

STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION LABOR/MANAGEMENT DRAFT MEETING MINUTES

**March 10, 2016**

Attendance:

**PEF:**

Rich Coriale, Region 6, LM Chair  
Christopher O'Neill, Region 4, Assistant LM Chair  
Keith Browne, Region 3, Div. 169 Leader  
Terry Tyoe, Region 6, Div. 169 Assistant Leader  
Toni Norfleet, Central Office, Div. 169 Secretary  
Bruce Gidding, Central Office, Div. 169 Treasurer  
Gina Fanelli, Exec. Board (Regions 1-4)  
Rob McDonough, Albany, Exec. Board (Central Office)  
Carl Fritz, Region 1  
George Stadnik, Region 2  
Donald Nelson, Region 7  
James Sacco, Region 9  
Tim LeBarron, Central Office  
Holly Clark, Central Office  
Debra Greenberg, PEF Field Representative  
Nancy Holford, PEF Recorder

**Management:**

Jeff Stefanko, Assistant Commissioner of Administration  
Mark Cadrette, Director of Employee Relations  
Nancy Lussier, Director of Management and Budget Services  
Edward Kucskar, Director of Health and Safety  
Sherri Montross, Assistant Director of Personnel  
Paula Laime, Employee Relations  
Brooke Turallo, Employee Relations  
Julie Gibson, Employee Relations

**PEF's questions and statements are in bold face type. The information placed in [brackets] consists of issues from prior L/M meetings retained for additional discussion or for which a response is forthcoming.**

Meeting Minutes – March 10, 2016

*Management's questions and statements are in italics.*

**1. PEF Labor/Management Committee Issues**

**PEF proposes the following tentative dates for labor/management meetings in 2016:**

**Thursday, March 10, 2016 - Central Office**  
**Thursday, June 9, 2016 - Central Office**  
**Thursday, September 15, 2016 – Region 8 Avon Office**  
**Thursday, December 1, 2016 - Central Office**

*Management's response: Management agrees with the dates.*

**2. Budget**

**What is the current FTE fill level? Has the maximum fill level (BFL) of 2,875.5 changed?  
How many new hires and new promotions have been approved, but have not been filled?**

*Management Response: Current fills are 2,844. 2,946 is the maximum fill level. 54 fills for the Academy.*

**What is the status for the latest round of approved waivers?  
Were any waivers issued for December or January?  
How many promotion waivers and new hire waivers were issued for the quarter?**

*Management's response: Approved additional 88 waivers in the latest package. 46 unrestricted waivers pending, 23 restricted pending.*

**Which programs are gaining or losing staff and/or funding in the proposed budget?**

*Management's response: See the agency highlights at <http://internal/mbs/index.html>.*

**Is any DEC-related legislation included in the proposed budget? If so, how does the legislation affects our agency?**

*Management's response: See the agency highlights at <http://internal/mbs/index.html>*

**3. Pollution and Energy Reduction**

**Teleworking Policy**

**PEF requests an update on a revised version of this policy.**

*Management's response: No update at this time. Management is waiting for PEF to provide a new proposal.*

**PEF requests that acting Commissioner Basil Seggos set a new trajectory and priority by implementing the following three items:**

- 1. Develop current Standard Operating Procedures for employees within each Division;**
- 2. Implement an effective teleworking program as part of the DEC's climate change initiatives;**
- 3. Develop Division and Regional succession plans to foster promotion within the ranks and to avoid the looming crisis of DEC's aging workforce?**

**DEC Region 4 has filled all four of its Environmental Engineer 3's in Environmental Quality with lateral transfers/re-assignments from Central Office. Is this approach a legitimate succession plan?**

*Management's response: Management sees no problems. There is no formal succession plan. The region filled the positions with qualified candidates working in the EE3 title. These candidates can provide training and management support to other regional staff. There is no reason that transfer candidates are not appropriate for succession planning purposes.*

**4. Health & Safety**

**CP-63, PPE and Clothing Policy**

**What is the role of the Regional Director related to purchases of PPE per CP63?**

*Management's response: Once an allocation is made from the program to the region, it comes under the purview and responsibility of the Regional Director. Therefore, an RD's review and approval is needed prior to any regional purchase.*

### **Statewide Health and Safety Committee**

**Why has management reduced the time for the next committee meeting from 2.5 hours to 1.5 hours? The current agenda has 17 items for discussion, which gives us about 5 minutes to discuss each item. This time restraint is not allowing the committee to develop pro-active measures to improve health and safety issues identified in the workplace.**

*Management's response: The committee times has been reduced since last year. Last year's meetings included work group discussions and reports and this year's committee meetings do not include such work groups. This year's committee meetings are scheduled for 1.5 hours, but will also include 1 hour pre-committee meetings before each committee meeting. Management will support additional use of EOL outside of the committee meetings time.*

### **Polarized Sunglass**

**Has the Health and Safety Unit completed the risk assessment for polarized sunglass?**

*Management's response: Management feels the issue has been resolved and that risk assessments have been completed as part of the division Health & Safety SOP's. In this case, polarized sunglasses have already been identified as a need based on a prior risk assessment.*

### **NY-Alert System**

**Please provide an update on efforts to implement the NY-Alert System to notify DEC employees of an office closure.**

*Management's response: Management successfully tested a DEC NY - Alert System a couple of weeks ago. We have received mostly positive feedback and believe the system is fully implemented and ready to go.*

### **Work Place Violence Prevention**

**PEF requests the status of the following Workplace Violence Prevention Program issues:**

- (1) Has management sent out the annual notices to RDs/DDs regarding the need for Risk Assessment updates:**
- (2) Has management received any returns for the annual Risk Assessment updates;**
- (3) Has management received any Risk Assessment and training completions for all facilities where DEC employees are deployed?**

*Management's response:*

- 1 - Management said yes; they sent out a memo March 9<sup>th</sup>.*
- 2 - Management has not received any responses since they are not due until April 22<sup>nd</sup>.*
- 3 – Management stated no. Mandatory training is not sent out until May or June.*

### **Mid-Island Maintenance Facility**

**The Marine Resources “barns” at the Mid-Island Maintenance Facility are in disrepair. The north barn had a roof leak and the south barn’s plumbing burst and water flowed for many days without notice. Staff has detected and documented mold in both buildings. Since March 2015, this issue has been discussed at local L/M and H & S with no resolution from Management at Marine Resources. Staff concerns include cleaning the buildings, remediating the mold and repairing the bathroom. PEF requests a resolution to this issue.**

*Management’s response: Management feels that the issue is being resolved and have come up with a plan we believe will satisfy the Department of Labor.*

## **5. Personnel**

### **Smoking Policy**

**At the December 2015 L/M meeting, PEF submitted a revised, draft smoking policy to Management for review. Management has agreed to review PEF’s suggested changes. PEF requests an update on this issue.**

*Management’s response: Management is considering most of the suggestions and it is in the process of being amended and finalized. Management agrees to give PEF an opportunity to review the revisions before it is finalized.*

### **Litigation Hold email ‘holds’ versus the standard email backup.**

**Currently, there is no automatic deletion time period for employee e-mails. Are all employee e-mails being backed up and not auto-deleted at any time period, regardless if an employee is involved in a “Litigation Hold” scenario?**

*Management’s response: Management is under the impression that there are no automatic deletions of employee e-mails. This is an OITS issue which DEC has no control over.*

### **LENS System**

**DEC has been using the License Event Notification System (LENS) for some time. When will DEC provide a draft policy on the use of LENS? This Policy should include a mechanism for employees to not be included in LENS if they are not required to drive as part of their job. How does DEC decide what job postings/positions require a Driver License?**

*Management’s response: Management is not seeing a need to issue a separate policy. The requirement to have and maintain a driver’s license is either reflected in the minimum qualifications for the position or included as a notation on the job posting. Management will look into the opt-out procedure being included in the vehicle use policy.*

### **Supervisory Institute**

**Does DEC have a tracking system for training employees that are required to supervise other employees as part of their job function? How many employees with supervisory responsibilities have successfully completed the Supervisor Institute?**

*Management's response: Management responded no. There is no tracking system. Will be on the agenda next time. This will be a concerted effort between Management and PEF.*

**In Executive Order 125, Governor Cuomo is directing DEC, DOT, DHSES, DOH, and NYSERDA to Strengthen the State's Oversight of Shipments of Petroleum Products. As a result of Executive Order 125, DEC is developing Geographic Response Plans (GRPs). What is the status developing the GRPs in areas where DEC facilities are located?**

*Management's response: Management said DER is currently finalizing draft plans for all 21 counties impacted by CBR transportation and distributing them when finalized to county Emergency Response Coordinators. GRPS will be posted on SharePoint in March, 2016 with open public access and maintained by DEC. The goal is to have all GPRS finalized by the end of April.*

**Recently, a Superfund site was designated in Hoosick Falls. How will existing resources be redistributed (or will new staff be needed) to meet the Division of Environmental Remediation needs for the site?**

*Management's response: Management stated that the divisions have requested waivers for positions which may or may not be as a result of the situation in Hoosick Falls.*

**Would Management consider allowing DEC employees to attend off-site holiday parties without charging leave?**

*Management's response: Management responded no. Management will only support one agency wide function per year; Conservation Day Picnic.*

### **6. Civil Service**

*PEF requested a list of upcoming exams.*

*Management provided a list of the exams that have been completed, are in progress and that are tentative. The list of exams is attached to these minutes.*

The tentative examination schedule is available on the CS website at: <https://www.cs.ny.gov/jobseeker/public/stateexam.cfm>. This shows you what is on the schedule for the next few months.

**7. Other Issues**

**At the December 2014 L/M Meeting, PEF requested that employees in western New York who were not able to report to work for all or part of November 18th due to the blizzard be placed into paid status for the entire day without charging leave. Management indicated that DEC is petitioning the Civil Service Commission for time restoration for that day.**

**PEF requests an update on the status of DEC's petition.**

*Management's response: Management informed PEF that the Civil Service Commission has denied this request.*

**Marine Resources Organizational Change**

**PEF requests any information on the Bureau of Marine Resources becoming a Division of its own and moving out of the Bureau of FW & MR. PEF requests an update on any developments on this issue.**

*Management's response: Management has no official information.*

**Buffalo Office Move**

**The DEC Region 9 office is the process of an office space consolidation. This has been in the works since last February when a proposal was advertised on the OGS website for new office space, calling for 123 new office spaces all being 36 square feet in area, all to be in the open office setting. OGS has stated that this is a standard industrial practice.**

**PEF requests an update on the potential move in Region 9.**

*Management's response: Management has no update to provide.*