

Meeting Minutes – March 29, 2017

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

March 29, 2017

Attendance:

PEF:

Rich Coriale, Region 6 L/M Chair
Christopher O'Neill, Region 4, Assistant L/M Chair
Sam Stallone, Albany
Rob McDonough, Region 8
Gina Fanelli, Exec. Board (Regions 1-4)
Frank Flack, Region 6
Bruce Giddings, Central Office, Div. 169 Treasurer
Tim LeBarron, Central Office
Holly Clark, Central Office
James Sacco, Region 9
Janice Treanor, PEF Field Representative
Nancy Holford, PEF Recorder

Management:

Ken Lynch, Executive Deputy Director
Jeff Stefanko, Assistant Commissioner of Administration
Mark Cadrette, Director of Employee Relations
Edward Kucskar, Director of Health and Safety
Nancy Lussier, Director of Management and Budget Services
Marline Agnew, Director of Personnel and Payroll Services
Paula Laime, Employee Relations
Julie Gibson, Employee Relations
Brooke Turallo, OER
Lynn Helme, 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 2017:

Thursday, March 16, 2017 - Central Office – Room 129

Thursday, June 1, 2017 - Central Office – Room 919

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**Thursday, September 7, 2017 - Region 4 Schenectady Office
Thursday, December 7, 2017 - Central Office – Room 129**

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 are 2,944.

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

Management's response:

Approximately 40 unrestricted waivers remain outstanding; approximately 25 restricted waivers remain outstanding.

**What will be the effect on DEC's budget if the EPA budget is substantially reduced in October 2017?
Does funding from EPA begin April 1, 2018 or October 1, 2017?**

Management's response:

Too speculative to comment; start dates depend on grants.

3. Pollution and Energy Reduction

PEF requests that Commissioner Seggos attend this meeting to discuss a meaningful approach to developing a Teleworking Policy that greens our commute to work. PEF has prepared a draft policy for management's review but would like to discuss the issue before submitting it for review.

Management's response:

Management has concerns regarding emergency response and employee availability; however, management will review PEF's draft policy and proposal.

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4. Health & Safety

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

Has the statewide program annual review been completed?

Management's response:

Management replied the meeting was held and Training is going to hold a class on de-escalation at some point this year. PEF will have an opportunity to review and comment.

At September meeting, PEF requested Management to review Little Pond and Devil's Tombstone for completion of the Workplace Violence Assessment in Region 4. At the December meeting, PEF was informed that the assessments had been completed and the results were partially posted to the department's intranet site. Have all of the completed assessments been posted?

Management's response:

Management reported that the risk certification and risk factors are posted on the web site. This calendar year the risk assessment forms will be completed for those locations.

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:

Due to time constraints at this meeting, this item will be moved to the next labor/management meeting's Agenda.

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Workplace Violence Prevention

When a WPV complaint is received by OER and OER determines that it does not qualify as workplace violence incident, OER refers the complaint to affirmative action as a harassment complaint. Affirmative Action handles harassment complaints for the agency.

PEF requests management discuss its process for receiving WVP complaints and how it determines what incidents constitutes harassment versus workplace violence.

Management's response:

Office of Employee Relations (OER) only makes the determination of workplace violence policy violations. OER suggests to employee that if they feel that the alleged action they describe has created a hostile work environment as defined by CP-41/Nondiscrimination in the Workplace, they should report those concerns to the DEC Affirmative Action Officer, Juan Abadia.

5. Personnel

LATS conversion

DEC will be transitioning from Lats to Lats-NY in the new fiscal year. Lats-NY is hosted by the Business Services Center (BSC) at OGS. The pay period of March 23rd through April 5th will be the last pay period on DEC's system. This timesheet and any other outstanding timesheets must be completed, submitted and approved by a supervisor by April 12th, 2017, when our system will be shut down.

LATS-NY will not be available until April 17th. For the period April 6th through April 16th, employees and supervisors will need to track time on paper or their Outlook calendars.

Is there a preferred method to record time worked or is it up to the supervisor?

Management's response:

Management will be provided a form recommended by the BSC for use during this time period. The form will be for the employee to maintain. But, at the end of the day, the time kept is fine as long as there is a record of it for when LATS is live on 4/17.

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Essential Employee Status

During the last storm event, COS 3s and 3s were notified that they were essential and had to work overtime.

How does DEC determine who is essential? Is there a formal DEC policy?

Is there a list of essential titles?

Management's response:

Management determines who is essential regarding the needs of the emergency. There isn't a list of essential titles and there is no formal DEC policy.

Access to DEC Network

ITS is requiring staff to obtain tokens in order to access their work email outside of the internal network. PEF members have reported many problems with the use of both hard and soft tokens making it difficult to access the DEC network when not in the office.

PEF requests the status on the token process for off-site access to DEC's network.

Management's response:

Tokens are still being used; Help Desk ticket numbers should be sent to ITS designees for follow up if there are unresolved problems.

Annual Statement of Financial Disclosure

All employees who are designated as policy makers or whose salary is above the established threshold are required to file an Annual Statement of Financial Disclosure with the Joint Commission on Public Ethics. Employees required to file an annual Statement of Financial Disclosure will receive an email from jcope@public.govdelivery.com in April of 2017 notifying filers that the Financial Disclosure Statement is due May 15, 2017.

Filers who are not designated as policy maker may apply for an exemption from filing a Financial Disclosure Statement. The application will be available through the filer's online JCOPE account, or by mailing a paper copy of the form to JCOPE. Requests for extension are also available through the filer's online account, or by mailing a paper form to the Commission. Requests for extensions or exemptions must be submitted by May 15, 2017.

The threshold for the 2016 calendar year is \$91,821. If your current salary exceeds \$91,821, you will be required to file; and if at any time during the calendar year 2017 your salary goes above \$91,821, you will be required to submit a statement of financial disclosure within 30 days. Many employees are currently at or near the established threshold of \$91,821. As a result of the pending PEF/MC Pay Bill, salaries for SG 24 and above will exceed the threshold of \$91,821 following the implementation of the Pay Bill.

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Personnel has informed employees that after the negotiated raises go into effect, SG-24 and above who are at top of grade will have to file Financial Disclosures for the first time. Potentially, hundreds of DEC employees could be affected by this change even though none of these employees are policy makers.

PEF extends its appreciation to Marline for all of her hard work getting the information to our members. PEF will work through its legislative staff to encourage the Commission to raise the filing threshold in order to keep non-policy makers below the filing threshold.

Does DEC have to make or will DEC make appropriate contact with the JCOPE or other entities to request the disclosure threshold increase which would continue to be larger than the DEC Grade 24s?

Management's response:

DEC has already been in contact with JCOPE regarding increasing the threshold. JCOPE explained the following:

"The salary threshold for filing an Annual Statement of Financial Disclosure is defined as job rate of an SG-24 as defined by Paragraph (a) of Subdivision One of Section 130 of the Civil Service Law, which covers salary schedule for those under the Civil Service Employees Association (CSEA)".

As a result of the change to PEF salaries, and anticipated change to M/C salaries, without a corresponding increase in the job rate of an SG-24 in the CSEA schedule, a series of PEF and possibly M/C employees will now have compensation above the FDS filing rate, thus requiring them to file an FDB within 30 days.

Disciplinary Interrogation

Management recently learned that a local PEF Steward shared information about an upcoming disciplinary interrogation with another employee who was not involved in the matter. As a result, Management has concerns about how PEF/ENCON is handling confidential employee matters.

Are confidential employee matters, particularly disciplinary issues, discussed amongst stewards not directly involved in the matter? Are new stewards given guidance/training on the proper handling of confidential matters they may be involved in?

Management's response:

Due to time constraints at this meeting, this item will be moved to the next labor/management meeting's Agenda.

6. Civil Service

Engineer Title Structure Changes

The Division of Classification and Compensation (C&C) completed a comprehensive review of Engineer titles as part of the Civil Service Reform initiative. The focus of this review was on titles that lead to and include licensed Professional Engineers. The proposed changes will streamline the Engineer titles; establish consistent minimum qualifications and credentials for career advancement; standardize allocation and classification criteria; and update Classification Standards. The changes are effective January 26, 2017.

As a result of this review, C&S eliminated most agency-specific titles and now rely upon specialties that cross agency lines. The new nomenclature will allow agencies, with justification, to request additional parentheses to address new areas. The new structure includes Assistant Engineer, Grade 20, Professional Engineer (PE) 1, Grade 24, and PE 2, Grade 27. Assistant Engineers, each with an appropriate parenthesis, must possess a Fundamentals of Engineering (FE) credential recognized by the State of New York. PE's, each with an appropriate parenthesis, must possess a PE license recognized by the State of New York and be currently registered in the State of New York.

In addition to the title consolidation, a new traineeship—Engineer Trainee, NS=Grade 18—will be introduced and is intended for career track Engineers only (those pursuing licensure). This traineeship will eventually replace Junior Engineer and Environmental Engineer, both at Grade 15. Engineer Trainees will serve a minimum of 52 weeks and a maximum of 104 weeks probation. Appointees who obtain their FE credential will advance to the appropriate Assistant Engineer, Grade 20, parenthesis after the minimum one year of service; those who fail to obtain their FE credential by end of the second year of appointment will be terminated. (Note that Engineer Trainee, NS, is an appointment level change title only; there will be no positions of Engineer Trainee, NS.)

PEF requests how many titles will be effected and what the new testing requirements will be for this change in structure.

Management's response:

This title structure change took place effective 1/26/17. PEF was provided with a list of titles that would be impacted. I have attached the list again for their information. Every engineer at DEC was impacted and each was notified of the change in title.

Personnel has a meeting with Civil Service and all other impacted agencies to discuss the testing for the entry level. Engineer Trainee, position at the end of this month. We have no additional information regarding the exam process for the Engineer Trainee, nor the other level positions. As information is made available we will share it with employees and the union.

7. Other Issues

Late Pay Checks in Utica

PEF extends its appreciation to both Nancy and Marline for looking into the issue of pay checks being received late in the Utica Office. The problem was found to be within the US Postal Service. While the occurrences have decreased, PEF continues to request that when holiday issues arise the agency send those check via UPS to ensure employees are paid on time.

Buffalo Office Move

The DEC Region 9 office is the process of an office space consolidation. This has been in the works since February 2016 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 has expressed strong reservations to Management concerning the new OGS consolidation proposal. Under the new OGS Space Allowance Policy, work spaces would be reduced to half of the square footage under the existing policy. Office space size will be reduced from 72 square feet to 36 square feet (roughly a 6 x 6 cubical) for all staff regardless of job function. The Office of General Services is now negotiating with the Buffalo building landlord to move all DEC Region 9 employees in the Buffalo office from three floors in the building to the first floor. In addition, there are still serious, unresolved Health and Safety concerns with the current office building that are not being addressed.

Given the type of technical work performed by staff and the resources used in the office as well as out in the field, PEF has strong reservations regarding arbitrary office space sizing with no technical merit or vetting process. PEF members in the Buffalo office requested how OGS justified reducing the office space sizing from 72 to 36 square feet but OGS stated they have no record of the vetting process to justify the 36 square foot standard.

PEF requests a Quality of Work Life Committee, pursuant to Article 14 of the PEF Contract, be formed to review the Buffalo Office consolidation before it is finalized and to continuously review the implementation of that plan.

Management's response:

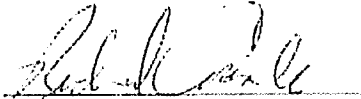
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Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 5/2/2017



Richard Coriale
L/M Chair, PEF/EnCon

Date MAY 2, 2017