Whereas, Regional Coordinators will frequently hold engagement events for members, and

Whereas, Divisions will frequently hold engagement events for members, and

Whereas, both Regional and Divisional events could be complicated by vastness and space, and

Whereas, Members are frequently busy with demanding work schedules and family life, and do not have much time to organize around the event, include arranging for purchase of tickets, and

Whereas, leaders need to have measures in place to ensure active membership, accurate pricing, and payment, and

Whereas, the world has moved toward an electronic communication system, including payment methods, and

Whereas, we have some members that don't even have a personal checkbook or personal checking account,

Whereas, the Public Employees Federation has no modern electronic communication system, to include a method of payment, and

Whereas, the world as a whole has moved toward the direction of "no contact" transactions that are receipted electronically, and

Therefore, let it be resolved that the president shall appoint and prioritize a system that allows for electronic payment, other than Swoogo, to include Venmo, Zelle, and Cash app, and/or other electronic payment identified, that members can utilize for Regional and Divisional events.

Fiscal impact: Minimal. Should be able to be done with existing resources.

Respectfully submitted:

Gina M. Corona, LCSW-R

Region 4 Coordinator

Thomas DiTullio

Council Leader, Department of State

Donna DiTullio

Auburn Correctional Facility

Annette Everette

Council Leader Division 333

47 Beth Karalak
48 State Education Department (SED)
49
50 Barbara Fahey
51 Council Leader Division 265
52

53

54 **Resolution 20 Staff Comments:**

55
56

57 This Comment was prepared by the Finance Department

58 While the Finance Department is all for improving procedures and making things as easy as
59 possible for the membership, using the payment applications stated in the resolution each offer
60 their own negatives. For instance, business use of a personal Venmo account is strictly prohibited
61 in the Venmo terms of service so a business account must be created in order to be used, which
62 has its own set of fees. It is also very easy to send money to the incorrect Venmo account and no
63 clear way of getting the funds returned, if possible, at all.

64

65 The Finance department is currently in process of looking at ways to improve the cash receipt
66 process for Regions and Divisions and will continue to do so. The solution must work for the
67 organization as a whole and provide proper controls over cash receipts that many of the payment
68 apps do not offer.

69

70 Finance Department Comment on Fiscal Impact

71 See finance resolution comment above.

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

RESOLUTION 21

PEF/AFT/SEIU CONSULTANTS HIRED TO PERFORM WORK ON BEHALF OF PEF MEMBERS: CANNOT PARTICIPATE IN ANY PEF ELECTION PROCESS

WHEREAS, PEF conducts various elections: Triennial, Convention Delegates, Stewards, Executive Board and more, and

WHEREAS, usually hired PEF Consultants do not get involved in any capacity of any PEF election process, and

WHEREAS, PEF currently has several hired Consultants that do not participate in any PEF election process, because the rules restrict their participation, and

WHEREAS, current PEF election rules do not restrict Consultants hired by our “parent” Unions AFT and SEIU, from participating in any PEF election process, and

WHEREAS, any PEF Consultant that performs work to benefit PEF members and the PEF Administration should not be able to participate in the election process, because it naturally creates a conflict of interest/bias approach to an otherwise democratic elections process, and

WHEREAS, the current Committee on Political Education (COPE) consultant position is not paid for by PEF dues monies, but by PEF Parent Union SEIU, and

WHEREAS, the hired consultant of COPE vigorously participated in the PEF election triennial process by being administrator of many PEF fb sites, advocating on various social media platforms, and even spewing falsities, and

WHEREAS, this resolution is a tool to prevent any consultant from participating in any PEF election process, even if the consultant is paid by a parent, other union, business, or any paying entity, and

BE IT RESOLVED THAT any consultant hired by PEF, AFT, SEIU, AFL-CIO, or any other entity, who performs work on behalf or for PEF members/Administration, is not allowed to participate in any PEF election process.

Fiscal Impact: None of which I can think. However, I will associate up to \$500 to amend electronic documents regarding this change.

Submitted by: Sharon V. DeSilva, Esq., PEF Vice President, Region 8, OTDA

Donna Karcz, Council Leader, Division 243
David Takor, Executive Board, Region 8 OCFS
Chris Werns, Steward, Region 8 DOL
Fatmata Hilton, Region 8 OCFS

47 Charla Anderson, Region 8, DOH
48 Jim Desso, Executive Board, Region 8 OITS
49 Martin Robinson, Executive Board, Region 8 OTDA
50 Angelina Rodriguez, Executive Board, SED
51 Gina Carona, Regional Coordinator, Region 4
52 Gustavo Santos, Executive Board, Region 8 DOT
53 Janice Anderson-Small, new Executive Board 65, SED
54 Joe Ugino, OITS, Region 8
55 Donna DiTullio, DOCCS, Region 4
56 Thomas DiTullio, Council Leader 295, DOS, Region 4
57 Robin De Jesus, DOH
58 Audrey Myers, Steward, SED
59 Kristina Tereburke, PEF Division 357 Steward
60 Kevin Jones, Executive Board, Region 8 DOL

61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

Resolution 21 Staff Comments:

This Comment was prepared by the Legal Department

There are constitutional impediments to the resolution.

The resolution resolves to bar any consultant who “performs work on behalf or for PEF members/Administration” from participating in any PEF election process. Under the PEF Constitution, the Executive Board has the power to:

Establish and provide for the implementation of procedures for special elections to fill all vacancies for Officer, Trustee, and Executive Board Representative positions which occur, and establish and provide for the implementation of schedules and procedures for nominations and elections for all other elective union positions, consistent with this Constitution and the Special Rules of Order. Article VII(D)(7).

Because the resolution seeks to add a requirement to the election rules it would infringe on the Executive Board’s constitutional role to establish election procedures.

Next, we note that the PEF election rules provide that PEF staff may not be used for electioneering (i.e., campaigning). The resolution applies more broadly to participating in “any PEF election process.” The resolution would therefore seemingly bar a consultant who performs work on behalf of PEF from participating in routine, non-partisan, election activities. Without further explanation, we question whether a consultant’s performance of innocuous tasks like assisting with the placement of election materials on the PEF website; coordinating meeting space, meals, and lodging for the Election Committee; providing support for mailings and communications; and other non-partisan activities would fall within the ambit of the “PEF election process.”

93 Finance Department Comment on Fiscal Impact
94 No significant financial impact.
95
96

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

RESOLUTION 22

PEF ETHICS COMMITTEE DISMISSING CASES BASED ON UNTIMELY REASONS

WHEREAS, PEF is an important union representing members in the professional, scientific, and technical services unit, and

WHEREAS, pursuant to the PEF Code of Ethics, **Procedure C. Ethics Committee Review -1**, the PEF Ethics Committee has the authority to dismiss charges against a respondent(s) “if the Committee finds a lack of evidence to substantiate the petition or procedural violations.”, and

WHEREAS, pursuant to the PEF Code of Ethics, Procedure C. Ethics Committee Review, there is no language to address the dismissal of ethics cases based on untimely grounds/reasons, and

WHEREAS, it is extremely important that all PEF members impacted by the PEF Code of Ethics, receive proper **due process** rights by being informed in writing “why” Ethics Committee ruled that their cases were untimely, and

WHEREAS, the Ethics Committee has an ethical obligation to explain why they dismissed an Ethics Petition as untimely, and

WHEREAS, every PEF member deserves justice by knowing the reason their Ethics case was dismissed based on untimeliness, and

BE IT RESOLVED, that a new section in PEF Code of Ethics, Procedure C. Ethics Committee Review -1, should add that:

(a) The PEF Ethics Committee must provide an explanation based on the “submitted” evidence, why the Committee ruled/dissmissed the Petition based on untimeliness.

Fiscal Impact: None that I can possibly think of. However, I will associate up to \$200 to add the new language to the PEF Code of Ethics.

Submitted by: Sharon V. DeSilva, Esq., PEF Vice President, Region 8, OTDA
Donna Karcz, Council Leader, Division 243
David Takor, Executive Board, Region 8 OCFS
Chris Werns, Steward, Region 8 DOL
Fatmata Hilton, Region 8 OCFS
Charla Anderson, Region 8, DOH
Jim Desso, Executive Board, Region 8 OITS
Martin Robinson, Executive Board, Region 8 OTDA
Angelina Rodriguez, Executive Board, SED
Gina Carona, Regional Coordinator, Region 4
Gustavo Santos, Executive Board, Region 8 DOT
Janice Anderson-Small, new Executive Board 65, SED
Joe Ugino, OITS, Region 8
Donna DiTullio, DOCCS, Region 4

47 Thomas DiTullio, Council Leader 295, DOS, Region 4
48 Robin De Jesus, DOH
49 Audrey Myers, Steward, SED
50 Kristina Tereburke, PEF Division 357 Steward
51 Kevin Jones, Executive Board, Region 8 DOL
52
53
54

55 **Resolution 22 Staff Comments:**

56
57 This Comment was prepared by the Legal Department

58 We do not see constitutional or legal impediments to the resolution.
59

60 Finance Department Comment on Fiscal Impact

61 No significant financial impact.
62

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

RESOLUTION 23

PEF MEMBERS RECEIVING AN EXTRA VACATION CREDIT LIKE CSEA ADMINISTRATIVE MEMBERS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

WHEREAS, PEF is an important union representing members in the professional, scientific, and technical services unit, and

WHEREAS, pursuant to Article 12.5, of the 2023-2026, Agreement, entitled “Additional Vacation Credit” PEF members receive additional vacation credit depending on the amount of **completed years of continuous service**, starting with 20-24 years of service, you receive (1) additional vacation credit day, and 25-29 (2 days of additional vacation credit), 30-34 (3 days of credit) and 35 or more (4 days of credit), and

WHEREAS, pursuant to the CSEA current Agreement, members in the Administrative Unit receive (1) additional vacation credit **more** than PEF members, and

WHEREAS, CSEA Administrative members receive additional vacation credit as follows: 15-19 (1 day), 20-24 (2 days), 25-29 (3 days) 30-34 (4 days) and 35 and more (5 days), and

WHEREAS, when I discovered this disparity between PEF and CSEA, discussion ensued with the PEF Administration, who could not determine why the disparity in receiving additional days occurred, and

WHEREAS, when I discovered this disparity between PEF and CSEA, I begged the PEF Contract Team for the 2023-2026 Contract to fight to address this concern with representatives from OER, resulting in a negative outcome, and

WHEREAS, PEF members are professional workers in over 3, 000 titles and deserve to receive the same vacation credit as CSEA members, and

WHEREAS, it is extremely important for the PEF Administration to thoroughly investigate and determine why PEF members are not receiving the same amount of vacation credit days as CSEA Administrative members, and

WHEREAS, PEF should do what is necessary in the next contract cycle to discuss and advocate for PEF members to get an extra vacation credit like CSEA members, and

BE IT RESOLVED that PEF should investigate, discuss, and advocate for PEF members to receive an extra vacation credit during the next contract discussion cycle in the same manner as the CSEA Administrative members, where CSEA Administrative members receive their first additional vacation credit starting with 15 years of continuous service.

Fiscal Impact: None of which I can think. However, I will associate up to \$500 to perform basic research as to why PEF members ae not receiving the extra vacation credit.

47
48 Submitted by: Sharon V. DeSilva, Esq., PEF Vice President, Region 8, OTDA
49
50 Donna Karcz, Council Leader, Division 243
51 David Takor, Executive Board, Region 8 OCFS
52 Chris Werns, Steward, Region 8 DOL
53 Fatmata Hilton, Region 8 OCFS
54 Charla Anderson, Region 8, DOH
55 Jim Desso, Executive Board, Region 8 OITS
56 Martin Robinson, Executive Board, Region 8 OTDA
57 Angelina Rodriguez, Executive Board, SED
58 Gina Carona, Regional Coordinator, Region 4
59 Gustavo Santos, Executive Board, Region 8 DOT
60 Janice Anderson-Small, new Executive Board 65, SED
61 Joe Ugino, OITS, Region 8
62 Donna DiTullio, DOCCS, Region 4
63 Thomas DiTullio, Council Leader 295, DOS, Region 4
64 Robin De Jesus, DOH
65 Audrey Myers, Steward, SED
66 Kristina Tereburke, PEF Division 357 Steward
67 Kevin Jones, Executive Board, Region 8 DOL
68
69

70 **Resolution 23 Staff Comments:**

71
72 This Comment was prepared by the Contract Administration Department

73 This resolution proposes that PEF investigate, discuss, and advocate for PEF members to receive
74 an extra day of vacation accruals in the next contract cycle and notes that the CSEA
75 Administrative Services Unit (ASU) receives an extra day of “additional” vacation accruals
76 starting at year fifteen. Contract Administration would note the cited provision applies only to
77 the CSEA ASU unit. The PS&T Unit, the CSEA Institutional Services Unit, the Security
78 Services Unit, the Security Supervisors Unit, and the Rent Regulation Services Unit all receive
79 identical “additional” vacation accruals. The current wording of the resolution does not present
80 any contractual impediments to adoption. However, we would note that this issue was presented,
81 as requested, to the 2023-2026 Contract Team. The Contract Team diligently reviewed this
82 matter along with all the other numerous contract suggestions received from PEF leaders,
83 members, and staff.

84
85 Finance Department Comment on Fiscal Impact

86 No significant financial impact.
87

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

**PEF CONVENTION RESOLUTIONS: REQUEST FOR FISCAL
IMPACT STATEMENTS**

WHEREAS, PEF is an important union representing members in the professional, scientific, and technical services unit, and

WHEREAS, the Whereas and Resolved clauses of the PEF policy addressing fiscal impact statements states that Convention resolutions must have a fiscal impact statement as follows, and:

“WHEREAS, many resolutions are submitted to this body for consideration; and WHEREAS, many delegates are unaware of the fiscal impact of passing a resolution; and WHEREAS, a resolution passed by this body is a mandate to the Executive Board to include the program in the budget even at the expense of other programs: THEREFORE BE IT RESOLVED, that all resolutions will have a fiscal statement prepared by the submitter of the resolution; and BE IT FURTHER RESOLVED, that the Secretary-Treasurer will review all fiscal statements and be required to comment on any that in her or his opinion would have a substantially different cost.”

WHEREAS, the interpretation of the fiscal impact statement by different PEF Administrations caused confusion and annoyance for many PEF members throughout Convention years, and

WHEREAS, the fiscal impact statement caused confusion when one administration stated that the fiscal impact statement required a numerical number, while another said it did not and just needed to be written/included, but could state that ...there was not a fiscal impact, and

WHEREAS, to help eliminate ridiculous confusion and annoyance regarding the need for a fiscal impact statement, an amendment to the above listed policy, should state that: the fiscal impact statement does not need to have a numerical value and can also just state that the author did not see a need for a fiscal impact, and

BE IT RESOLVED, that, the above listed PEF policy should be amended to add a new ...Be it Further Resolved clause to state:

Be it Further Resolved, that, the fiscal impact statement (1) does not need to have a numerical value, and/or can state that (2) fiscal impact not required, and

BE IT FURTHER RESOLVED, that, the new added resolved policy to the above policy should look like this:

“WHEREAS, many resolutions are submitted to this body for consideration; and WHEREAS, many delegates are unaware of the fiscal impact of passing a resolution; and WHEREAS, a resolution passed by this body is a mandate to the Executive Board to include the program in the budget even at the expense of other programs:

46 THEREFORE BE IT RESOLVED, that all resolutions will have a fiscal statement prepared by
47 the submitter of the resolution; and

48
49 BE IT FURTHER RESOLVED, that the Secretary-Treasurer will review all fiscal statements
50 and be required to comment on any that in her or his opinion would have a substantially different
51 cost.”

52
53 **BE IT FURTHER RESOLVED, that, the fiscal impact statement (1) does not need to have a**
54 **numerical value, and/or can state that (2) fiscal impact is not required.**

55
56 **Fiscal Impact:** None that I can possibly think of. However, I will associate up to \$200 to add the
57 necessary resolved clause changes to the policy.

58
59

60 Submitted by: Sharon V. DeSilva, Esq., PEF Vice President, Region 8, OTDA

61
62 Donna Karcz, Council Leader, Division 243
63 David Takor, Executive Board, Region 8 OCFS
64 Chris Werns, Steward, Region 8 DOL
65 Fatmata Hilton, Region 8 OCFS
66 Charla Anderson, Region 8, DOH
67 Jim Desso, Executive Board, Region 8 OITS
68 Martin Robinson, Executive Board, Region 8 OTDA
69 Angelina Rodriguez, Executive Board, SED
70 Gina Carona, Regional Coordinator, Region 4
71 Gustavo Santos, Executive Board, Region 8 DOT
72 Janice Anderson-Small, new Executive Board 65, SED
73 Joe Ugino, OITS, Region 8
74 Donna DiTullio, DOCCS, Region 4
75 Thomas DiTullio, Council Leader 295, DOS, Region 4
76 Robin De Jesus, DOH
77 Audrey Myers, Steward, SED
78 Kristina Tereburke, PEF Division 357 Steward
79 Kevin Jones, Executive Board, Region 8 DOL

80

81 **Resolution 24 Staff Comments:**

82
83 This Comment was prepared by the Legal Department
84 We do not see constitutional or legal impediments to the resolution.

85
86 This Comment was prepared by the Finance Department
87 While the finance department is all for making current policies less confusing, I am not sure that
88 this resolution would do that. This resolution would give the ability for the makers of any
89 resolution to simply state “fiscal impact is not required” regardless of the validity of that
90 statement. By stating that a resolution does not need a numerical value, the writer of a resolution

91 could then state, “there is a financial impact” and be compliant with this requirement and not
92 given the readers of the resolution any information in order to make an informed decision.
93 Also, the writers of each resolution have the ability to reach out to the finance department for
94 guidance when writing their resolutions to discuss the fiscal impact and determine what
95 statement would be most accurate but only a few times has that occurred (see resolution 9).

96

97 Finance Department Comment on Fiscal Impact

98 See finance resolution comment.

99

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

RESOLUTION 25

EDUCATING PEF MEMBERS ON ARTIFICIAL INTELLIGENCE AND DIGITILIZATION (AI/D)

- 1
2
3
4
- 5 **Whereas**, the first PEF AI/D conference was held on March 18, 2021, during COVID-19, and
- 6 **Whereas**, this conference was a collaborative effort between Vice President Sharon DeSilva,
7 Esq., Region 8 Coordinator, Mike Blue, and the PEF IT Committee Leaders- Jim Desso and
8 Mario Chiarello, and
- 9 **Whereas**, AI/D expert- Laura Schultz (Rockefeller Institute of Government) presided over a
10 Zoom meeting entitled “Artificial Intelligence: What does it mean? How will it impact public
11 worker jobs?” and
- 12 **Whereas**, this conference was a success because it opened the minds of PEF members to realize
13 the importance, current, and potential future impact of AI/D on the public workforce, and
- 14 **Whereas**, at the 44th Annual PEF Convention, held in Niagara Falls, Resolution #10, entitled
15 *Digitalization Awareness Training*, was overwhelmingly adopted by the PEF Convention Body,
16 and
- 17 **Whereas**, the introduction of AI/D is making significant impact on the work that public workers
18 perform throughout the United States, and
- 19 **Whereas**, in New York State, the introduction of AI/D has already caused some impact on the
20 lives of both public and private workers, i.e., elimination of Toll workers, automated processing
21 of data entry work at many agencies and institutions, introduction of electronic machines to
22 accept food orders and more, and
- 23 **Whereas**, PEF members working for the State of New York have been experiencing
24 employment changes regarding the implementation of AI/D at their respective employment
25 locations, and
- 26 **Whereas**, it is imperative that PEF members have a *Voice* regarding the implementation of AI/D
27 at their respective employment sites, and
- 28 **Whereas**, it is imperative that PEF show great interests in PEF members by trying to educate
29 PEF members with educational resources and information regarding AI/D, and
- 30 **Whereas**, PEF has electronic resources (website, Facebook, and other social media resources)
31 that shares information regarding a variety of subject matters (Civil Service, Contract update,
32 New Employee Orientation, i.e.) to PEF members, and
- 33 **Whereas**, every PEF member should have knowledge regarding the importance of AI/D, and
- 34 **Be It Resolved That** PEF *should* use its electronic and or manual *resources* to provide
35 educational information to PEF members regarding AI/D throughout every Contract year.

36 **Fiscal Cost/Impact:** I don't see a cost to this resolution, because PEF can use various means to
37 educate members about AI/D (for example...PEF website, Communicator articles, membership
38 meetings, PEF Emerging Leaders Committee, and more!) Overall, approximate cost should not
39 exceed more than \$500.00.

40

41 Submitted by:

42 Sharon V. DeSilva, Esq., PEF Vice President- OTDA, Region 8

43 Martin Robinson, Executive Board- OTDA, Region 8

44 Jennifer Nye, Steward/Treasurer-OTDA, Region 8

45 Nathan Tucker, Steward/Secretary-OTDA, Region 8

46 Rene Mullen, Steward-OTDA, Region 8

47 Donna Karcz, Council Leader, Division 243

48 David Takor, Executive Board, Region 8 OCFS

49 Chris Werns, Steward, Region 8 DOL

50 Fatmata Hilton, Region 8 OCFS

51 Charla Anderson, Region 8, DOH

52 Jim Desso, Executive Board, Region 8 OITS

53 Angelina Rodriguez, Executive Board, SED

54 Gina Carona, Regional Coordinator, Region 4

55 Gustavo Santos, Executive Board, Region 8 DOT

56 Janice Anderson-Small, new Executive Board 65, SED

57 Joe Ugino, OITS, Region 8

58 Donna DiTullio, DOCCS, Region 4

59 Thomas DiTullio, Council Leader 295, DOS, Region 4

60 Robin De Jesus, DOH

61 Audrey Myers, Steward, SED

62 Kristina Tereburke, PEF Division 357 Steward

63 Kevin Jones, Executive Board, Region 8 DOL

64

65

66

67 **Resolution 25 Staff Comments:**

68

69 This Comment was prepared by the MIS Department

70 This resolution suggests leveraging the current technology and infrastructure managed and
71 secured by PEF MIS. No additional MIS-managed technology would be required to implement
72 the resolution as it is currently drafted.

73

74 This Comment was prepared by the Communications Department

75 Communications supports the intent of this resolution. We will continue to cover PEF events
76 and meetings, such as the PEF Summit on AI held on July 10, 2024, that focus on the impact of

77 artificial intelligence on the State workforce. It is imperative that leaders and members keep the
78 Communications Department informed, however. We cannot cover things we do not know
79 about. In addition, it would be helpful if leaders and members engaged with the issue share
80 relevant AI-related content with us so that we can share it with the wider membership.

81
82 This Comment was prepared by the Statewide Field Services Department
83 Field Services supports the continued education, engagement, and mobilization of members on
84 the topic of AI and Digitalization. Our understanding is that there are PEF committees that
85 support PEF’s initiatives on this such as the PEF AI Committee and the Statewide IT Committee.
86 In addition, our Legislative department has been working closely with our members and leaders
87 on new laws that seek to regulate the utilization of AI and digitalization at state worksites. We
88 would encourage leaders to have these topics on their membership meeting and LM agendas
89 every time.

90
91 As always, any changes to terms and conditions of employment as it relates to the utilization of
92 AI/D needs to be promptly referred to the Field Representative as the President’s designee for
93 negotiations on all terms and conditions of employment. AI/D in the workplace that does not
94 impact terms and conditions of employment are properly raised at the respective local and
95 statewide LM Committees. Field Staff welcome the opportunity to assist in educating and
96 supporting our members and leaders on these topics.

97
98 This Comment was prepared by the Legislative Department
99

100 The PEF Legislative Office has provided detailed testimony regarding the union’s concerns with
101 AI and digitization at various legislative and budget hearings throughout the year. The links to
102 the testimony and the accompanying hearing videos are available to all members on
103 www.PEF.org. The PEF legislative office has been working to implement Resolution #10 of
104 2023, as adopted, as part of the union’s ongoing advocacy efforts. PEF was successful in
105 securing passage of the ‘Legislative Oversight of Automated Decision-making in Government’
106 (LOADinG) Act in 2024 (S.7543-B/A.9430-A).

107
108 This legislation, if enacted, would provide the following:
109 (1) Oversight and periodic human review of AI decision-making processes;
110 (2) Prohibition on use of AI applications for public assistance benefit
111 determinations/delivery;
112 (3) Collective bargaining and public employee displacement protections;
113 (4) An impact assessment and testing upon acquisition and implementation of new systems;
114 and
115 (5) An inventory and disclosure of existing AI systems currently being utilized in state
116 agencies.

117
118 In addition to lobbying with various Executive Department staff directly, the PEF Legislative
119 Office has prepared draft correspondence for members to send to Governor Hochul to encourage
120 her to sign this important legislation. Member alerts will be sent to member via email and
121 through social media to encourage additional actions in support of the bill after it is formally
122 delivered to the Governor for consideration.

123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154

This Comment was prepared by the Contract Administration Department

This resolution seeks to have PEF use its electronic resources (such as its website, Facebook, and other social media resources) and manual resources to provide educational information to PEF members regarding AI/D throughout every Contract year. It notes in the “whereas” clauses that the introduction of AI/D is making significant impact on the work that public workers perform throughout the country, pointing to examples such as the elimination of toll workers, automated processing of data entry work at many agencies and institutions, and electronic technology to take food orders, among other things.

We do not see any concerns from a contractual/bargaining perspective with the adoption of this resolution. We do note that the 2023-2026 PEF/State Agreement contains a side letter (p. 207), which formed a joint PEF/State Committee, consisting of 3 PEF Designees and 3 OER Designees, to identify emerging impacts of AI technologies on the PS&T Unit workforce and to make recommendations consistent with implementing such technologies in a manner that benefits both the State as an employer and the PS&T Unit employees. It also notes that neither party waives any rights that either party possesses with respect to implementing AI in the workplace or challenging such implementation. The Side Letter also provides that AI, ML automation, other technologies, and their impact on employees are appropriate topics of L/M committees. The first full meeting of the Joint Committee has been scheduled for September 26, 2024, and another meeting is expected in December 2024.

The Side Letter does not appear to conflict in any way with the proposed resolution. In fact, educating members on AI/D, and the impact these are having and will continue to have on the State workforce, would seem to help the Joint Committee in its mission.

Finance Department Comment on Fiscal Impact

Financial impact would depend on the means of communication. Electronic communications through the use of the PEF website may involve the use of our outside contractor to help build what is needed while anything manually done and mailed to members would be costly.

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

RESOLUTION 26

PEF UNION POLITICAL ACTION COMMITTEE (PAC) MONEY DONATIONS RECAPTURED FROM CONVICTED LEGISLATIVE REPRESENTATIVES

1
2
3
4
5 **WHEREAS**, PEF donates monies to Local, State and Federal candidates running for political
6 office; and

7 **WHEREAS**, PEF members' dues money pays for political contributions to Local and State
8 political candidates; and

9 **WHEREAS**, in the past, some State political leaders who received PEF donations were
10 convicted of crimes, including various forms of fraud, embezzlement, and other crimes
11 destroying the lives of their constituents; and

12 **WHEREAS**, PEF members work diligently to earn money to contribute "dues" to the PEF
13 Union, so that PEF Leaders can make financial contributions to political candidates; and

14 **WHEREAS**, throughout the years, PEF donated monies to several political candidates who were
15 convicted of various crimes, including bribery, wire fraud, witness tampering, misappropriation
16 of funds, and other crimes; and

17 **WHEREAS**, PEF member's monies should never be used to support candidates who are
18 convicted of such crimes in violation of their oath of office and against the best interest of the
19 population that they were trusted to serve; and

20 **WHEREAS**, PEF should register its disapproval of such candidate's behavior by requesting the
21 return of all monies donated to their campaign(s); and

22 **THEREFORE, BE IT RESOLVED THAT**, upon learning that a PEF endorsed political
23 candidate or elected official committed a crime, and was later convicted of same, that PEF shall
24 send a written letter to the political candidate or elected official, demanding the return of those
25 monies.

26 **BE IT FURTHER RESOLVED THAT**, the PEF Legislative Department should draft a
27 proposed letter to be submitted to the PEF Executive Board, for approval, regarding a return of
28 all donated monies from the political candidate or elected official who was convicted of a crime
29 involving the abuse and stealing of constituent's monies, in a district location where PEF
30 members reside, and

31 **BE IT FURTHER RESOLVED THAT**, the PEF Legislative Department should draft this
32 letter for approval by the last PEF Executive Board meeting of the year 2024.

33 **Fiscal Impact:** minimal costs! It should take extraordinarily little money to ask a PEF
34 legislative representative to draft a one-page letter and mail it. However, it should not cost more
35 than \$500 to draft a letter.

36 Submitted by: Sharon DeSilva – PEF Vice-President, Region 8, OTDA

37 Kevin E. Jones – Executive Board Seat 245, Labor Department

38 Donna Karcz, Council Leader, Division 243
 39 David Takor, Executive Board, Region 8 OCFS
 40 Chris Werns, Steward, Region 8 DOL
 41 Fatmata Hilton, Region 8 OCFS
 42 Charla Anderson, Region 8, DOH
 43 Jim Desso, Executive Board, Region 8 OITS
 44 Martin Robinson, Executive Board, Region 8 OTDA
 45 Angelina Rodriguez, Executive Board, SED
 46 Gina Carona, Regional Coordinator, Region 4
 47 Gustavo Santos, Executive Board, Region 8 DOT
 48 Janice Anderson-Small, new Executive Board 65, SED
 49 Joe Ugino, OITS, Region 8
 50 Donna DiTullio, DOCCS, Region 4
 51 Thomas DiTullio, Council Leader 295, DOS, Region 4
 52 Robin De Jesus, DOH
 53 Audrey Myers, Steward, SED
 54 Kristina Tereburke, PEF Division 357 Steward
 55

56 **Resolution 26 Staff Comments:**

57
 58 This Comment was prepared by the Legislative Department

59 Background and Discussion: The PEF Legislative Office – under the direction and with the
 60 support of the PEF Statewide PAC – is appreciative of the ongoing support of members to
 61 provide resources to advance PEFs political and legislative agendas. Collectively, we take great
 62 care in deploying those resources for the betterment of PEF members and the union.

63
 64 It is appropriate and just for PEF to formally request the return of any financial support from
 65 elected representatives who are convicted of a “crime involving the abuse or stealing of
 66 constituents’ monies.” Furthermore, the PEF Legislative Office would suggest that this
 67 resolution be expanded to include the conviction of any elected official for any serious crime –
 68 not just those involving “abuse or stealing” monies.

69
 70 While this policy represents a good practice moving forward, there is no legal mechanism
 71 through which PEF can formally reclaim any resources provided to elected officials for
 72 campaign purposes.

73
 74 This Comment was prepared by the Legal Department

75 We do not see constitutional or legal impediments to the resolution.

76
 77 Finance Department Comment on Fiscal Impact

78 No significant financial impact.

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