

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

September 15, 2016

Attendance:

PEF:

Rich Coriale, Region 6, LM Chair
 Christopher O'Neill, Region 4, Assistant LM Chair
 Keith Browne, Region 3, Div. 169 Leader
 Todd Caffoe, Region 8
 Gina Fanelli, Exec. Board (Regions 1-4)
 Carl Fritz, Region 1
 Holly Clark, Central Office
 Aseem Kumar, Region 8
 James Sacco, Region 9
 Kelly Cloyd, Region 3
 Bruce Giddings, Central Office, Div. 169 Treasurer
 Sam Stallone, Region 8
 Rob McDonough, Region 8
 Janice Treanor, PEF Field Representative
 Nancy Holford, PEF Recorder

Management:

Mark Cadrette, Director of Employee Relations
 Edward Kucskar, Director of Health and Safety
 Nina White, OER
 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.

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
Thursday, December 1, 2016 - Central Office

2. Budget

Authorized maximum fill level is 2,946 and has not changed from last fiscal year to this fiscal year. What is the current fill level?

Management Response: Current fills as of August 24th is 2,874.

What is the status for the newest round of approved restricted and unrestricted waivers?

Management's response: As of earlier this week, there are 40 outstanding restricted waivers. There is a waiver package at DOB pending approval for approximately 50 unrestricted waivers. The last promotional package was in June and another restricted package will be next if we stick with the current plan.

3. Pollution and Energy Reduction

No issues at this time.

Health & Safety

Work Place Violence Prevention

PEF requests an update on the status of 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?**

Have all facilities been assessed for workplace violence at this time (several years into the program's existence)? If not, which facilities remain un-assessed? When is the statewide program annual review, and how will it be conducted this year?

Management's response: Management has received all the regional updates except for Region 2. Management will follow up with the Region to insure those updates are provided. Management anticipates conducting the annual review in November.

PEF's response: PEF requests Management to review Little Pond and Devil's Tombstone for completion of the Workplace Violence Assessment in Region 4. PEF requests the information before the next meeting.

Work Place Violence Policy

Region 4 Schenectady Office was the site of the apprehension of the person charged in the case of defecation ‘practices’ and contamination of Central Office of the past few months. The arrest occurred on July 21, 2016, with the perpetrator being present in the Schenectady Office lobby area with his bicycle, engaging in conversations with several DEC employees as he was reportedly told to show up there for a new picture ID so he could go back to work. The perpetrator had been banned from Central Office previously, in accordance with PEF/Management LM Meeting conversations of June 2016. PEF feels that the apparent “sting” operation at the DEC Region 4 Office endangered both DEC employees and the potential visiting public at that office.

PEF requests that a practice and/or policy be developed for preventing potential workplace violence opportunities for suspected criminals to encounter DEC employees at Regional Offices and the visiting public.

Management's response: Management disagrees this is a workplace violence issue. Law Enforcement felt that this individual was not a risk for violence. Management will invite Law Enforcement who were involved in the incident to attend the December Labor/Management meeting in Albany. Management will get back to PEF regarding the post-incident review after discussing the issue with the Division of Law Enforcement and the DEC Executive office.

PEF's response: PEF requests to form a sub-committee group to create a post-incident review with PEF, Law Enforcement and DEC. The Health & Safety Committee will work on protocols and procedures in terms of safety in the workplace.

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.

Management was waiting for a final report from PESH.

PEF requests an update on this issue.

PEF's response: Management has secured funding for the building clean-up. They are having a barn clean-up this Friday, September 16th. PEF still has concerns with the bathroom. PESH had cited the department with a Notice of Violation for paper issues, but is now resolved.

Management's response: Management will follow up again with Regional Operations to ensure the bathroom is inaccessible.

On May 27, 2016, there was unscheduled, required evacuation of all employees at 625 Broadway, Albany, due to a non-fire related incident. The emergency evacuation procedures that are currently posted on In-Site only contain guidance on fire and fire safety related topics.

PEF requests an update to the OGS Tenant Guide, Section 3, Emergency Responses, dated August 1, 2014, for non-fire related emergencies. In addition, the Tenant Guide should be posted on In-Site under Central Office Emergency Information and all DEC 625 Broadway employees should receive an email indicating that this document has been posted.

Management's response: Management provided PEF with a Draft OGS Tenant Guide related to emergency responses at 625 Broadway. The draft was dated June 29, 2016. Once finalized by OGS and Office services, the document will be posted and distributed.

4. 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.

PEF was told that the suggested revisions were generally acceptable, but no re-draft of the policy has been provided, and no indication as to which suggestions are not acceptable to OER.

Management's response: Management is working to redraft the smoking policy to incorporate PEF's comments. Management will forward a draft to PEF for review by the end of September, 2016.

E-mail and Internet Usage Policy

Recently, updates to the zScaler application were made for users accessing the internet from a laptop. When using a laptop off the DEC network, users will be prompted to log into zScaler.

PEF requests an explanation to the change in protocol for logging internet usage when not on the DEC network.

Management's response: Management notes that this is an ITS issue not a DEC issue. Management has been informed by ITS that there is no policy change as it relates to at home laptops. The recent implementation of zScaler should have occurred long ago but did not due to technical issues; now that those technical issues have been resolved, ITS is rolling out zScaler to all laptop computers.

ID Card Replacement Policy

The Office of General Services notified staff that there will be a \$13.00 charge for the following ID replacements:

- 1) lost cards
- 2) broken cards
- 3) stolen cards
- 4) faded cards
- 5) name changes
- 6) updated photos
- 7) failed cards that are over one year old

PEF requests clarification on the DEC's policy in regard to ID replacement.

Management's response: Management covers the charges for all cards; replacements included except for those that are lost or stolen.

Employee Recognition Award

PEF was informed that Everett Chamberlin is getting ready to retire and his replacement is "shadowing" him as part of succession planning over the next three weeks. PEF would like to present Everett with a recognition award for his straightforward and helpful approach in dealing with fleet management issues brought up in labor management.

Management's response: Management will get back to PEF regarding Everett's retirement date.

Succession Planning

PEF appreciates the efforts of Management on Succession Planning since the topic was brought up by PEF at the March 2016 LM Meeting, and its continuing efforts as there is apparently a Regional Directors Meeting soon to focus on succession planning.

PEF requests information related to whom in the agency is receiving the detailed information for employees who may be eligible for non-penalty retirement (e.g., 55 years old and 30 years of service) within a certain time period (e.g., this year, next 3 years, next 5 years, etc.)? How will the agency protect this information and prevent the information from being used to discriminate against 'eligible short-timers' in opportunities for promotion and career advancement?

Management's response: The reports for Succession Planning purposes are being provided to Regional and Division Directors and high level Managers to assist with Succession Planning efforts. These reports do not contain any confidential information. Managers have been made aware that this information is for Succession Planning purposes only; is not to be utilized in a negative manner. If an employee has a specific concern, he/she should bring this concern to the attention of the Director of Personnel and/or the departments Affirmative Action Officer for review.

MC "holds" on PEF-represented positions

In the PEF/Management LM Meeting of December 2014, Management provided a response to PEF's question regarding "holds" on PEF-represented positions by MC employees (presumably promoted out of the "hold" position). In that response, Management indicated that the holds can be approved internally for two years, then the holds must be approved by Civil Service. Management's response went on to say that "The hold is for a title and grade, but not a specific location."

PEF requests the following information: (1) a list of these "hold" positions from DEC and/or Civil Service (2) can specific positions in specific locations be filled as "Contingent Permanent" reflective of a "hold" by a 'promoted-out' MC employee if the "hold" is not applicable to a specific location (3) can an employee in a 'held' position get the "hold" removed from their position and specific location (i.e. essentially remove that 'contingent permanent hold)?

Management's response: When any employee maintains a hold, the person in the position that the hold is on remains contingent-permanent. They are advised of this when they take the position. That person cannot have the hold move/removed. Holds are moved as new people are hired to ensure, when possible, that employees do not remain contingent permanent for extended periods of time. Employees who are promoted into contingent permanent positions also retain holds on their lower level positions while they are contingent permanent. So if an EE 2 is promoted to EE 3, but the EE 2 is contingent permanent, that contingent permanent EE 3 will have a hold on an EE 2 while he/she is contingent permanent in the EE 3, no matter how long that is.

Also, while employees are not guaranteed a hold in a specific location, DEC does its best not to move holds unless it is for a mission driven reason (meaning the item/title has to be moved someplace else to get the work done).

Management provided PEF with a list of all hold positions at DEC.

Picture ID for Employees

PEF requests whether the 'official' picture ID card/access card is in fact required for DEC employees, and if so, please indicate what policy establishes that requirement? In addition, if there is a policy requirement, then please provide the details of that policy, when was it issued, when was it provided to PEF for review/comment and from whom is that policy available.

Management's response: Management is unaware of any official policy which mandates picture ID's for employees.

5. Civil Service

e-mail Canvassing Guidelines

The DEC In-Site website, *Steps for Filling a Vacant Annual Salaried Position, Request List*, references "Department mail, phone and e-mail canvassing guidelines. Responding to an Eligible List (CERT) Canvass states that a candidate has 15 calendar days after the mailing of the canvass to respond. If the canvass is a telephone call or e-mail canvass you have two business days (close of business on second day) after the date of the call/email to respond. If a candidate fails to respond within the above time frame they may be considered ineligible for that particular appointment. In other words, he/she does not have to be considered as one of the three acceptors in determining who is reachable.

PEF requests clarification on the e-mail canvassing guidelines document and verification of the current status of e-mail canvassing and the need for paper mailing follow-up. According to previous labor management minutes, all e-mail canvasses were to include a statement that no response from a candidate will result in hard copy letter being sent to the candidate instead of it being considered a declination. PEF requests that Personnel correct this issue as previously agreed and enforce these 'guidelines' with all regional administrative assistants.

Management's response: Management reviewed Steps for Filling a Vacant Annual Salaried Position, Request List, on In-site and did not find any reference to response time for canvass responses. However, further review of the Site did locate this reference under Eligible Lists Resulting from Civil Service Examination, responding to an Eligible List (CERT) Canvass. The language has been revised to be consistent with the language that was updated, per PEF's request, in the Canvass Instructions document. The Canvass Instructions are provided with every eligible list certification that is generated and given to Divisions/Regions. A copy of this document was previously provided to PEF, but is included herein for your information. Additional minor updates were made to the above referenced pages to include link(s) to the Canvass Instructions and the Revised Employment Application number/link.

PEF's response: PEF requests that the previously discussed and implemented language be included in canvass e-mails stating that lack of response to the e-mail canvass will result in a hard copy canvass letter being sent.

6. Other Issues

Policy on Traumatic Incidents

Currently, there is no policy or guidance on how to provide counseling to DEC staff that have been involved in a traumatic incident, such as reviving a coworker using an AED or a sudden death/drowning of a camper at a campground.

PEF requests a policy or guidance be drafted to meet this need by DEC staff.

Management's response: Management is proposing that the Central Office EAP Committee be tasked with drafting a guidance document related to traumatic incidents and grief counseling, and that draft be reviewed and approved by the Statewide Labor/Management Committee.

Buffalo Office Move

The DEC Region 9 office is in the process of an office space consolidation. This has been in the works since February, 2015 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 Buffalo Office Space issue in Region 9.

Management's response: Management has discussed the issue with the Executive and Regional Director, and there is no update to provide at this time.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 1-31-2017



Richard Coriale
L/M Chair, PEF/EnCon

Date 1-31-2017