

Executive Board Meeting Minutes

November 17 – 18, 2005

Desmond Hotel, Albany, New York

President Benson called the meeting to order at 9:10 a.m., Thursday, November 17th. Members joined in the Pledge of Allegiance to the Flag. The following newly elected Executive Board members were sworn in: David Chudy representing OMRDD/OMH; Paul Cecilia representing Corrections; Dylan Keenan representing EnCon; and Robert Harms representing the Retirees.

APPROVAL OF THE AGENDA

President Benson reported the following changes: 8.b Retiree Membership would be addressed under the President's Report as item 7.f; delete item 10. d Fiscal Policy at the request of Ms. Kent; and postpone item 10.i Board Review and Interpretation of Improper Practice Policy and Implementation of Policy in Region 9, until the next Board meeting. There were no objections to President Benson's changes.

Susan Kent requested any changes to the Triennial Election rules, be explained.

Don Kehoskie, Region 4 Coordinator moved to amend the agenda to address item 10.j, 2005 PEF Resolution #43 – Leadership Accountability, under the Secretary-Treasurer's report. There were no objections.

Ron Goldstein requested that the TCC and pre tax transportation be addressed under the President's report and President Benson reported that it would be. At the request of Craig Speers, President Benson stated that Bob Carrothers, Director of Contract Administration would be reporting on the recent contract settlements with the New York City Teachers and the New York City Firefighters and also provide a brief update on NYSCOBAs regarding contract arbitration.

Dollie Williams moved to amend the agenda to add a member item that would address the change in the Constitution for Division 252 Queensboro Psych. Center.

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ADOPTION OF THE AGENDA – continued

A motion was seconded and carried to adopt the amended agenda as follows:

- 1. Call meeting to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Swear in Newly Elected Board Members**
- 4. Approval of the Agenda**
- 5. Approval of the August Executive Board Minutes**
- 6. Motion to Hear Ethics Appeal**
 ERC-2005-08 Fishbein (appellant) vs. Ethics Committee
 and Benson and Hallum
- 7. President's Report**
 - a) Priorities Update – Pre Transportation Tax, TCC, NYC Contracts**
 - b) Nurse Staffing Campaign Funding**
 - c) Indo-American Committee Proposal**
 - d) “Wal-Mart Watch”**
 - e) Triennial Election Committee Approval – Reg. 9 –Mary Jane Bonello**
 - f) Retiree Membership**
- 8. Secretary-Treasurer's Report**
 - a) Financial Update**
 - b) Division Database Rules**
 - c) Hurricane Katrina Donations**
 - d) Ad Hoc Banking Committee Update**
 - e) Convention Resolution #43 – Leadership Accountability – Kehoskie**
- 9. Committee Reports**
 - a) Ethics (if vote carried to hear) 10:00 a.m. Friday**
 ERC-2005-08 Fishbein (appellant) vs. Ethics Committee
 and Benson and Hallum
 - b) Triennial Election Rules**
 - c) Delegate Election Rules**
 - d) COLA Committee Report**
- 10. Member Items**
 - a) Constitutional Amendment – Kent**
 - b) Open Meetings Law – Brindisi**
 - c) Convention Resolution #35 – Adequate Time to Return Petitions**
 and Ballots – Kahn
 - d) Fiscal Policy F.2 – Kent (Withdrawn)**
 - e) Advance Notice of Regional PAC Meetings – Goldstein**
 - f) Update on Status of New York City Office – Goldstein**
 - g) PEF Women's Program Funding – Faucher**
 - h) Board Review and Interpretation of Improper Practice Policy and**
 Implementation of Policy in Region 9 Cases – Cardus – postponed
 to next Board meeting

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APPROVAL OF THE MINUTES

President Benson reported there were two amendments to the minutes and the first was the misspelling of Bridget Pawelczak's name and the other was the language that had been omitted regarding Ms. Kent's request of a course of action relating to the Batavia School for the Blind.

Ms. Kent thanked President Benson for correcting the minutes. A motion was seconded to adopt the minutes as amended.

The minutes were adopted as amended.

Motion to Hear Ethics Appeal – ERC-2005-08 Fishbein (Appellant vs. Ethics Committee and Benson and Hallum

Vice President Joe Fox referred to the above Ethics Case and Don Morgenstern gave a brief synopsis of the case and referred to the report that was previously mailed out. The motion to hear the Ethics appeal failed.

PRESIDENT'S REPORT

Priorities Update

President Benson reported on issues that the members were facing, privatizing and contracting out and stated that money had been set aside in the "Go Public" budget to fight the veto by the Governor of the cost benefit analysis legislation.

President Benson stated that Work Place Violence was another issue of concern and the administration was putting together a workplace violence hazardous duty response that would be funded by PEF's Membership Benefits Program.

Regarding nurse staffing and mandatory overtime, President Benson reported that PEF would be considering a nurse staffing initiative that would be funded from the contingency fund and would focus on mandatory overtime legislation.

President Benson gave an update on the Parole fragmentation; spoke on benefits of the past contract; stated the membership had grown by 1500 members since 4 ½ years ago partly due to the “Go Public Campaign”.

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PRESIDENT’S REPORT - continued

He stated that PEF has information about a new web communication training program available for all IT professionals on line and the training is free of charge. Also, stated that the Public Service Workshop program was in place and would be implemented on January 1, 2006 at the agency level.

He continued his report addressing the issue of defined contributions (five tier) and stated PEF was at a deficit regarding Article V of the PEF Contract “Management Rights” as it gave management the right to transfer members as well as deploy members to another agency and/or location and this was a very serious issue. He also stated we needed to prevent the pattern bargaining as it was the only way for a better contact.

Regarding the Empire Plan, out of the 25 top drugs used by PEF members there were only two changes; one went from a 2 to a 3; and the other from a 3 to a 2.

President Benson answered questions on his report. Ron Goldstein moved that PEF, after consultation with the President, allocate up to an additional \$20,000 for the TCC fight back. There was second to the motion and after debate, the motion carried.

Nurse Staffing Campaign Funding

President Benson provided background on the funding and stated it would require a two/third vote. The funding campaign in the amount of \$400,000 funded from the contingency fund was seconded and adopted.

“Wal-Mart Watch”

Ms. Susan Mitnick, Supervisor of Budget Policy reported on the “Wal-Mart Watch”. She spoke on the concern to raise public awareness about Wal-Mart

and about their harmful practices and policies. A short version of the Wal-Mart movie was shown at 12:30 (during lunch break)

Executive Board recessed at 12:00 noon

Meeting reconvened at 1:00 p.m.

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CSEA Lawsuit/Excess Money in Empire Plan, New York City Transit Chek, New York City Police, Fire and Teacher Collective Bargaining Agreement Settlements and NYSCOBAs and Binding Arbitration

Bob Carrothers, Director of Contract Administration reported on all of the above issues and answered questions concerning the Board members.

Indo-American Committee Proposal

President Benson gave background on the formation of the Special Interest Committees and a motion was made and seconded to establish this committee and fund with a pro rated funding now and a full \$2000 next year. The proposal as submitted was adopted.

Triennial Election Committee Approval

President Benson moved to appoint Mary Jane Bonello to the Elections Committee from Region 9. This was seconded and carried.

Retiree Membership

Present Benson announced that he and the Secretary Treasurer would have a proposal for the March Executive Board meeting.

SECRETARY-TREASURER'S REPORT

Financial Update

Secretary-Treasurer Hallum proposed to approval two days of EOL reimbursement for Joe Tewksbury for attending PERB hearings, as his EOL was denied by GOER. This motion was seconded and carried.

Ms. Hallum explained information on the rollover of Regional funds and reviewed the financial documents that were sent to the Board members.

SECRETARY-TREASURER'S REPORT - continued

Much time was spent discussing trying to develop computerized rules for PEF's database to determine proper constituencies. Ms. Hallum reported that she and staff are working to put the members in the proper divisions.

Hurricane Katrina Donations

A motion was made, seconded and carried to donate \$50,000 from the PEF reserve account, to be divided \$25,000 to SEIU and \$25,000 to AFT to support their members affected by this disaster.

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AD Hoc Banking Committee Update

Scott Ray briefed the Board on what the committee had done to date, and that they had sent out RFP's and were waiting for result and answered many questions regarding institutions that were on the list of potential banks.

Convention Resolution #43 – Leadership Accountability – Kehoskie

Don Kehoskie, Region 4 Coordinator, moved the following:

“All Regional Coordinators shall provide quarterly reports of all their expenditures, including direct bill expenditures for union activities and expenses to the Secretary-Treasurer. Quarterly reports shall be made thirty days following the last day of each quarter of the PEF fiscal year and provide the same level of documentation required for a PEF voucher. Within 60 days following the end of each quarter of the PEF fiscal year, the Secretary-Treasurer shall compile and make available to the membership a report of Regional Coordinator expenditures at a level of detail sufficient to provide effective and useful information to the membership. The report shall include the following expense categories: Mileage, public transportation, lodging, meals, phone charges, and other. The report and supporting documentation for each of the categories will be available to the membership upon written request to the Secretary-Treasurer. The Secretary-Treasurer shall provide a similar quarterly

report of the expenses of the state wide officers. Furthermore, and in order to maintain fiscal accountability, all direct billing by vendors and facilities for service provided to PEF shall be approved in advance through the office of the Secretary-Treasurer. All charges applied to direct bill accounts shall be included in the quarterly report required under this resolution. Failure to submit quarterly reports as required will result in suspension of direct bill accounts for the delinquent party and will require submission of vouchers for payment of expenses. There was a second to this policy amendment. After debating the issue, it was defeated. (Carlos Garcia abstained)

Region 6 Coordinator Michael DelPiano moved that a committee be established to look at this issue and come up with a method that meets the needs of both the Regions and the Secretary-Treasurer and the reporting requirements. President Benson replied he would consider that a recommendation.

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COMMITTEE REPORTS

Triennial Election Rules

Bob Harms, Retiree member of the committee, (Edith Cooper, Chair was unable to attend meeting) referred to the document that had previously been mailed to the Executive Board members and went over the changes the committee had recommended and stated there was a change in the number of Executive Board seats due to the apportionment at the convention and the seats went from 110 to 104. He also reported there were internal committee rules, one, that all petitions will be sent to Kimberly for verification. There would be no petitions withheld by the committee because they notice an obvious mistake that would disqualify them. He also reported there was an internal committee policy, that any misspellings, minor technical errors would not invalidate a petition if the meaning is clear. Mr. Harms moved the rules and received a second.

Paula Hennessey questioned where in the text of the rules did the internal committee rules appear. Mr. Harms responded they do not appear as they are Committee Policy.

Secretary-Treasurer Hallum moved to amend the rules, page two, number 21: to add, “Unless the charges are against the Election Committee, and then they will be processed by the Ethics Committee.” There was a second to Ms. Hallum’s amendment and it was adopted.

Wayne Bayer moved to amend the rules on page 4, Section X. under “Policy on Ballot Count” - to delete section 3 and change section 2 to read, “999 or less total valid votes cast.....” This amendment was seconded and carried.

Stephen Sherokey moved to amend the rules on page 3, - Monday, March 27th, 2006 – the following forms will be available at all PEF offices – add at 9:00 a.m. Mr. Harms said that was the intent and it would be added.

Secretary-Treasurer Hallum moved to amend the rules on page 3, third column in two places, with *reference to “Only candidates or their designee may review copies of any petitions”* to read” “Any regular member can look at a copy of any petition” This amendment was seconded and carried.

Steve Sherokey moved to amend the triennial election rules to delete the language in section XI 1) a and b. There was a second to the motion. After discussion on the issue Mr. Sherokey withdrew his motion as well as the member that seconded the motion.

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Triennial Election Rules - continued

Marianne Albamont moved to amend the rules on page 5, No. 7, , to read, “The Elections Committee without considering the merits of the grievance, may deny any appeal which it deems is moot or brought in an untimely fashion. The decision by the committee to reject an appeal on one of these two basis shall be appealable to the Executive Board.” There was a second to the amendment.

After discussion, Donald Morgenstern moved to delete the section dealing with frivolous in both parts of the rules. There was a second to Mr. Morgenstern’s motion. Mr. Morgenstern’s substitute motion was defeated.

Ms. Albamont’s amendment was also defeated.

Ron Goldstein moved to amend 11. 1.a – at the end of “a” to add, except any appeal not dealing with ballot counts must be filed before the count. Mr. Goldstein’s amendment did not receive a second.

Joe Lewis moved to amend both Number 7’s on page 5 – to read, “The Elections Committee, without ruling on the merits of appeal may deny the appeal which it deems is frivolous.” There was a second to the amendment.

Bernie Kahn moved to recess, received a second. The meeting recessed at 4:45 p.m. November 17th, 2005.

President Benson called the meeting back to order at 9:10 a.m., Friday, November 18th. Members joined in the Pledge of Allegiance to the Flag.

Mr. Lewis’s motion to delete the word “considering” and insert the words, “ruling on the” in both sections of 7, (on page 5) was adopted.

There was also a clarification of the word grievance, as it should also read “appeals”.

The Triennial Election Rules were adopted as amended

Delegate Election Rules

Gail Noble, Chair of the Delegate Election Rules referred to the document listing the changes from last year and moved for adoption. There was a second to the motion. The rules were adopted.

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Delegate Election Rules - continued

Ms. Noble then went over the constituency changes and moved for adoption. There was a second to the motion.

Marianne Albamont moved to amend the constituencies in seat 32l, to add Rockland’s agency code, 50170 with a description for those item numbers in Sullivan and Orange Counties with Middletown staying in its own delegate constituency.

Ms. Albamont also moved to amend seat 235, to take Montrose Veterans Home, agency 12190 and make it a separate seat.

There were no objections to the above two changes.

Jim Kersten clarified that Seat 144 should be DEC Region 2.

Don Morgenstern moved to amend constituency 311 into 310. There was no objection to the change.

Lola Parks Guerra moved to amend constituency 380, to read Region 10 Health Main Office.

Tom Fahey stated seat 229 should read Region 8 plus Saranac Lake and Herkimer.

A Board member stated 381 should be Region 11.

Todd Fryer stated constituency 236 should read Regions 10, 11 and 12.

The Delegate Constituencies were adopted with the amendments. (See copy of Delegate Rules attached)

COLA Committee Report

Lola Parks Guerra, Chair of the Committee reported on the progress of the committee at this time.

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MEMBER ITEMS

Constitutional Amendment - Kent

Susan Kent moved for a constitutional amendment

Article VII – Executive Board, Section C. Composition 1. Fourth sentence delete “within the Executive Department” and change 300 to 250. There was a second to the amendment.

Donald Morgenstern move to defer to the next Board meeting and received a second, and it carried. Barbara Posner requested to have President Benson do a legal report on this issue.

Open Meetings Law - Brindisi

Rocco Brindisi explained what had been happening in the State Insurance Fund with regard to meetings and not being notified of a time or place of the meetings. President Benson responded he would make every attempt to find out the information.

Adequate Time to return petitions and ballots - Kahn

Bernie Kahn moved to extend petitioning and election period to both a minimum of 21 days. This motion received a second. Marianne Albamont moved to commence this procedure effective January 1, 2006, (no opposition) this shall apply to any nomination, election, contract ratification vote or other electoral procedure involving all of PEF or any division, region or other unit of PEF. This motion was adopted as PEF policy.

Advance Notice of Regional PAC Meetings - Goldstein

Vice President Brynien addressed the issue and explained to Mr. Goldstein that the issue would be addressed at a statewide PAC meeting and recommendations would be brought before the Board if there needed to be a change.

Update on Status of New York City Office - Goldstein

Secretary-Treasurer Hallum gave an update on what had been transpiring as far as moving the offices in New York City and all the locations that have been investigated and the contracts going back and forth.

PEF Women's Program Funding – Faucher

Jennifer Faucher moved to recommend in the next fiscal budget, PEF increase the funding for the Women's Program to \$10,000. There was a second to the motion.

Secretary-Treasurer Hallum moved to amend the motion to include increasing the funding of the Hispanic Committee to \$4000.00, the Jewish Committee to \$4000.00 and the Indo American Committee to \$4000.00 and the Veterans Committee to \$10,000. The recommendation was seconded and carried.

Don Morgenstern moved that on a yearly basis the Secretary-Treasurer provide the Executive Board with an accounting of the spending of all Special Committees. The following Policy was seconded and adopted.

A motion to adjourn was seconded and carried.

Meeting adjourned at 10:45 a.m.

Respectfully submitted,

**Jane Hallum
Secretary-Treasurer**

Attach.

THE MINUTES WERE ADOPTED WITH THE CORRECTION THAT BELLEW MCMANUS WAS PRESENT AND GEORGE STADNICK WAS EXCUSED