

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

December 7, 2017

10:00 AM
Room 129 A&B
NYSDEC Central Office
625 Broadway, Albany

Attendance:

PEF:

Christopher O'Neill, Region 4, L/M Chair
Carl Fritz, Region 1, Assistant L/M Chair
Bruce Giddings, Central Office, Div. 169 Treasurer
Rob McDonough, Central Office, PEF Executive Board
Barbara Lucas-Wilson, Region 5
Frank Flack, Region 6, PEF Executive Board
Holly Clark, Central Office, Div. 169 Secretary
Scott Wells, Region 4
Aseem Kumar, Central Office
James Sacco, Region 9
Kevin Hintz, Region 9, PEF Secretary-Treasurer
Jeffrey Dyber, Central Office
Terry Tyoe, Region 6, Div. 169 Assistant Council Leader
Gina Fanelli, Region 1, PEF Executive Board
Rich Coriale, Region 6, Div. 169 Council Leader
Janice Treanor, PEF Field Representative
Tara Bentley, PEF Recorder

Management:

Mark Cadrette, Director of Employee Relations
Paula Laime, Assistant Director of Employee Relations
Brooke Turallo, 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.

I. PEF Labor/Management Committee Issues

A. PEF and Management have agreed to the following dates for labor/management meetings in 2018:

Wednesday, March 14, 2018 - Central Office – Room 629
Wednesday, June 13, 2018 - Central Office – Room 129
Wednesday, September 19, 2018 - Region 9 Buffalo Office -- TBD
Wednesday, December 5, 2018 - Central Office – Room 629

II. Budget

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A. Current Fill Level

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: The current fill level is 2,880.

B. Waivers

What is the status for the newest round of approved restricted (internal promotional opportunities) and unrestricted (outside hires) waivers?

Management's response: No new round of waiver requests. Waiver approvals are still being received from the August request at DOB. A request for waivers in anticipation of another submission to DOB is currently in the works. Management will follow up with Management & Budget as to whether or not there's been a change in the waiver request process.

C. Overtime Compensation

In accordance with PEF's request at the July and September 2017 PEF-DEC Labor-Management Meeting, Management provided the formulae used to determine the hourly and overtime pay rate for employees:

As an example: Grade 20 Job Rate Salary of \$78,014

Overtime Rate = Annual Salary x 0.00075

Hourly Rate (for 7.5-hour employees) = Annual Salary ÷ 1957

So Grade 20 OT Rate = (78,014) x (0.00075) = \$58.51

And Grade 20 Hourly Rate = (78,014) ÷ 1957 = \$39.86

1. Why is it that the OT Rate is only 1.47 times the Hourly Rate ($58.51 \div 39.86$) and not 1.5 times?

Management's response: The overtime factor used in the calculation for annual employees is 0.00075. This is the formula used by OSC. Overtime is calculated using the factor of 0.00075 based on a denominator of 2,000 hours ($1.5 \text{ divided by } 2,000 = 0.00075$).

2. What is the origin of the "0.00075" factor, which produces an OT Rate less than 1.5 times the Hourly Rate?

Management's response: See above.

D. LATS-NY

As follow-up to the topic of the 'new' LATS-NY system, there are employees who serve on-call during

state holidays and get called in to work on the state holidays. The LATS-NY system has a different way for an on-call employee to record the recall hours depending on when the recall hours start on the state holiday, in comparison to the employee's regular workday start and end times. The OGS Business Services Center guidance documents specifically state that the examples provided for the on-call/recall scenarios apply only to the Administrative, Institutional or Operational Services Unit, so they do not apply to PEF-represented employees. Therefore, the on-call/recall examples for PEF-represented employees, such as the Spill Response Unit employees across the state, need to be provided to the Spill Response Unit, and any other applicable work unit, Supervisors, so that employees and their supervisors will have official guidance for their accurate completion of LATS-NY timesheets.

1. PEF requests that guidance specific to the LATS-NY recording of overtime 'recall' on a holiday both within an employee's otherwise normal workday hours and hours worked outside of an employee's otherwise normal workday hours.

Management's response: The job aid in question was developed by BSC. Issues with the job aid should be directed to the BSC as indicated on In-Site and questions on how to record that time can be addressed with the BSC as well. A link to the BSC is on DEC's In-Site.

PEF response: PEF has contacted BSC directly, regarding the lack of applicable information for PS&T employees in the Job Aid for holiday recall situations. An email from BSC has been requested to provide 'official' guidance until the Job Aid is revised. BSC agreed that an email and Job Aid revision were appropriate; however, BSC is going to contact Mark Cadrette (DEC OER) prior to issuing the 'interim' email.

E. On-Call Compensation

PEF has been notified that there are employees in many Divisions and Work Units who are being put on rosters for on-call work after normal work hours, including weekends and/or holidays.

1. What units, other than the Spill Response Unit, are utilizing routine on-call coverage?

Management's response: Management requests more specific information from PEF regarding employees or work units which are being placed on-call.

PEF response: PEF will provide more specifics to Management.

2. What compensation rates are being utilized for these employees who are being directed to be available for 'emergency' needs on a routine basis?

Management's response: Article 31 of the PS&T contract speaks to the rate of compensation for stand-by. Staff placed on standby rosters should be compensated as per the contract.

3. Are these employees being provided with DEC cellphones or other communication capabilities to facilitate their on-call status, and what about other accommodations such as state vehicles?

Management's response: Employees will have the necessary tools they need while on stand-by.

F. Radon Mitigation/Monitoring

The DEC sampling results for radon at DEC-owned facilities have been reported to DEC employees, with some areas of some facilities slated for radon mitigation.

- 1. What budget line is being used to address the radon mitigation at DEC-owned facilities? What other projects or budgeted items will be reduced or cancelled due to these expenditures/investments?**

Management's response: NY Works capital appropriations are being utilized for radon mitigation efforts. No budgeted items are being reduced or canceled as a result.

- 2. Is there a need to prioritize the facilities for the mitigation work or are there sufficient budget monies?**

Management's response: Mitigation work is already being prioritized based on a number of factors including: exposure potential, ease of mitigation, etc. Budget monies thus far have not been a factor in prioritizing projects.

- 3. Will there be a specific budget line in future budgets for the operation, maintenance and monitoring expenditures for radon testing and mitigation systems? If so, what is the proposed budget amount?**

Management's response: There will be no specific budget line for mitigation efforts. It is anticipated that NY Works monies will be utilized.

- 4. Will there be outreach or public notice for current and former employees to be informed of the radon exposures which they may have received in their normal course of work at the DEC-owned facilities?**

Management's response: Staff at each facility sampled have already been notified of the results. NYS DOH and the DEC Health and Safety Unit conducted Q&A sessions at facilities where postings were required. There are no current plans to notify former employees.

- 5. What is the status of radon testing at leased (privately-owned or state-owned) buildings with DEC employees assigned to work in them?**

Management's response: There are no specific plans to test these facilities at this time. The issue is currently under consideration.

III. Personnel

A. Discovery Center

How many DEC employees, and working in what titles, are there at the Pine Bush Preserve Discovery Center?

Management's response: According to Personnel there are no DEC employees assigned to the Discovery Center.

B. Personnel's Career Advancement In-Site Page

The Career Advancement page has headings for Biologist 2 and Biologist 3, in addition to Professional Engineer 2 and Professional Engineer 4, but more recently only the engineer sections are being populated with the individual vacancy item descriptions and profile candidate lists.

1. Why aren't the biologist (and other) headings on the In-Site page being populated as positions are being canvassed?

Management's response: That page is for position specific profiles. Biologist 2 & 3 are no longer filled through the position specific process and are no longer listed on this page. Thank you for pointing this out. We have updated the page to eliminate the headings for Biologist 2 & 3.

C. Which scope conferences, to identify the examination needs for DEC, have been conducted with Civil Service in 2017?

Management's response: A Scope Conference is a confidential meeting held by CS to discuss a specific examination. Scope Conferences & Exams held during the 2016/17 testing year that DEC requested are: EPS 1, Forester 1, Biologist 1, Environmental Analyst 2, Forest Ranger 2, 3 & 4; Mineral Resources Technician; Forestry Technician 2 & 3; Assistant Superintendent of Construction; Secretary 1; Real Estate Specialist 1; Public Information Specialist 1; Mineral Resources Specialist 5; Public Participation Specialist 2, 3 & 4; Environmental Engineering Technician 2 & 3; Fish and Wildlife Technician 2 & 3; Motor Equipment Maintenance Supervisor; Laboratory Technician; and Pesticide Control Specialist 1, 2 & 3.

D. Which scope conferences, reflecting the projected examination needs for DEC, are being requested by DEC for Civil Service in 2018?

Management's response: Personnel will provide PEF with a list of requested examinations when the examination planning process for the 2018/2019 exam year is complete.

PEF requests listing of DEC titles that currently have “broken” lists. PEF requests an accounting of provisional titles and the numbers of employees in those titles.

E. Environmental Engineer 1 and 2 Lists

As follow-up to the September 2017 PEF-DEC Labor-Management Meeting, the Environmental Engineer 1 and Environmental Engineer 2 lists were extended by Civil Service previously, due to cooperation between PEF and DEC. The 6-month extension has expired and DEC engineers are being dropped from the lists as their 1-year timeframe expires.

- 1. PEF requests that Management obtain another 6-month extension for the existing, currently extended EE1 and EE2 lists from Civil Service, obtain reinstatement of those engineers who have been dropped from the previous EE1 and EE2 lists in the past 6 months, and continue to do so until the new Engineer series exams and candidate lists are established.**

Management’s response: Already answered this in my (Marlene) October 2017 email to Mark Cadrette which he then provided to PEF. Nothing has changed. Will inform when I have any additional information.

PEF response: PEF has requested that the October 2017 email from Personnel and OER be attached to these minutes. (See attached.)

IV. Facilities

A. Region 4

Secure Office Doors Propped Open

As follow-up to this item from the September 2017 PEF-DEC Labor-Management Meeting, Management indicated that the propping open of several secure office doors in the Schenectady Office was a non-issue. All employees were to have participated in the annual on-line training courses (November 17, 2017 deadline), employees may have noted that the propping open of secure doors is a specific example of what not to do according to the annual Information and Cyber Security Awareness Training.

- 1. PEF requests clarification as to when it is appropriate to prop open secure office doors and for what time duration?**

Management’s response: We agree that there was a vulnerability and we addressed it as soon as possible.

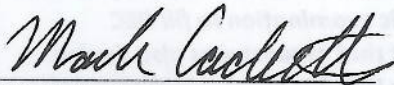
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V. **Teleworking Policy**

A. **As a follow-up to the March 2017 PEF-DEC Labor-Management Meeting, DEC Executive Deputy Commissioner Lynch spoke with PEF at that meeting regarding the development of a viable teleworking policy. After that meeting, PEF provided management with a Draft Teleworking Program document and PEF-State bargaining agreement side letter on the subject.**

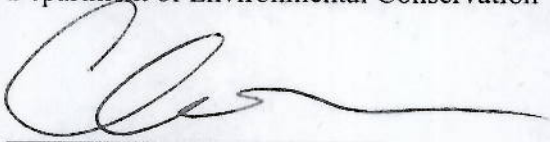
1. **PEF requests an update on Management's review of the provided draft policy and contract side letter regarding teleworking.**

Management's response: Executive does not support PEF's telecommuting program proposal.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 12/28/2017



Christopher O'Neill
L/M Chair, PEF/EnCon

Date 12/27/2017

Attachment

Attachment
PEF-DEC LM 12-7-2017 Meeting Minutes

From: Cadrette, Mark W (DEC)
Sent: Tuesday, October 17, 2017 10:58 AM
To: O'Neill, Christopher (DEC); Fritz, Carl (DEC)
Cc: Laime, Paula M (DEC); Turallo, Brooke A (DEC)
Subject: Engineer Examinations - FYI

Marline asked that I forward this information to you FYI. Mark

We were just advised by Civil Service that they plan to roll out the new examinations for these titles Engineer Trainee/Assistant Engineer, SG-20, and Professional Engineer 1, SG-24) in early 2018. We are hopeful that early 2018 means January or February at the latest. At this time there is an fairly adequate promotion list for the Sg-24 and an adequate list for the entry level positions which should remain adequate until we the new process rolls out.

I understand that there are many new eligibles for the SG-24 promotion list and we did request that CS allow us to reinstate the old examination process in the meantime, since the new examination process is to address all of the new consolidated engineering titles they will not re-announce the separate agency specific examination to fill DEC positions. We also asked for the extension of expiration dates on current eligible but that request was also denied. Most of the eligible will remain on the current list through the end of 2017 and many into 2018.

I will provide any additional information if we receive it, but at this time it looks like there will be nothing more to add prior to early 2018 when the exam is rolled out.