

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

**June 9, 2016**

Attendance:

**PEF:**

Rich Coriale, Region 6, LM Chair  
Christopher O'Neill, Region 4 Assistant LM Chair  
Peter Banks, PEF Vice President  
Carl Fritz, Region 1  
Rob McDonough – Central Office, Albany, Exec. Board  
Bruce Giddings, Central Office, Div. 169 Treasurer  
James Sacco, Region 9  
Keith Browne, Region 3  
Gina Fanelli, Exec. Board (Regions 1-4)  
Tim LeBarron, Central Office  
Terry Tyoe, Region 6, Div. 169 Assistant Leader  
Toni Norfleet, Central Office, Div. 169 Secretary  
Frank Flack, Region 6  
Debra Greenberg, PEF Field Representative  
Janice Treanor, PEF Field Representative  
Nancy Holford, PEF Recorder

**Management:**

Mark Cadrette, Director of Employee Relations  
Nancy Lussier, Director of Management and Budget Services  
Edward Kucskar, Director of Health and Safety  
Paula Laime, Employee Relations  
Nina White, OER  
Julie Gibson, Employee Relations  
Brooke Turallo, OER

**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.**

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

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

**PEF and Management have agreed to the following 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 – 9:30 am – Big Conf. Room**

**Thursday, December 1, 2016 - Central Office**

**2. Budget**

**PEF requests an update on the current FTE fill level and maximum fill level.**

*Management Response: Current fills are 2,893. Authorized maximum fill level 2,946 has not changed from last fiscal year to this fiscal year.*

**What is the status for the latest round of approved waivers?  
How many promotion waivers and new hire waivers were issued for the first quarter, January-March 2016?**

*Management's response: There are about 40 outstanding unrestricted waivers from earlier rounds. Approval of 2 new packages which include 50 unrestricted and 30 restricted positions which are promotions. Unrestricted are new hires. We will be doing another restricted package shortly.*

*PEF requests Management to continue getting copies of waivers.*

**3. Pollution and Energy Reduction**

**Teleworking Policy**

**PEF requests a meeting with Executive Deputy Commissioner Lynch to discuss moving this policy forward toward a final product.**

*Management's response. PEF will move forward and set up a meeting.*

**4. Health & Safety**

**NY-Alert System**

**PEF requests information on how the DEC will use the NY ALERT system to notify office staff of an emergency or office closure during working hours. The NY-Alert system is capable of informing its users of any emergency, road closures or any other issues anytime during the day. Can the Department's version of NY-Alert inform staff of an emergency or office closure during working hours as well as non-working hours? Is the DEC's NY-Alert capable of notifying other agencies within 625 Broadway of an office closure or other emergency during work hours.**

*Management's response: Yes, the NY-ALERT system can be utilized to notify staff both during work hours and non-work hours. NY-Alert could be utilized by other agencies at 625 Broadway but DEC is only responsible for our own staff and maintain and update the system accordingly.*

**Work Place Violence Prevention**

**PEF requests a status update on the following Workplace Violence Prevention Program issues:**

- (1) Has management received all annual Risk Assessment updates for 2016; and**
- (2) Has management received all Risk Assessment and training completions for all facilities where DEC employees are deployed?**

*Management's response:*

*1. Management replied they have not received all annual Risk Assessment updates for 2016, and are still waiting for a few updates.*

*2. Management will not roll out the mandatory Workplace Violence training until all the assessments are received and posted on in-site. All mandatory training must be completed by December 31, 2016.*

**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 an update on this issue.**

*Management's response: PESH was called in to assess the condition of the building and tentatively determined that there is no mold issue, and there is nothing that precludes the department from allowing staff to use the building. We are still waiting for the final report from PESH.*

*Marine Resources is still planning to do a cleanup through the Marine Barn Committee and Karen Chytalo will soon be setting up a Barn Committee meeting to conduct the next steps.*

*PEF's response: PEF urges this to be done promptly.*

*Management's response: The committee will only be working on efforts to clean the building, possible interior painting and creating some standard use protocols. Management states that they are not repairing the bathroom.*

*PEF's response: Staff are concerned that they will be responsible for the repair and painting. PEF feels this should be the responsibility of Operations.*

**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 has no update to provide at this time. We are still reviewing PEF's suggested language changes. The old policy is still in effect. We hope to have an update by the next meeting.*

**LENS System**

**PEF requests an update on the opt-out issue. How many DEC staff have requested to opt-out of the LENS program and have these requests been granted?**

*Management's response: Management states 2 employees opted out and one has been granted.*

**E-mail and Internet Usage Policy**

**When ITS presents OER with information indicating an employee may be inappropriately using the DEC's internet or email, how does OER determine whether discipline, counseling, or other actions should occur? PEF wants to ensure that the principles of progressive discipline are being followed regarding internet and E-mail issues.**

*Management's response: Management states that OER does not receive any information from ITS. ITS does not monitor web usage. OER receives information from other sources or directly monitors internet use. Management agrees with the principles of progressive discipline and uses counselling for less egregious cases.*

**DEC Sponsored Training**

**Supervisor training and other important training seminars related to career mobility are generally only being offered in Central Office. This issue represents an unfair advantage for Central Office staff with respect to promotions.**

**PEF requests that similar training opportunities be offered in both the Regional Office and Central Office. PEF suggests that it would be more cost effective for the trainer to travel to the Regional Offices.**

*Management's response: Management has scheduled trainings in the Region 1, Marine and Region 8 offices. The trainings have been offered in all Regional offices.*

**PEF requests a status update from Everett Chamberlin on receiving replacement vehicles for FY 16-17?**

*Management's response: The updated information, titled FY 15/16 Vehicle Purchase Plan, is attached to the minutes.*

## **6. Civil Service**

### **Civil Service Exam Announcement – Environmental Engineer**

**PEF would like to discuss the new policy of transferring entry level (SG-15) Environmental Engineers (“EE0’s”) to Environmental Engineering Technician (EET) titles, if they do not pass the F.E. exam within one year of hire. This transfer would deprive the employee of the chance for an automatic promotion to the EE1 (SG-20) level and, after the next exam announcement, would demote new employees to Environmental Engineering Technician 2’s (SG-13). Depending on hiring date, an EE0 may only have one chance to take the FE exam during her first year of employment.**

**PEF believes that this policy change is unreasonable and would like to work with management to retain past practice. We are not aware of any other Civil Service position that requires you to get promoted or you get kicked out of your existing title for which you are qualified.**

*Management's response: Management is proposing to Civil Service that all current EE's be advised of the requirement and given one year from that date to obtain their FE. If at that time they do not have their FE, they will be transferred to a different title; what title is under discussion but current employees will not be downgraded.*

*A new examination announcement will be coming out that will include the wording advising candidates of the FE requirement within one year and transfer to a different position. Those candidates will have the one year from date of appointment. The information will also be added to the appointment letter, and put on the postings; as well as explained during the interview process.*

*Once all details have been finalized, Management will provide that information to PEF in writing, as well as DD's/RD's and impacted employees.*

**7. Other Issues**

**Nursing Stations**

**PEF representatives from Central Office met with Executive Deputy Commissioner Lynch to discuss the issue of breast feeding and milk expression locations.**

**PEF requests an update on resolving this issue.**

*Management's response: PEF leadership at DEC has met with DEC Executive on this issue. Consideration is being given to adding additional sites at Central Office for breast feeding and milk expression.*

**Division of Marine Resources Organizational Change**

**PEF requests information on the newly formed Division of Marine Resources.**

*Management's response: Management had handed out the Division of Marine Resources chart. Management will let PEF know the supervisory chain of command in Executive. Management will inquire about updating Marine staff of the new divisional changes.*

**Veterans Equality Act**

**On 5/31/2016, the bill was signed by Governor Cuomo. This is excellent news for DEC staff that are veterans.**

**PEF requests any information on how our members will be notified of the service credit retirement buy-back program.**

*Management's response: Management has no update to provide at this time. Management will provide an update.*

**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 49 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 states that OGS is researching and considering the lease extension at our current location at this time.*



Mark Cadrette  
Director of Employee Relations  
Department of Environmental Conservation

Date: 8/24/2016



Richard Coriale  
L/M Chair, PEF/EnCon

Date 8-23-2016