

**STATEWIDE PEF/NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
LABOR/MANAGEMENT Final Meeting Minutes**

September 19, 2018 9:30 AM Conference Room, DEC Buffalo Office (270 Michigan Ave, Buffalo)

Attendance:

PEF

Christopher O'Neill, Region 4, L/M Chair
Todd Caffoe, Region 8, Asst. L/M Chair
Holly Clark, Central Office, Div. 169 Secretary
Rich Coriale, Region 6, Executive Board (Regions 5-9)
Gina Fanelli, Region 1, Executive Board (Regions 1-4)
Aseem Kumar, Central Office, Executive Board (Central Office)
Kelly McKean, Region 3
Toni Norfleet, Central Office
James Sacco, Region 9
Janice Treanor, PEF Field Representative
Nancy Holford, PEF Recorder

Management

Mark Cadrette, Director, Office of Employee Relations
Paula Laime, Asst. Director, Office of Employee Relations
Edward Kucskar, Director, Health & Safety Unit
Christopher LaLone, Regional Engineer for Env. Quality, Region 9
Brooke Turallo, Office of Employee Relations
Nina White, Office of Employee Relations
Via Conference Call: Nancy Lussier, Director, Division of Management and Budget Services
Marline Agnew, Director, Office of Human Resources

Office Tour only: Matt Perkins, Div. of Operations, Region 9; Dave Szymanski, Health and Safety Committee, Region 9; Rick Rink, former PEF Steward, Region 9

NOTE: As always, Commissioner Seggos is invited to attend the PEF/DEC Labor/Management Meeting on September 19, 2018, (by chance he might be in the Buffalo area) even if it is only for some opening remarks to the attendees.

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. Labor-Management Committee walk-about in the Buffalo Office

- A. Over the past few years, there have been several DEC Region 9 issues brought to the attention of the Statewide Labor-Management Committee, including office flooding on the first floor, office re-location to former automotive repair area, office cubicle size reduction, and office radon testing. Having this meeting in the Buffalo office provides the opportunity to appreciate, first-**
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hand, the concerns and questions brought forth to this committee.

Discussion of the committee members' observations to occur following the office 'tour'.

Outcome of discussion:

The Statewide PEF L/M Committee members, Statewide L/M Management representatives, and Region 9 PEF representatives and Region 9 Management representatives toured the DEC Buffalo Office building and discussed various topics in relation to the building conditions, the building lease arrangements and the involvement of NYS Office of General Services (OGS).

In addition, Management will work with Regional Operations staff to potentially address first floor flooding issues with the city of Buffalo, with particular attention to the cleanout of stormwater catch basins and pipelines.

PEF and Management will continue to work together with the DEC Region 9 Health & Safety Committee, with greater appreciation for the Buffalo Office issues after having a first-hand look during the tour.

2. 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 – DEC Central Office – Room 629

Wednesday, June 13, 2018 – DEC Central Office – Room 129

Wednesday, September 19, 2018 – DEC Region 9 Buffalo Office – Room 156

Wednesday, December 5, 2018 – DEC Central Office – Room 629 – 6th floor.

B. PEF anticipates proposing dates for labor/management meetings in 2019, including the annual regional location as possibly Syracuse or White Plains, at the December 5th 2019 labor/Management Meeting.

Management and PEF will discuss at the next labor/management meeting in December the proposed meeting dates for 2019.

Management would like to see PEF's labor/management agreement proposed changes before committing to dates going forward. Absent of proposed changes, Management is amendable to renewing the current agreement.

3. Budget

A. The current authorized maximum fill level is 2,994 (reflecting change reported at June 2018 LM Meeting). What is the current fill level?

Management Response:

The current fill level is 2,833.

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

Management's response:

Almost the entire last critical fill package is still pending filling.

C. What is the status for previously approved restricted and unrestricted waivers, that remain unfulfilled?

Management's response:

See above.

D. Vacancy List

Based on the most recent employee rosters received by PEF through the Office of the Comptroller, there seems to be more than 1900 vacancies at DEC. How are these vacancies accounted for by DEC's budget and how are these vacancies treated with respect to critical fills and succession planning?

Management's response:

Vacancies generally do not drive the critical fill process. They are on our roster because they may/may not have been filled in the past. If a critical fill is approved, a position from the vacancy pool may be used if the duties, location and funding source are consistent with the critical fill.

How many of the 1900+ vacancies are 'funded vacancies'?

Management's response:

None.

4. Personnel

A. Employment Application S-1000 Form

The Employment Application S-1000 Form that is posted on the DEC In-Site internal webpage, and that is being provided with job canvass letters/emails does not contain the current contact person for current or prospective employees to contact for questions regarding affirmative action. PEF requests that the S-1000 Form be updated to provide accurate contact information for persons completing the form.

Management's response:

Done.

B. Email Canvasses

In March 2016 and October 2017, the DEC Executive Office issued a memorandum warning all staff of the potential dangers of providing personal information, including driver's license numbers, through the agency's email system. Given this email advisory, the use of the Employment Application S-1000 Form for email canvassing should be discontinued, unless there are specific directions to potential candidates that their driver's license number should be redacted from the completed form before returning the form through email. PEF requests that standard language be either inserted on the S-1000 Form or included in the canvassing email to alert job potential candidates of the advisory to not include one's driver's license number on the completed form if the form is being returned by email.

Management's response:

We agree. Personnel recently advised Administrative Specialists that S1000 should not be provided with canvasses. S1000 is to only be completed by candidates who are being interviewed. Since resumes are requested with all canvasses, it is unnecessary to have every person canvassed complete the form. The Administrative Specialists have also been made aware of the issue of the sensitive information on the S1000 as it relates to email.

C. Webpage and IT Positions

Several years ago, the Governor's Office created the Office of Information Technology Services (OITS) to consolidate computer-related efforts at state agencies, and pulled DEC's information technology staff to OITS. PEF has seen the hiring of Hourly-Based Information Technology (H-BIT) staff at several agencies, including DEC, as well as the formation of "digital content" parenthetical positions at DEC for webpage-type work.

What are the options for DEC regarding hiring computer-related staff with respect to regular OITS titles, DEC "digital content" parenthetical titles, H-BITs positions, and others?

Management's response:

DEC is not able to hire staff in OITS titles. Digital content parenthetics that are not OITS only can be set up and filled as long as the duties are appropriate. The Offices of Communication Services and Media Relations are utilizing these titles now. As far as h'bits employees are concerned, they are supervised by ITS even if DEC pays for them. They address short-term needs for ITS enhancements or projects.

D. Conservation Operations Supervisor Series

PEF has received inquiries regarding the long-awaited exams for the Conservation Operations Supervisor 2 and 3 series. It seems that the exams have not been given since approximately 2005.

Will the DEC be asking for the Conservation Operations Supervisor 2 and 3 series exams to be offered by Civil Service sometime soon?

Management's response:

The COS series was last held in 2012. DEC has asked for the entire series, 1, 2, 3 & 4 and it is anticipated it will be held in the Spring of 2019. It was a top priority along with the Engineering exams and the Fish Culturist exams. The Engineers have been addressed, the Culturists will be announced this fall and the COS is scheduled to be announced in the Spring.

E. Professional Engineer Series

Based on the recent exam scores for the Professional Engineer 2 (Environmental) and the Professional Engineer 4 (Environmental), PEF has noted a larger number of scores of 100 than previous scores for this series.

Has the band-scoring process changed for the Professional Engineer series, or what are the other factors that would/could result in such a change in exam scoring to produce such a large number of 100 scores?

Management's response:

No changes, those are simply the scores that candidates achieved on the written examination.

F. Engineer Trainee Items (Grade 18/20)

With the Grade 18/20 Engineer exam score candidate lists having been generated recently, how many of these provisional employees were not made permanent (with the regular traineeship probationary period)?

Management's response:

Of the 19 provisionals, 18 have been made permanent. One candidate was not reachable, and we are hoping to reach him by the end of October.

5. Work Place Violence Prevention Program

A. Based on the Workplace Violence Prevention Program (WVPP) information from the June 2018 Labor-Management Meeting, not all Regions responded timely for their annual reviews and updates. What is the current status of the Regional reviews and updates for WVPP?

Management's response:

Management is waiting for 6 areas for updates.

B. The announcement for the annual WVPP training requirements for all staff was issued on August 8th 2018. Staff in workplace locations which have not been subject to WVPP annual Regional reviews and updates may not be receiving appropriate WVPP training for their workplace. What is Management's plan for assuring that proper WVPP training is provided to each staff person in the agency this year and forward?

Management's response:

Management tries very hard to have the forms updated prior to the rollout in August. Management reported a new person will be hired to handle WVPP and will also be updated with the training.

- C. PEF Headquarters' Health and Safety Unit has a staff person who is an area-wide and nationally-recognized expert in workplace violence prevention. In addition, the DEC's WVPP statewide committee includes the aforementioned PEF representative and a similarly-qualified CSEA health and safety and WVPP representative. PEF would like DEC to have the benefit of their expertise in delivering the WVPP to the agency's staff throughout the year, not just at the time of the statewide WVPP annual review time. Would DEC consider having WVPP operate through the Statewide Health and Safety Committee, rather than the Statewide Labor-Management Committee, with the standard protocol of having unresolved issues from Statewide Health and Safety be referred to Statewide Labor-Management? If, so, then how would we proceed?

Management's response:

The 2017 WVPP review will be discussed at the November 21, 2018 meeting which will include Geraldine Stella, PEF Safety & Health Specialist and Mark Stipano – CSEA Partnership.

A representative from OER will be attending a Statewide Health & Safety Meeting in 2019 to discuss the WVPP Program.

6. Public Service Workshops Program Courses

PEF has received inquiries regarding the potential for licensing exam preparation courses, for the New York State professional engineer and professional geologist licenses, through the Public Service Workshops Program (PSWP). PEF has contacted the DEC Training Office, and were directed to the GOER contacts to request this type of course be offered.

Can DEC Management take a more active role in pursuing PSWP courses for DEC employees who need professional licensing to maintain and progress in their professional careers at DEC? PEF requests that DEC add to the individual requests that are being submitted by PEF-represented employees, in support of PSWP courses for professional licensure exam review.

Management's response:

DEC's Training Office requests training from PSWP; however, the funding for courses comes from PEF. With regard to the engineer prep courses: these courses are recently offered but filled up quickly. The Training Office reached out to PSWP to ask them to add more courses so that more of our staff could get into the classes. The issue is that PEF is not providing more funding for more courses so PSWP cannot add more classes.

With regards to the Geologists, as soon as PEF asked the Training Office about the prep classes for Geologist licensure, the Training Office reached out to PSWP and asked, however, currently there are no vendors offering these courses. PSWP is actively-looking for vendors and then will have to seek funding from PEF to provide the courses.

There is nothing else DEC's Training Office can do with regard to PSWP courses since they are offered through a vendor and funded by PEF. If we ask for something PSWP is happy to hold it if they have a vendor and funding.

7. World Trade Center Illness Disability

PEF has become more aware of employees struggling with illnesses related to the New York City World Trade Center (WTC) attacks of 2001. Apparently employees who were assigned to work in and around the rubble at the WTC site are not automatically eligible to full (60-75% salary) disability coverages based on their particular data of age and/or time-of-service.

- A. Does DEC have any particular role in the approval of disability coverage for employees who are assigned hazardous work activities?**

Management's response:

If someone files for the World Trade Center Presumption Program, we receive a notice that requests some information regarding the employee and the number of hours, dates, and duties performed relating to rescue, recovery, or cleanup operations. We provide this formation as soon as possible, but do not have any other role in the approval of disability coverage.

- B. Has DEC revised its work assignment criteria for future severe, hazardous work situations that could have such serious health effects as the WTC terror attacks aftermath, and serious impacts on DEC employees' abilities to provide for their families after being disabled by work-related exposures?**

Management's response:

DEC has not revised work assignment criteria as Management feels that the current safeguards put in place related to employee risk categories training in medical monitoring will adequately address any potential work place exposures.



Mark Cadrette
Director of Employee Relations
Department of Environmental Conservation

Date: 10/16/18



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

Date 10/12/18