

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

December 1, 2016

Attendance:

PEF:

Rich Coriale, Region 6, L/M Chair
Christopher O'Neill, Region 4, Assistant L/M Chair
Holly Clark, Central Office
Rob McDonough, Region 8
Bruce Giddings, Central Office, Div. 169 Treasurer
Frank Flack, Region 4
Gina Fanelli, Exec. Board (Regions 1-4)
Keith Browne, Region 3, Div.169 Leader
Jeffrey Dyber, Region 8
Tim LeBarron, Central Office
Toni Norfleet, Central Office, Div. 169 Secretary
James Sacco, Region 9
Kevin Hintz, PEF Secretary-Treasurer
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, Employee Relations
Lynn Helme, Employee Relations
Sheri Montross, Assistant Director of Personnel
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 2017: March 16, June 1, September 7, and December 7.

**Thursday, March 16, 2017 - Central Office
Thursday, June 1, 2017 - Central Office
Thursday, September 7, 2017 - Region 4 Schenectady Office
Thursday, December 7, 2017 - 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 November 21, 2,881.6.

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

Management's response: As of November 21, 64 outstanding unrestricted waivers. Management is also working on a new package of waivers.

3. Pollution and Energy Reduction

PEF requests that the Commissioner Seggos attend this meeting to discuss this issue.

Management's response: The Commissioner was unavailable to attend this meeting. Management had been expecting a counter proposal regarding telecommuting from PEF.

PEF will reach out to the Commissioner and the Executive team to discuss a telecommuting policy.

4. Health & Safety

Work Place Violence Prevention

PEF requests an update on the status of the following Workplace Violence Prevention Program issues:

Has the statewide program annual review been scheduled?

Management's response: Not at this time. Management anticipates reviewing this schedule January, 2017. The 2017 Annual Review will be conducted in the fall of 2017.

Management will provide PEF with a response to the inquiry of the Annual Review process.

At the last meeting, PEF requested Management to review Little Pond and Devil's Tombstone for completion of the Workplace Violence Assessment in Region 4. Has this been completed?

Management's response: The assessments have been completed and the results are partially posted to the department's intranet site. There was a problem posting the completed assessments, but we anticipate having that done soon.

Management will follow up with PEF's concern on how these assessments were completed.

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 requested to form a sub-committee group to create a post-incident review with PEF, Law Enforcement and DEC. The Health & Safety Committee is working on protocols and procedures in terms of safety in the workplace.

PEF requests an update on this issue.

Management's response: Management continues to discuss the issue with both the DEC Executive Office and the Division of Law Enforcement. We have no specific update to provide at this time. However, Law Enforcement advises that no review of the incident should take place until the criminal case is fully adjudicated. Management will continue to follow up with Law Enforcement to determine when the case is fully settled.

5. Personnel

Smoking Policy

PEF has reviewed the updated version of the draft policy and will submit its comments to OER.

Management's response: Management will await PEF's comments.

Access to DEC Network

DEC is requiring staff to obtain tokens in order to access their work email outside of the internal network. Can management use tokens to track the locations of DEC employees? Do tokens allow management access to the internal content of staff's personal devices? Please distinguish between the capabilities of the hard and soft tokens.

Management's response: No location can be tracked from use of the token and access is not possible from use of the token. Management will follow up regarding PEF's question on the replacement of lost, stolen or broken Fobs.

PEF discourages staff using their personal equipment for work.

6. Civil Service

Marine Biologist – Region 1

Biologist 1(Marine) staff is listed on the org charts as being in the chain of command for marine resources (see attached org booklet with edits). However, the Unit leaders are Bio 2s (Ecology) Andrew Walker and Sam Yee Chan. Sam Yee Chan is missing from both the Marine Resources and the Region 2 org charts. This is causing confusion with the chain of command.

- 1. Are the BMH Units in Regions 1 and 2 non-regionalized similar to Region 3 or are they part of their respective Regions Natural Resources sections?**

Management's response: The Division of Marine Resources staff in Regions 1, 2 and 3 are regionalized. They report to Regional staff up through the Natural Resources Supervisor.

- 2. PEF requests clarification of the chain of command for Biologist 1s, 2s (Marine) and the role of the Biologist 2 (Ecology)s in the respective regions.**

Management's response: Prior to the Division of Marine Resources, Biologist 1 (Marine) and Biologist 1 (Ecology) reported to the Regional Habitat Manager; which was either a Biologist 2 Ecology or Biologist 2 (Marine). With the creation of the Division of Marine Resources, there is a plan to have a Biologist 2 (Marine) in each of the three downstate regions. Fish and Wildlife plans to have a Biologist 2 (Ecology) in each of these regions as well. It will have to be done through the critical fill process and timing of the critical fill is unknown.

- 3. PEF requests updates to the Organizational charts to reflect these clarifications.**

Management's response: Management clarified the missing name on the Organizational chart for Region 2 Bio 2 (Ecology) and should read Sam Yee Chan.

Management will provide an updated Marine Resources Organizational Chart as soon as it is available within two months.

- 4. PEF is also concerned that the A & B lists for Biologist 2 give an unfair advantage to Biologist 1s (ecology) who work alongside Biologist 1s (Marine) in Bureau of Habitat. The Ecology parenthetical staff would be on the A list and the Marine parenthetical on the B list for their supervisor's position. This limits the career mobility for the Marine parenthetical.**

Management's response: The Division of Marine Resources is in the process of reclassifying a staff member in Region 1 from a Biologist 2 (Ecology) to a Biologist 2 (Marine). The Division is also in the process of reclassifying a staff member from a Biologist 1 (Aquatic) to a Biologist 1 (Marine) in Region 3.

PEF will confirm with Management, and will confer on trying to get solutions within the week.

7. 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 an update on this issue.

Management's response: Management discussed this issue at the Central Office EAP Committee Meeting on October 11, 2016. While the EAP Committee did not think it appropriate to draft a new DEC Crisis Policy/Guidance document, our EAP Coordinator did obtain an EAP Crisis Response guidelines document and had it posted on the DEC/EAP webpage which you can see at <http://internal.dec.state.ny.us/eap/>. The committee agreed that the document was supportive of the role EAP can play in a critical response.

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.

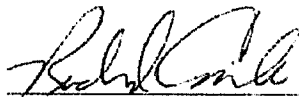
PEF requests an update on the Buffalo Office Space issue in Region 9.

Management's response: Management has no update. The lease has been extended. Management will follow up with PEF's concerns with any reconfiguration of the existing office space.



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