



New York State
**PUBLIC EMPLOYEES
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	1	Executive Board Minutes
OFFICERS:	2	November 14 & 15, 2013
Susan M. Kent <i>President</i>	3	Saratoga Hilton
	4	
Carlos J. Garcia <i>Secretary-Treasurer</i>	5	President Susan Kent called the meeting to order and members joined in the Pledge of
	6	Allegiance.
Wayne R. Bayer Wayne Spence Barbara A. Ulmer <i>Vice Presidents</i>	7	
	8	The President swore in new Board member Sabrina Gallop. President Kent noted that new
	9	Board member Harold Stone would be sworn in at the next Board meeting.
REGIONAL COORDINATORS:	10	
Kevin Hintz Region 1	11	<u>APPROVAL OF THE AGENDA</u>
Bonnie Wood Region 2	12	Deb Samuels moved to add member item, "Executive Board Decisions Included in Prior
	13	Meeting Minutes Report." A second was received on the motion and debate ensued.
John Prince Region 3	14	Kenneth Ferro called the question. A second was received, a vote was taken and debate
	15	was closed. A vote was taken on the motion and it passed. The item was added to the
	16	agenda as Item L.
Peter Banks Region 4	17	Charles Kelefant moved to add a member item, "Member's Travel Expenses, Advances and
James Moffitt Region 5	18	Stipends." A second was received. Mr. Kelefant spoke to the item. A vote was taken and it
	19	passed. The item was added to the agenda as Item M.
Kevin Conley Region 6	20	President Kent moved to approve the agenda as amended. A vote was taken and it carried.
Tom Donahue Region 7	21	
Nikki L. Brate Region 8	22	The Agenda was approved as follows:
	23	1) Call Meeting to Order
Vivian Street Region 9	24	2) Pledge Allegiance to the Flag
	25	3) Swear in Newly Elected Board Members
Sheik Nabijohn Region 10	26	4) Approval of the Agenda
	27	a) Motion to Hear ERC# 2013 – 006 (Rowe v. Donahue)
Jemma Marie-Hanson Region 11	28	b) Motion to Hear ERC# 2013 – 004 (Comanzo v. Kent, Garcia, Bayer, Ulmer,
	29	Spence, Kellman, Brown and Johnson)
Constance Balts Region 12	30	5) Approval of General Session Minutes
	31	6) President's Report
	32	7) Secretary-Treasurer's Report
TRUSTEES:	33	8) Committee Reports
Ronald G. Brown Kenneth J. Johnson Maureen Kellman	34	a) Political Action Committee
	35	1) Presentation by Frank Mauro, Fiscal Policy Institute
	36	Debriefing on NYS Senate Hearings on Fiscal Policy

- b) Ethics Committee
 - 1) Appeal – ERC # 2013 – 006 (Rowe v. Donahue)
*10:00 am on Friday, if Board votes to hear
 - 2) Appeal – ERC# 2013 – 04 (Comanzo v. Kent, Garcia, Bayer, Ulmer, Spence, Kellman, Brown and Johnson)
*10:30 am on Friday, if Board votes to hear
- c) Divisions Committee
 - 1) Division 285 - Annexation/Secession Request
 - 2) Division 302 – Annexation/Secession Request
 - 3) Division 284 – Annexation /Secession Request
 - 4) Division 376 – Constitutional Amendment
 - 5) Division 190 – Constitutional Amendment
- d) Delegate Elections Committee
 - 1) Proposed 2014 Convention Delegate Election Rules
 - 2) Proposed 2014 AFT Convention Election Rules
- 9) Member Items
 - a) SHIP Grant – R. DiAntonio
 - b) Communicator Articles Identifying Speakers – A. Yasus
 - c) Division Funding Increase – J. Donahue
 - d) PEF Officer's Travel – K. Jones
 - e) Executive Council Minutes & Other Mailings – K. Jones
 - f) Membership Benefits Trustees Training – K. Jones
 - g) Two weeks' notice of issues affecting all PEF members – K. Jones
 - h) Regional Budgets – K. Jones
 - i) Capital Expenditures – K. Jones
 - j) Mailing, Labels & Membership List Policy – N. Brate
 - k) PEF Support for an M/C Pay Raise – L. Jones
 - l) Executive Board Decisions Included in Prior Meeting Minutes Report – D. Samuels
 - m) Member's Travel Expenses, Advances and Stipends – C. Kelefant

The President introduced Donald Morgenstern, Chair of the Ethics Committee. The Chair stated there were three cases ruled on by the Ethics Committee that were appealed. Mr. Morgenstern introduced case 2013-006, Rowe versus Donahue and gave a brief description of the appeal. The Chair requested a vote on whether to hear the appeal. A vote was taken and it passed. Mr. Morgenstern announced the appeal would be heard at 10:00 am the following morning.

Mr. Morgenstern clarified an error on the agenda with respect to Ethics Case 2013-004. The Chair explained the initial charge was filed against a number of PEF Officers, so the Ethics Committee divided each into separate cases, labeled (a) through (h). Mr. Morgenstern noted the Committee dismissed charges in all cases. The Chair explained an appeal was filed against cases (a) Susan Kent and (b) Carlos Garcia. Mr. Morgenstern gave a brief description of the appeals and debate ensued. A vote was taken and it carried. The Chair announced the appeal would be heard at 10:30 am the following morning.

APPROVAL OF THE MINUTES

President Kent moved to approve the minutes from the August 2013 Executive Board meeting.

Deb Samuels requested, "unidentified member" on page 1, line 12 be changed to "Debra Samuels."

1 The President moved to approve the minutes as amended. A vote was taken and it carried.

2
3 President Kent asked all staff to leave the room with the exception of Daniel Steen, Edward Aluck, Valerie
4 O'Dell, Connie Fedden and Barbara Telasky.

5
6 Whereupon, the Executive Board went into Executive Session.

7
8 Following the conclusion of Executive Session, the Board meeting resumed.

9
10 President Kent moved to establish an Ethics Hearing Panel with the following members: Mike Blue, Maddie
11 Shannon-Roberts, Todd Kerner, Maureen Kozakiewicz, Migdalia Ramos-Ensslin and Kevin Connolly as the
12 alternate. A second was received. A question was called from the floor to disclose the parties involved. The
13 President read, "Item E, Hearings before the Hearing Panel," from the PEF Policy Manual for clarification.
14 President Kent stated the policy did not prohibit the names from being disclosed and noted the case was
15 Kelefant versus Lucas. Discussion on the issue continued.

16
17 Lyndon Jones noted Mr. Blue was not in attendance and requested confirmation that he agreed to serve on
18 the committee. President Kent responded in the affirmative.

19
20 Todd Kerner noted for the record, his brother ran against Mr. Lucas in a previous Executive Board election.
21 Therefore, he recused himself from the panel so there would not be an issue.

22
23 The President accepted Mr. Kerner's recusal and moved the following members be appointed to the
24 committee: Michael Blue, Maddie Shannon-Roberts, Migdalia (Mikki) Ramos-Ensslin, Maureen Kozakiewicz,
25 Kevin Connolly and Sharon DeSilva as alternate. A second was received, a vote was taken and the panel was
26 approved.

27
28 An unidentified speaker asked if the minutes were approved. President Kent stated the minutes were
29 approved and asked if there was a question. The unidentified speaker stated, "On page 7, it says, "Kevin Jones
30 amended the motion to preclude it by saying, "When the administration reasonably expects that changes will."
31 It should have been, "...changes will require it to." The President asked if there was any opposition to adding
32 this to the minutes and none was heard. The President stated the change would be made.

33 34 PRESIDENT'S REPORT

35 President Kent emphasized the importance of the Save Our Services (SOS) campaign. President Kent reported
36 a commercial was developed based on the SOS campaign and PEF work will continue to fight through the
37 legislative process. The President stressed the importance of external outreach and educating the community
38 about the effects the Governor's plan on state provided services; specifically relating to the four (4) OPWDD
39 facilities, the Centers for Excellence plan for OMH, four (4) DOCCS facilities and the ongoing struggle with SUNY
40 Downstate.

1 The President noted the outstanding efforts of local coalitions that have been formed in response to the
2 campaign and recognized PEF leaders Jane Davies (Ginny Davis) and Bonnie Wood for their successful efforts
3 to organize within their communities.
4

5 President Kent reported three (3) meetings would be held with the Regional Centers for Excellence Plan
6 Committee. The President noted she will be meeting with the new Commissioner of OMH in December, and
7 will be joined by political chairs of the OMH Committee, Barbara Rock and Debbie Lee. The President stated
8 she would ask questions about the plan, the hub concept, inpatient/outpatient services, slated closures, the
9 effect on the community and if government officials, management and rank and file workers will be included in
10 the planning process. The President added if the eradication of services is pushed through, PEF will fight
11 against the plan with community and legislative partners.
12

13 The President announced an SOS rally on January 29 at the Capitol and strongly encouraged all Board
14 members to attend with their members. President Kent said arrangements were being made for bus
15 transportation, elected officials, government officials and fellow unions are invited.
16

17 President Kent discussed the closures in OPWDD and the possible closure of four (4) additional facilities. The
18 President stated it was important to continue to fight, educate the community about PEF and how our
19 members' expertise and professional education can provide better services to the individuals who need it.
20

21 The President applauded the initiative of several downstate members from Sagamore, SUNY Downstate and
22 Region 10 who attended a taping of the Today Show and were televised holding SOS signs. President Kent
23 stated another date was planned for December 10 and encouraged all members downstate to support them.
24

25 President Kent reported Senator Kathy Marchione came to PEF unannounced seeking partnership with PEF to
26 save Mt. McGregor, one of four (4) DOCCS facilities slated for closure. The President added PEF received a
27 follow-up letter signed by the Senator and Assemblyman Tedisco, requesting a Memo of Support from PEF,
28 which was provided.
29

30 The President discussed the slated DOCCS closures, the importance of educating the public about the levels of
31 incarceration, and how the medical, counseling and education services our members provide benefit the
32 prisoners when they return to the community.
33

34 President Kent discussed the absence of a clear plan for SUNY Downstate and Long Island County Hospital and
35 how it is affecting PEF members as well as members of UUP, CSEA, SEIU and NYSNA. (PEF has received support
36 from AFT and is working in collaboration with other unions. The result has been the development of a
37 "Brooklyn Hospital Plan" that outlines a comprehensive health care delivery system for the entire borough.
38 The President noted PEF Mayor-Elect DiBlasio and Brooklyn Borough President Eric Adams have agreed to
39 advocate for the hospitals and a coalition of affected unions has been organized. President Kent stated Don
40 Morgenstern, Gail Baptiste-Graham and Jemma Marie-Hanson are doing everything possible to stay on top of
41 what is going on there and encouraged all Board members to help in any way they can.
42

1 The President explained there was confusion regarding the payment of Fred Hyde, the hospital finance expert
2 hired by PEF using monies provided by AFT. President Kent explained that without her knowledge, UUP and
3 NYSUT took over payments to Mr. Hyde, which contradicted previous information provided to the Board.
4 President Kent spoke to UUP and NYSUT leaders and explained the payment was intended to illustrate the
5 support we receive from our internationals. The President contacted Randi Weingarten, who agreed
6 immediately to resolve the issue; and AFT has since resumed payment to Mr. Hyde.
7

8 The President stated contractors are not complying with the Form B requirements and there is no mechanism
9 or penalty in place to enforce it. President Kent said she plans discuss the issue with Comptroller DiNapoli and
10 it is an issue that both Democrat and Republican legislators would support.
11

12 President Kent discussed Datrose, a firm hired by the Cuomo administration to attract professionals into State
13 government. The President stated this was an indication that the Governor wants to "gut" the Civil Service
14 Merit and Fitness System. The President added it was vital for Board members to continue to provide
15 information about contracting out within their agencies.
16

17 The President reported on multiple meetings and events they have attended since the previous Board
18 meeting.
19

20 President Kent concluded her report by returning to the IMS issue, showing the Triennial Election Committee
21 Appeal from the November 2012 Executive Board Meeting, which was distributed to all Executive Board
22 members and which clearly identified IMS.
23

24 The President concluded her report and announced she would take questions after lunch.
25

26 At this time the Board recessed for lunch.
27

28 The Board meeting resumed after one hour.
29

30 President Kent stated she wanted to address a few more issues regarding her report before taking questions,
31 but noted Frank Mauro from the Fiscal Policy Institute was invited to speak at this time. The President
32 indicated she would continue her report following his presentation.
33

34 The President introduced Mr. Mauro, who provided a detailed presentation on tax reform. Mr. Mauro
35 answered several questions from members of the Board.
36

37 President Kent reported on a meeting called by the Department of Civil Service (CS) about a job analysis
38 survey. The President attended with Hector Milan, PEF Director of Civil Service and several CS & GOER
39 Directors. President Kent stated CS intended to contract with APT Metrics to conduct job analysis for all
40 future professional and supervisory civil service titles. The President indicated the survey was being done to
41 comply with the battery case settlement. President Kent stated CS was asking for PEF's support to encourage
42 member participation which is scheduled to include 1500 titles in 36 occupational categories. The President

1 responded PEF would need more information before encouraging participation. President Kent stated PEF is
2 conducting its own research on APT and would keep the Board apprised as information becomes available.

3
4 The President reminded members of the Board who Chair PEF Committees to provide regular reports to her
5 office, so they can be shared with other Board members.

6 President Kent stated Taconic and Finger Lakes DDSO's are both slated for closure at the end of December,
7 local agreements have been worked out and local leaders have been providing updates. The President
8 confirmed with Board Member Randi DiAntonio that three members were affected at Finger Lakes, two have
9 retired and one has yet to be placed. President Kent praised Ms. DiAntonio for her efforts.

10
11 The President noted the Taconic situation is complicated, since there is a discrepancy about the number of
12 people yet to be placed. President Kent reported PEF records indicate 43 members.

13
14 President Kent informed the Board she received a resignation from Lewis Goidel, Region 9 DOCCS and also
15 received notification that Denise Simmons from Roswell Park has retired. The President acknowledged both
16 members.

17
18 The President announced that AFT is looking for nurses willing to assist with relief efforts in the Phillipines.

19
20 President Kent introduced Lisa King, PEF General Counsel to provide an update on Flu Vaccines. The General
21 Counsel stated, "The Commissioner of Health promulgated a regulation that said once the start of flu season is
22 declared by the DOH Commissioner, employees who work at certain covered entities will either have to get a
23 flu vaccination, or wear a mask, a surgical mask or a procedural mask, in areas where patients may be
24 present."

25
26 Ms. King announced PEF will be bringing Improper Practice Charges and will file litigation seeking to annul the
27 regulation itself. Ms. King noted there are several problems with the regulation, specifically that certain
28 aspects of the mask increase contamination and PEF has an affidavit from an expert which states wearing a
29 mask does not prevent the spread of Flu. Ms. King added the regulation is being implemented in various ways
30 at different locations, so she advised members to contact their PEF Field Representative with any questions.

31
32 President Kent introduced Lisa Pulver, PEF Membership Benefits Administrator to provide an update on the
33 Membership Benefits Program (MBP). Ms. Pulver reported they had a great amusement park season and are
34 now starting ski season. Ms. Pulver cited difficulties with the ski resorts regarding ticket availability, adding ski
35 tickets will only be offered to members as they have them available.

36
37 Ms. Pulver announced holiday ticket season will open the 1st of November, so members can purchase up to 40
38 movie tickets per month. Ms. Pulver discussed several one-time event tickets are available and encouraged
39 members to sign up for e-news for updates. Ms. Pulver asked Board members to print and post e-news
40 updates on bulletin boards at their work locations.

41
42 Ms. Pulver announced an RFP for a critical illness and accidental disability plan was distributed. Ms. Pulver
43 stated AFLAC was the only provider that submitted a bid for both. Ms. Pulver indicated they are currently in

1 negotiations with AFLAC and noted the plan was not intended to replace the current disability plan, but
2 provide additional benefits. Ms. Pulver added they are trying to set up payroll deduction and hope to
3 announce it in March 2014. Ms. Pulver noted the PEF plan would be administered through AFLAC corporate
4 headquarters and will only be available through reps assigned to our account.

5
6 Ms. Pulver reminded Board members that MBP representatives are available to attend holiday parties and
7 events to answer questions and provide information about the services they provide. Ms. Pulver also stated if
8 MBP is invited to do a presentation at membership meetings, MBP will reimburse Division accounts \$2.00 for
9 each member who attends.

10
11 Ms. Pulver answered several questions on her report.

12
13 President Kent responded to several questions on her report.

14
15 Charles Kelefant asked the record to reflect he was not in the room at the time of the vote on the Ethics
16 Hearing Panel. The President agreed to the request.

17
18 Kenneth Ferro requested an updated list of PEF staff and departments be provided to Executive Board
19 members. The President agreed to the request.

20
21 Kevin Jones noted that it was Deb Samuels' last Board meeting due to the OITS consolidation. The President
22 responded she was not aware it was official and thanked Mr. Jones for the announcement.

23
24 The President answered several additional questions on her report.

25
26 SECRETARY-TREASURER'S REPORT

27 Secretary-Treasurer Garcia stated he was proud of the PEF leaders around the state who have represented PEF
28 at legislative hearings.

29
30 The Secretary-Treasurer was also pleased to see many new PEF members attending membership meetings and
31 stressed the importance of succession planning.

32
33 Secretary-Treasurer Garcia announced Assemblyperson Victor Pachardo and Senator Gustavo Rivera recently
34 attended a leadership conference to acknowledge PEF's role in their election victories.

35
36 Secretary-Treasurer Garcia reported on the unaudited financial statements covering April 2013 through
37 September 2013. The Secretary-Treasurer noted membership totals are still at approximately 54,000.
38 Secretary-Treasurer Garcia indicated the Employee Benefits Expense, which is directly related to employee
39 health care expenses was \$553,071 over budget. The Secretary-Treasurer indicated the item was part of the
40 ongoing talks with unionized staff, so it would be inappropriate to discuss publicly.

41
42 The Secretary-Treasurer stated he was meeting with the Budget Advisory Committee to prepare the proposed
43 budget for 2014.

1 Secretary-Treasurer Garcia reviewed the information provided about the Inspired Marketing Solutions (IMS)
2 activities, which included several attachments describing the events and media buys arranged by IMS
3 throughout the state.
4

5 The Secretary-Treasurer reviewed the fightback report, included expenditures for transportation, tee-shirts
6 and stickers. Secretary-Treasurer Garcia discussed advertising expenses, providing the Board with advertising
7 totals from 2007 to present. He further noted that approximately \$3 million was spent overall for marketing
8 purposes in the last few years prior to the current administration. He asked if anyone who served on the Board
9 could identify any of the marketing companies who did the work. No Board member responded affirmatively.
10 The Secretary-Treasurer then noted PEF spent \$500,000 in 2010 through a firm called Desmond Media with
11 little or no scrutiny from the Board. The Secretary-Treasurer stated this amount was more than the three (3)
12 years allocated for the current contract with IMS, plus \$200,000 for fightback. Secretary-Treasurer Garcia
13 indicated he provided this comparison to encourage Board members to focus on the work that needs to be
14 done and move forward.
15

16 Secretary-Treasurer Garcia provided upcoming Executive Board meeting dates, noting all remaining meetings
17 were scheduled in Albany in response to transportation concerns.
18

19 The Secretary-Treasurer complimented Joe Cocci, Director of PEF Membership Information Services (MIS) and
20 his staff for the technical work they have done in conjunction with the marketing company on the new
21 website.
22

23 Secretary-Treasurer Garcia introduced Mr. Cocci to provide an overview of the new PEF website.
24

25 Mr. Cocci demonstrated the new website for the Board. The Secretary-Treasurer thanked Mr. Cocci for his
26 presentation and also acknowledged Chris Allen from the PEF MIS Department for his work on the project.
27

28 Mr. Cocci answered several questions regarding his report.
29

30 The Secretary-Treasurer addressed several questions regarding his report, asking Valerie O'Dell, PEF Director
31 of Finance and Jane Briggs, Executive Assistant to the President to provide additional information for some
32 questions.
33

34 Tom Donahue moved to, "Take \$200,000 from our Contingency Fund, put it into fight back to continue to fight
35 for all of our facilities that are threatened with closures, consolidation, and whatever. I would like the Board to
36 consider doing that today." A second was received and debate ensued.
37

38 The Secretary-Treasurer interrupted debate to provide information about a policy passed in 2001 at the
39 Convention, regarding contract fightback funds. Secretary-Treasurer Garcia stated, "The funds apportioned to
40 the members' war chest, which is another name for the Contract Fightback Fund at the time, may not be spent
41 outside of contract fightback activities unless approved by a three-quarter vote of the Executive Board. So, in
42 that sense, we can take the money out of the Contingency Fund with a two-thirds vote or we can take it out of
43 contract fightback with a three quarters vote."

1 Charles Kelefant asked the Secretary-Treasurer to confirm the maker of the motion was referring to the
2 Contingency Fund. Secretary-Treasurer Garcia responded in the affirmative and debate on the issue ensued.
3
4 Barbara Rock moved to amend the motion, stating, "Not that I oppose the funding, but that the way the
5 money is spent is done in partnership with the Executive Council and any of the Labor Management Chairs of
6 the affected facilities that are involved in the fightback. And, I would like to reserve the right to speak last on
7 it." The amendment received a second and debate ensued.
8
9 Scott Harms moved that, "We postpone this until tomorrow so that the regional coordinators can get together
10 and come up with a plan to give us some sort of idea as to how they want to spend the money. There's no
11 reason why we cannot deal with this until tomorrow. So, I'm hoping to postpone this until tomorrow." The
12 motion received a second and debate ensued.
13
14 Jerry Jobson called the question on all matters before the house. A second was received. Barbara Rock spoke
15 last on her amendment. A vote was taken to close all matters before the house and it carried.
16
17 A vote was taken on the postponement and it failed.
18
19 President Kent reread the amendment, "The expenditure of any and all fightback funds shall be determined in
20 consultation with the Executive Council and chairs of any of the affected Labor/Management Teams." A vote
21 was taken on the amendment and it carried.
22
23 President Kent stated, "So what we are voting on is to take the money out of the Contingency Fund, takes two-
24 thirds vote, and it is the amendment to the main motion. It is the motion as amended." A vote was taken on
25 the motion and it carried.
26
27 Secretary-Treasurer Garcia answered several more questions on his report.
28
29 Rocco Brindisi moved to recess and a second was received. President Kent stated that Mr. Nebb's
30 presentation would be done the next morning. A vote was taken and it carried.
31
32 The meeting recessed on Thursday, November 14, 2013.
33
34 The meeting resumed Friday morning, November 15, 2013.
35
36 President Kent called the meeting to order and the Pledge of Allegiance was recited.
37
38 The President noted an article about PEF on the front page of the *Albany Times Union* and asked for copies to
39 be distributed to the Board and displayed on the screen. The President asked for any additional questions
40 regarding the Secretary-Treasurer's report while the article was being posted.
41
42 The Secretary-Treasurer answered additional questions on his report.
43

1 President Kent discussed the article stating, "It's our job as leaders to decide where this union is going. To
2 have documents that are union documents – they're not confidential but they're union documents – to the
3 press, any coincidental timing of the Board meeting and items that will be discussed is disturbing to me. We
4 can't control it, but each of us can control our own actions."

5
6 The President introduced Elizabeth Hough, Director of Contract Administration to discuss the EOL process. Ms.
7 Hough walked through EOL procedures and referred Board members to her directly with questions.
8

9 COMMITTEE REPORTS

10 Ethics Committee

11 President Kent introduced Don Morgenstern, Chair of the Ethics Committee to hear the appeals.
12
13

14 Mr. Morgenstern stated the first case was 2013-006 Rowe versus Donahue and reminded the Board they are
15 discussing whether or not to overturn or sustain the ruling by the Ethics Committee.
16

17 Mr. Morgenstern read the letter sent to Mr. Donahue on August 20, 2013:

18 "The PEF Ethics Committee met on August 2, 2013, to discuss Case No. 2013-006, Rowe versus
19 Donahue. The Committee ruled that there was a minor violation of Article 5 of the PEF Code of Ethics.
20 The Committee would like to remind Mr. Donahue the importance of fairness in dealing with all union
21 members and stressed that he should not create a hostile environment during union meetings.
22 Sincerely, Don Morgenstern, Chair, PEF Ethics Committee."
23

24 Mr. Morgenstern explained he would like Mr. Rowe and Mr. Donahue to each be given five (5) minutes to
25 make their presentation. Mr. Morgenstern stated after each person was done speaking, he would provide a
26 response regarding the Committee ruling. Mr. Morgenstern added questions could be directed to the Chair
27 only, no cross-questioning to Mr. Rowe or Mr. Donahue would be permitted.
28

29 Mr. Morgenstern moved, "To allow Mr. Rowe and Mr. Donahue to speak to the Executive Board." The motion
30 received a second, a vote was taken and it passed.
31

32 Mr. Rowe and Mr. Donahue each spoke before the Board. Mr. Morgenstern provided information on the
33 Committee's rationale for the determination and debate ensued.
34

35 Scott Harms moved, "To set aside the ruling of the Ethics Committee and make finding of no ethics violation."
36 A second was received.
37

38 Mr. Morgenstern ruled the motion out of order stating, "There's already a motion on the floor so to speak to
39 overturn the decision of the Ethics Committee."
40

41 Scott Harms moved, "I would like to amend your motion to find that then there was no ethics violation." The
42 motion received a second.
43

1 Mr. Morgenstern ruled the motion out of order stating, "We would have to take the first vote on whether to
2 overturn the Ethics Committee and then I can entertain a motion similar to the amendment you made."
3
4 Scott Harms rose on a point of order stating, "I'm amending your motion to substitute one conclusion for
5 another. I believe that falls within Robert's Rules of Order as far as amendments."
6
7 Mr. Morgenstern responded, "You're making a motion presupposing that we overturn the ruling of the Ethics
8 Committee."
9
10 Scott Harms responded, "I'm making a motion to amend the Ethics Committee's decision to find that there
11 was no violation."
12
13 Mr. Morgenstern stated, "As I've been just informed by Legal, this is covered by our ethics rules as opposed to
14 Robert's Rules. The rules in that would say first we have – you would have to go – if that was the will of the
15 body that first there would have to be a vote to overturn the decision of the Ethics Committee, and at that
16 point in time if someone wanted to come to the microphone and make a motion to either dismiss the charges
17 or to move it to a more major violation, in other words, supporting Mr. Rowe or supporting Mr. Donahue, it
18 could be done at that point."
19
20 Debate on the motion resumed.
21
22 Mr. Morgenstern moved to a vote stating, "All those in favor of sustaining or approving of the Ethics
23 Committee's decision, please raise your hand." A vote was taken, the motion carried and the Ethics
24 Committee was sustained.
25
26 Mr. Morgenstern stated, "We are now on Ethics Cases 2013-004 (a) and (b). This would be Comanzo versus
27 Kent, and Comanzo versus Garcia, and I propose to have the same rules as we did in the previous ethics case."
28
29 Michael Kinley moved to go into Executive Session. A second was received. A vote was taken and the Board
30 moved to Executive Session.
31
32 Following the conclusion of Executive Session, the Board meeting resumed and President Kent announced a
33 lunch recess until 1:15 pm.
34
35 The meeting resumed at approximately 1:15 pm.
36
37 President Kent stated, "The vote count for the minutes was 71 "yes" to sustain the Ethics Committee dismissal
38 of the grievance appeal on Comanzo versus Kent and Comanzo versus Garcia. Thirteen against."
39
40 Ben Saxena moved, "All unfinished business of the E-Board should be rolled over to the next E-Board meeting
41 and it should be put on the top of the agenda." A second was received.
42
43 President Kent ruled the motion out of order, "As it conflicts with a number of policies."

1
2 Ben Saxena responded, "The motion is to change the policy."

3
4 The President stated, "Your motion was for member items to be all rolled over automatically that are not dealt
5 with and to be dealt with first. That motion is in conflict with several E-Board policies so I'm ruling it out of
6 order."

7
8 Mr. Saxena responded, "But it's to change policy."

9
10 President Kent responded, "But you're not – you're not talking about all the policies that it's in conflict with.
11 You're proposing something that is in conflict with other policies. That's not your motion. Your motion wasn't
12 about the other policies. Your motion was to make it a new policy and I'm ruling it out of order because it is in
13 conflict with other policies."

14
15 Mr. Saxena stated, "I disagree with the ruling of the Chair."

16
17 The President stated, "The ruling of the Chair has been challenged." A second was received, a vote was taken
18 and the Chair was sustained.

19
20 Divisions Committee

21 President Kent introduced Kevin Hintz, Chair of the Divisions Committee. Mr. Hintz reported at Convention, a
22 resolution was passed, allowing the Committee in Divisions to make mechanical changes through their
23 Constitutions easily to avoid referendum. Mr. Hintz stated a package was being prepared that will be sent out
24 to each Council Leader and will include the information and forms necessary to make mechanical changes.

25
26 Mr. Hintz reported the results of the previously tentatively reported annexations and secessions:

27 "Division 168 was approved by three votes yes, one vote no."

28 "Division 247, four votes yes, zero votes no."

29 "Division 256, three votes yes, no votes no."

30 "Division 214, one yes, zero no's."

31 "Division 209, one yes, zero no's."

32 "Division 172, four yes and no no's."

33
34 Mr. Hintz announced three (3) annexation/secessions to be dealt with by the Board, "Division 284 (DOT),
35 Division 285 (Workers' Compensation) and Division 234 (OCFS)."

36
37 Mr. Hintz moved, "Acceptance or tentative approval for all three of these annexation/secession requests." A
38 second was received, a vote was taken and the motion carried.

39
40 Mr. Hintz moved to approve the constitutional changes to Division 376. A second was received, a vote was
41 taken and it carried.

1 Mr. Hintz announced the proposed constitutional changes in Division 190 were extensive, so the Committee
2 requested Joe Donahue for additional information. Mr. Hintz asked Mr. Donahue if he wanted to comment.
3 Mr. Donahue noted a change on page 5, under Section 7, stating, "It will now be (a). It deals with the
4 Executive Board members, they are members of the Division 190 Executive Committee, which is in red right
5 now which actually should remain because E-Board members are a member of the Executive Committee and
6 Division 190 Council. So both. That shouldn't have been deleted." Mr. Hintz agreed to make the change and
7 moved to approve the constitutional changes to Division 190. A vote was taken and the motion carried.

8 9 Delegate Elections Committee

10 President Kent introduced Debbie Lee, Chair of the Delegate Elections Committee. Ms. Lee noted the
11 Committee met during the Convention and approved the rules and copies were provided to the Board. Ms.
12 Lee stated, "We are asking for a motion to accept these Convention Rules. A second was received.

13
14 Joe Donahue moved, "I would want to eliminate 411 through 431 and just keep it the original – and 410 – just
15 keep it as the original Tax and Finance, 20010, 30020, 20030. The bold – I want to eliminate the bold and go
16 back to the way it originally was."

17
18 Ms. Lee asked if Mr. Donahue was retracting. Mr. Donahue responded in the affirmative. Ms. Lee moved for a
19 vote to accept the retraction for Mr. Donahue. A vote was taken and it carried.

20
21 Ms. Lee asked for a motion to accept the PEF rules. A motion was heard and seconded. A vote was taken on
22 the motion and it carried.

23
24 Ms. Lee asked for a motion to accept the AFT rules.

25
26 President Kent moved to, "Make sure that all members of this union are eligible to go to – or vie for the ability
27 to attend our international AFT Convention. I would like to speak last to it if I can get a second." A second was
28 received.

29
30 Don Morgenstern asked the Chair to rule The President out of order, "Because only half of the members are
31 entitled to go to AFT."

32
33 President Kent asked to speak to the request stating, "I sit on the Executive Board of the AFT. They make no
34 distinction in our members. PEF made that distinction simply to make sure when we were formed that we had
35 both internationals that formed PEF with us. That is an internal distinction that is made, and they, the
36 internationals make no distinction between our members. It is about – and right now if you look at how we
37 pay dues, there is no accounting of when you lose certain members and titles and whether there's more with
38 AFT or SEIU. Just split it down the middle, okay. There's nothing that precludes this from happening and it's
39 about equity."

40
41 Ms. Lee ruled President Kent out of order.
42

1 Ms. Lee requested a motion to accept the rules for AFT. A motion was heard and seconded. A vote was taken
2 and it carried.

3
4 Political Action

5 President Kent introduced Vice President Wayne Bayer to give the Political Action report. The Vice President
6 reported on the results of PEF's endorsements in the general election, noting Bill DiBlasio and Kathy Sheehan
7 won overwhelmingly in New York City and Albany, respectively. The Vice President added Binghamton
8 candidate Teri Rennia was unsuccessful in her mayoral bid.

9
10 The Vice President discussed PEF's involvement regionally, noting successes in Region 10 with Victor Pachade,
11 participation in local races in Region 1, 8 and 6 and the election of borough President Eric Adams in Region 11.

12
13 Vice President Bayer stated many current members of the Assembly ran for other seats and were successful,
14 as a result, there will be up to seven (7) special elections in the coming months.

15
16 Vice President Bayer stressed involvement in labor councils and federations, and the development of alliances
17 with community groups to help identify candidates who would be good for public employees, the labor
18 movement and PEF.

19
20 The Vice President acknowledged Joel LeFevre, PEF Director of Organizing and his staff members Omar Garcia
21 and Denise Young for their efforts to increase involvement in the Committee on Political Education (COPE).
22 The Vice President gave a presentation on COPE and stressed the importance of contributing or increasing
23 contributions.

24
25 Convention Committee

26 President Kent introduced Vice President Barbara Ulmer to give the Convention Committee report. Vice
27 President Ulmer stated the convention surveys were finalized and she would compile the results in a report for
28 the next Board meeting.

29
30 The Vice President addressed comments regarding the lunches provided at the Convention. The Vice President
31 stated if meals were provided in the future, they will do their best to provide a choice ahead of time.

32
33 Vice President Ulmer reported a site visit was planned to Niagara Falls to look at the meeting space and hotels
34 for the upcoming Convention.

35
36 The Vice President announced PEF would be soliciting bids for the 2016, 2017 & 2018 Conventions and asked
37 for suggestions from the Board for locations. Kevin Jones suggested Turning Stone in central New York and
38 Ted Vazquez suggested Lake Placid. Vice President Ulmer agreed to consider sending the RFP to both
39 locations.

40
41 President Kent announced that Sharon DeSilva declined the position of alternate on the Grievance Hearing
42 Panel. The President requested a motion for Jeff Janiszewski to be the alternate on the Grievance Hearing
43 Panel. A motion was received and seconded, a vote was taken and Mr. Janiszewski was approved.

1
2 President Kent introduced Vice President Wayne Spence to give the Labor/Management Report.
3

4 Vice President Spence clarified the difference between Executive LM, comprised of the President, some PEF
5 Directors and Vice President Spence who meet with representatives from the second floor at GOER; and the
6 LM Advisory Committee, comprised of all statewide LM Chairs.
7

8 The Vice President stated the LM Advisory Committee meets quarterly to discuss training needs for statewide
9 and local LM committees. Vice President Spence noted the committee meets with PEF staff members
10 Elizabeth Hough, Director of Contract Administration, James Hair, Director of Labor Relations and Paula
11 Hennessy, Director of Education and Training, Health and Safety. The Vice President added the group
12 discusses best practices, difficulties they are having in their respective agencies and share suggestions about
13 getting issues moved in the LM process. Vice President Spence reported on the last two LM Advisory
14 Committee meetings and discussed the importance of using legislators as part of the LM process.
15

16 Maddie Shannon-Roberts asked to move the agenda. Vice President Spence stated he would address one
17 person left at the microphone, then move the agenda. The Vice President responded and concluded his
18 report.
19

20 MEMBER ITEMS

21 President Kent asked Randi DiAntonio to speak to her member item, Article 18 SHIP Grant. Ms. DiAntonio
22 made a statement about how long the process was taking. At the conclusion of Ms. DiAntonio's statement,
23 President Kent asked Al Yasus to speak to his member item Communicator articles identifying speakers.
24

25 Sharon DiSilva rose to express outrage about the handling of the grant process and then left the meeting.
26

27 An unidentified speaker moved that, "This body direct the President to do whatever she can to facilitate
28 getting this grant. As I understand, GOER is in favor of it. All that has to be done is for it to be put before the
29 Committee."
30

31 The motion did not receive a second and the President stated, "Randi and I have spoken about this. We will
32 speak again. She came up and gave her position on the issue, and I will speak to her again. She is very clear
33 about what my position is, and I was very clear that once the committee reviews it, it will get back to her."
34

35 Kenneth Ferro moved that, "We get an accounting of this Article 18 Committee." The President asked for
36 clarification and Mr. Ferro added, "How much has been spent." A second was received. The President
37 responded the motion was not necessary because committee funds are already reported this way.
38

39 Jim Moffitt, Region 5 Coordinator asked the record to reflect that he supported the grant initiative.
40

41 President Kent asked Ms. DiAntonio to come back to the mike to ensure that her position was thoroughly
42 explained. The President detailed the events leading to the delayed response, and outlined specific concerns
43 raised by PEF staff relating to a lack of data feedback, the inclusion of a mandatory component and the issue of

1 resignations. The President stated the committee will look at the information and make a recommendation at
2 the next meeting. Discussion continued between the President and Ms. DiAntonio. The President requested
3 additional information regarding the local Health and Safety Committee and confirmation from Ed Snow,
4 OPWDD LM Chair.

5
6 Peter Banks moved that, "All future SHIP grants – fully completed SHIP grants submitted to Article 18 are
7 placed on their Article 18 agenda for their consideration in a timely manner." A second was received and Mr.
8 Banks spoke on the issue. A vote was taken on the motion and it carried.

9
10 The President noted the quorum for the meeting was 67. A count was conducted and 66 members were
11 present.

12
13 President Kent announced the meeting was adjourned.

14
15
16
17 Respectfully submitted,

18
19 Kim Partridge
20 Executive Board/Conference Coordinator
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