Postpone dues vote

KIAMESHA LAKE — The 1,300 union delegates to the Civil Service Employees Assn. ’s 68th Annual Meeting here last week failed to reach agreement concerning a controversial proposed change in the union’s dues structure. After more than a day of heated, often stormy, debate the delegates voted overwhelmingly to postpone further consideration until the Spring Meeting of delegates next March.

The controversial dues proposal called for eliminating the current $58.50 flat dues structure effective next April 1 in favor of a percentage dues system. Under the proposal, CSEA dues would be set at 1 percent of salary of the individual member, up to a maximum of $125 annually. CSEA President William L. McGowan, Treasurer Jack Gallagher, Comptroller Thomas P. Collins and others supported the proposal as a solution to offset an anticipated deficit spending budget under the existing dues system.

Prior to postponing further consideration until next March, delegates defeated alternative proposals which would have raised dues by $1 and by 50 cents, respectively, each bi-weekly pay period.

In other action, delegates approved extending the terms of offices of future office holders would allow for various elections to be staggered. At present the elections are held simultaneously.

Retiree members, if that proposed constitutional amendment is passed on second reading next March, would be given the right to vote in union elections.

Extending the terms of offices of future office holders would allow for various elections to be staggered. At present the elections are held simultaneously.

Art. 20 hearing set for Oct. 31

WASHINGTON — The all-important decision by the Executive Council of the AFL-CIO as to whether the Civil Service Employees Assn. was illegally raided by the Public Employees Federation earlier this year was scheduled to be made as “The Public Sector” went to press.

The AFL-CIO Executive Council originally was to decide the issue on October 24, but that was postponed until October 31. An independent umpire earlier had ruled that PEF illegally raided CSEA for representation rights for 45,500 state workers in the PS&T bargaining unit. PEF appealed that ruling, which is now in the hands of the 35-member Executive Council for final determination, which is unappealable.

CSEA also is in the Appellate Division of State Supreme Court seeking to overturn the April election results.

KIAMESHA LAKE — Civil Service Employees Assn. President William L. McGowan opened the first general business session at the 68th Annual Meeting with a call for CSEA members to fight for the future.

“Leave here solid, ready to take on anyone who wants to take us on,” he said.

Earlier in his address to more than 1,300 delegates, McGowan said to let the news media know what public employees do for the people.

“Stand and be proud of the work we do . . . No back seat. I want the front of the bus, too.”

He said CSEA was going into negotiations strong and united, determined to “battle down to the wire” for salary and working conditions.

He urged the delegates to show the public that the waste in government is not among its employees but among political jobs.

McGowan said the top legislative priority for 1979 would be the removal of the two-for-one penalty in the Taylor Law.

He also said the affiliation with AFSCME has six times prevented challenges by other unions.

MAY THE BEST MAN WIN — The Civil Service Employees Assn. is remaining officially neutral in next week’s election of a governor for New York State, and to underscore that neutrality has contributed $41,000 to both Democrat Governor Hugh L. Carey and his Republican rival, Perry B. Duryea. The money from the CSEA Political Action Fund is expected to be spent by both candidates primarily on last minute media advertising. In photo at left, Gov. Carey receives a check for $41,000 from Stanley Polansky, a member of the union’s Capital Region Political Action Committee; Thomas McDonough, CSEA Executive Vice President and member of the Political Action Fund; Jean Myers, chairman of the Capital Region Committee; and Barbara Pickell of Broome County, a member of CSEA’s Statewide Political Action Committee. In photo at right, a similar $41,000 contribution check is given Mr. Duryea by Polansky, Ms. Myers and Mr. McDonough.
LETTERS to the Editor

We encourage letters from readers pertaining to items which have appeared in THE PUBLIC SECTOR or which are of interest to public employees. Letters must contain the name, address, and telephone number of the writer for verification purposes. Telephone numbers will not be printed, and names may be withheld upon request. All letters to THE PUBLIC SECTOR, Clarity Publishing Inc., 75 Champlain Street, Albany, N.Y. 12204.

Editor, The Public Sector:

I am writing this letter as a State employee of twelve (12) years and equally important, as a taxpayer.

Saturday, September 30, was another typical State Civil Service promotional exam. I took mine at Albany High School. The atmosphere resembled a zoo. People were running all over the place because they were short fifteen minutes. My monitor arrived fifteen minutes after the exam was to have started and then spent forty-five minutes trying to track down her pocketbook while we were supposed to be concentrating on the exam.

I have spent seven years in training to do my job.

Halt court hearings

NEW YORK — Public hearings scheduled last week in three upstate locations by the State Office of Court Administration concerning the OCA’s unified court system proposal were postponed by a State Supreme Court justice who granted a temporary injunction asked by a group of New York City area court employees.

The injunction was granted the New York City court workers who claimed the OCA lacks proper authority to classify state employees under the proposed classification plan, and that OCA hearings provided insufficient time to prepare for them. Postponed were public hearings scheduled for October 25 in Syracuse, October 26 in Albany and October 27 in White Plains. At prehearing, public hearings were held on October 30 in Riverhead, and October 31. November 1 and November 2 in New York City.

The court ruled the temporary injunction would be held as scheduled.

New 2-year pact

Workers of the Town of Barre, represented by Orleans County Local 837, CSEA, will receive raises of 25 cents plus fifty dollars per longevity step in each of a new two-year contract negotiated by Collective Bargaining Specialist Danny Jinks.

They will also receive fully paid dental insurance coverage, a fifth week of vacation after the nineteenth year of service and sick leave credits of 1 1/4 days per month.

Employees who do work on November 11 will be paid holiday pay or granted compensatory time off as appropriate, except that managerial/confidential employees at grade 23 and above are not eligible for holiday pay and must be granted comp time. Employees for whom Saturday is a regular day off may also be entitled to overtime pay for time worked on this November 11.

Furthermore, Sect. 63 of the Public Officer’s Law provides that an eligible veteran who works on Veteran’s Day is entitled to comp time off if required to work on that day, irrespective of the payment of holiday pay.

Questions concerning the observance of Veteran’s Day should be referred to the Civil Service Department. Employee Relations Section (518) 457-2295.

OK Alden contract

Highway department workers of the Town of Alden, represented by Erie County Civil Service Employees Assn. No. 815, will receive raises of 7 percent in 1979 and 8 percent in each of the remaining years of a new three-year contract. The pact was negotiated by Field Representative Robert E. Young; Unit President Edward Goralezky, and Kenneth Justinger for CSEA; and Councilman Arnold Aldinger for the Town.

The new contract also includes improvements in out-of-title pay, sick leave accumulation and contract language.

Catherine Bottjer, Central Islip
Pre-convention Reg. II meeting

NEW HYDE PARK — Delegates attending the annual meetings of the Civil Service Employees Assn. have a major responsibility to the general membership in establishing official policy and positions of the union. In order to cast votes reflecting the attitudes of their members, delegates generally obtain points of views through prior meetings of their units and Local, and at regional sessions usually held just prior to a convention.

Such was the case in CSEA’s Metropolitan Region 2, where officers and delegates met recently with members to discuss the annual meeting and determine positions of the regional delegates on items anticipated to be on the agenda during the convention.

The accompanying photos illustrate some of the involvement at the Metropolitan Region meeting held just prior to last week’s annual meeting.

Grievance class set

LOCKPORT — The first of three November classes in “Stewardship and Effective Grievance Handling” in the Civil Service Employees Assn. Western Region will be held at 6:30 p.m. November 2 at Lockport Memorial Hospital, according to regional training consultant Celeste Rosenkranz.

Also on the November schedule are classes for employees at the Erie County Water Authority on November 9, and one sponsored jointly for Local 600, Alfred University, and Local 007, Hornell, at a time and place to be announced later.

Ms. Rosenkranz reports that fall classes have been completed for workers at Craig Developmental Center, Roswell Park Memorial Institute, Health Research Institute, Allegany State Park, and Niagara and Cattaraugus counties.

File charges on districts

ALBANY — The capital Region of the Civil Service Employees Assn. has filed improper practice charges with the Public Employment Relations Board against approximately 30 school districts in the Region for issuing letters of continued employment to employees at the end of the school year, in an apparent attempt to circumvent unemployment insurance claims.

John D. Corcoran, Jr., regional director, who is directing the suits in conjunction with field representatives in each area, explained that these letters are informational and not binding. “The letters told the employees that they could expect to return to their jobs in September, but they do not obligate the school district to anything,” Mr. Corcoran said. Only the employees’ contract can make that guarantee and in most cases it does not. We feel that this is just a way to prevent the employees from collecting unemployment insurance, which the employer is not required to pay due to a new federal law.

The CSEA is accusing the school districts of trying to modify the terms and conditions of employee contracts and says that such a move is in violation of the Taylor Law.

Syracuse rally

SYRACUSE — Onondaga County Local 834 of the Civil Service Employees Assn. anticipates upwards of 900 county employees to turn out for a giant rally/party on Saturday, November 4 at the Drumlins Clubhouse, Nottingham Road.

Local 834 President Bob Ohrist and Pat Callahan, chairman of the rally/party committee, said a membership information booth at the affair is expected to boost membership considerably.

NEW YORK STATE ELIGIBLE LIST

The accompanying table shows the results of the recent examination for the positions of Sr. Bacteriologist and Collector of Public Monies.

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<thead>
<tr>
<th>Position</th>
<th>Test Held</th>
<th>Highest Score</th>
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</thead>
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<tr>
<td>Sr. Bacteriologist</td>
<td>May 20, 1978</td>
<td>75.7</td>
</tr>
<tr>
<td>Collector of Public Monies</td>
<td>May 20, 1978</td>
<td>74.0</td>
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</tbody>
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THE PUBLIC SECTOR, Wednesday, November 1, 1978 Page 3
An Analysis

A look at the president’s wage guidelines

By Roger A. Cole

It was, of course, coincidental that President Carter announced his voluntary wage/price guidelines package just as negotiations were about to begin between the Civil Service Employees Assn. and the State of New York for new contracts covering more than 100,000 state workers.

It is never an agreeable situation to negotiate under mandated ceilings or limitations, but while the exact meaning of the just-announced guidelines are not yet clarified, it appears that it will not be all that difficult to conduct meaningful negotiations under the President’s “voluntary” imposed limitations.

The most important part of the anti-inflation wage guideline package, from the point of view of CSEA and the state employees, is that portion that states annual increases in wages and fringe benefits should not exceed 7 percent. Depending upon interpretation, that allows a considerable range in which to conduct meaningful talks starting later this month.

William Blom, CSEA’s director of research, notes that interpretation is important in this case since depending upon how one looks at it, the 7 percent limit could fall at distinctly different places.

If the President is suggesting the 7 percent limit be a percentage of the current payroll costs, that’s one thing. But if it allows for a 7 percent increase in wage and benefits based on the current payroll plus costs of current fringe benefits, that’s much different and provides plenty of room in which to conduct fair and equitable contract talks.” Mr. Blom said.

Also, traditionally increments to those eligible are factored into the pay scale before negotiated percentage increases are applied, which actually results in increases to nearly half the affected workforce considerably above the increases negotiated.

And, too, the President’s voluntary wage guidelines do not apply to workers earning less than $4 per hour. State workers on a 37.5 hour workweek earning less than $7,800 and those on a 40 workweek earning less than $8,320 would, in theory, be unaffected by any restraints. In some units that represents a high percentage of the employees.

And the guideline standards do not apply to individual workers in any event, but to the bargaining unit as a whole. That would allow CSEA to continue to seek substantial raises for the lower-paid employees in the units while gaining equitable raises for higher-paid workers at the same time.

Two years ago state employees overwhelmingly approved the current contracts which resulted in raises in the neighborhood now allowed under the President’s guidelines. Three increases of 5%, 4% and 5% over the two years add up to 14% on the surface but are actually a bit less due to compounding factors. Even the most rigid interpretation, therefore, would still provide for the possibility of raises at or above the current scales.

The guidelines just announced are designed to slow inflation to between 6 and 6.5 percent next year. Any negotiated increases above that level, assuming inflation can be slowed, would be “real” money increases. By comparison, the current inflation rate of 7.5 to 8 percent means most workers are, at best, only staying even when it comes to purchasing power.

And just for the record, it is estimated that it costs about $17 million per year for each 1 percent of increases negotiated for the CSEA-represented bargaining units of state workers. That means that under the strictest interpretation possible, a 7% limit would still mean a package of about $120 million a year in increases.

It is clear that the union can sit down at the bargaining table later this month and start talking about big money packages for state employees and still consider staying within the suggested limits. That’s good news.

CSEA’s initial demands have not yet been announced, and traditionally are not due to the confusion starting demand causes since the final figure is arrived at only through long negotiations. But it appears clear that whatever the union seeks in the coming state contract talks, the just announced guidelines should not impact too heavily after all.

Major points of President Carter’s anti-inflation program:

• VOLUNTARY PAY STANDARD
  Annual increases in wages and private fringe benefits should not exceed 7 percent in private enterprise and federal, state and local governments. Workers earning less than $4 an hour would be exempt as would be those under already signed contracts. Standard applies not to individual workers but to the average within these groups: Management, employees covered by labor contracts; other employees.

• VOLUNTARY PRICE STANDARD
  Individual firms should limit their price increases over the next year to 0.5 percent below their average annual rate of price increase during 1976-77. If they cut wages more than a half percent in 1976-77, greater price deceleration will be asked. Standard applies not to specific products but to a firm’s average price.
Protest forced out-of-title work

ALBANY — The Civil Service Employees Assn. has protested an apparent attempt by the state Civil Service Commission to force food service workers to do out-of-title work.

CSEA President William L. McGowan has sent a letter to Civil Service Commission President Victor Bahou, informing him that Food Service Worker I employees at several developmental centers around the state are being required to do grail work.

"This duty is not listed as a function of these employees on their current job specifications," Mr. McGowan said. "Until a final version of the classification standard for Food Service Worker I is released, the Office of Mental Retardation should be advised to discontinue this out-of-title work for this group of employees."

There are about 2,400 employees in the Grade 4 Food Service Worker I title now working in institutions throughout the state. Their traditional job duties have included washing pots and pans, setting and waiting on tables, putting food deliveries in storage areas, and similar tasks.

Robert Guild, CSEA's collective bargaining specialist for the Institutional bargaining unit, says, "Recently, the Joint CSEA/State Committee on Reclassification and Reallocation of the Food Service classified the Grade 3 Kitchen Helpers to a Grade 4. Now, the Civil Service Department seems to be trying to combine the duties of Kitchen Helper, as well as those of Assistant Cook, into the duties of Food Service Worker I. But they are trying to do it by expanding the duties of the Food Service Workers without any financial compensation, and this is what we object to."

"The department's Division of Classification and Compensation has tentatively changed the job specs for the food service workers, and submitted them to agency and department heads for their review and recommendations. The Division has the right to do this, Mr. Guild noted.

"But now, the Office of Mental Retardation has taken these tentative changes as gospel, and has already begun requiring new tasks of the food service people," he said.

The union president wrote to Mr. Bahou that CSEA is formally protesting the increased duties.
In a labor union as large and diversified as the Federation of Labor, Local 1990, AFSCME activities must be conducted on several levels. These activities, in turn, must all be coordinated to blend into the overall operation of the union.

Revised to simple terms, the overall policy determinations of AFSCME are made by member-elected delegates who meet annually to reassess old policies and consider additional ones. Often delegates meet more than once each year as the necessity arises. Last week more than once each year as the necessity arises. Last week

"The Public Sector" we will be presenting reports for the benefit of the membership.

Since our last Delegate meeting, several items of legislation have been passed which will have an impact on CSEA members who belong to the Labor Unions in New York and the nation. Other legislation has been proposed to correct the problems of the Common Pension Fund and in the future we must be aware of national policy matters determined by the delegates. On a day-to-day basis union affairs are conducted by a professional staff of more than 200 workers under the guidance of elected statewide and regional officers.

The Public Sector...
DISCIPLINE ARBITRATION – EXCESSIVE ABSENTEEISM

Two recent arbitration decisions portend some concern for CSEA members. In the first declaratory proceeding, the State sought to prefer charges of incompetency against the grievants for their excessive use of sick leave. The important factor is that this absenteeism was either excused or caused by legitimate illness. Although the punishment imposed was set aside in both cases, the arbitrators held that the State could terminate the employees on the ground of excessive absenteeism regardless of the reasons for those absences. These cases run contrary to an earlier arbitration decision which reasoned that under the State agreement legitimate absences due to illness do not constitute ‘incompetency’. (Matter of CSEA and State of New York (Department of Mental Hygiene), Case No. 230, 41 Misc. 2d 24, 247 N.Y.S.2d 205 (June 22, 1963)).

TAYLOR LAW PENALTIES

The Court of Appeals has finally put to rest the issue of the amount of any dues checkoff fee authorized by Section 210 of the Taylor Law against a striking public employee (see Legal Briefs, Volume 2, Number 11). The court held that the statutory term ‘daily rate of pay’ should be construed to encompass gross pay, rather than net pay. In other words, the penalty to be assessed is two days’ gross pay, before taxes, for each day of strike participation. It was also noted that the employer must still withhold taxes due from that gross amount.

PERB POWER

When the New York City Board of Education announced that 180 supervisory employees would be laid off due to fiscal restraints, the union representing these employees requested the board to apologize for the impending discharges. This request was refused and an improper practice charge was filed with the PERB. While this was still pending, the union commenced an Article 78 proceeding, the petition charging that the board was making appointments to supervisors positions without competitive examination, thereby violating and circumventing Article 6, section 5 of the New York State Constitution and certain statutory provisions of the Education Law. The lower courts dismissed the petition, holding that since the improper practice charge had been filed, PERB has exclusive non-delegable jurisdiction of the matter (Civil Service Law, section 205, subd. (5), par. (d)). The Court of Appeals disagreed and reversed, stating that PERB’s jurisdiction only encompassed those matters specifically covered by the Taylor Law and that PERB was not vested with any general power to prohibit government officials from violating express statutory provisions such as was charged here. The case was remitted to Special Term and converted to a declaratory judgment action.

EMPLOYEE TERMINATION

The petitioner was appointed from an eligible list to the position of Educational Analyst in December of 1976. He did not hold a Civil Service position at that time, having resigned in August of 1976. Apparently for this reason, he thereafter received a notice stating that he had been “removed from the eligibility list” and therefore was to be terminated from his job as of January 28, 1977. Petitioner argued that, pursuant to subd. 4 of section 50 of the Civil Service Law, he was entitled to a written statement of reasons for being removed. The Third Department agreed, stating that there was no reason for an applicant or an eligible to have greater procedural protections than one who has been appointed to a position.

ELIGIBILITY LIST

The petitioner complained that the local Civil Service Commission had allowed an eligible list with his name thereon to expire, and had begun to appoint persons from a newly established list. The Second Department held that the respondent had the authority to decide whether to extend the life of a list or allow it to expire, the only limitation of this discretion being it could not be done arbitrarily or in bad faith. The petitioner had made no allegations of bad faith or improper motive. The court further noted that respondent was permitted to leave certain vacancies unfilled until a new list became effective.

LEGAL BRIEFS

"Legal Briefs" is a periodic column about Civil Service Law and legal matters of interest to public employees. Material is compiled and edited by the Albany law firm of Reemer and Featherstonhaugh, counsel to the Civil Service Employees Association.

CENTRAL REGION OFFICERS listen intently to speaker after speaker discuss a variety of issues to be considered by the union's delegates. From left are Beverly McDonald, second vice president; Ralph Young, third vice president; Dorothy Moses, first vice president; Patricia Crandall, executive vice president; James Moore, regional president; Anna Mae Darby, regional treasurer; Helen Hanlon, recording secretary; and Jackie Chambrone, corresponding secretary.

Big turnout for Region 5

SYRACUSE — Proof that interest is running high over several major issues confronting the Civil Service Employees Assn. was demonstrated recently here when more than 150 officers of Locals and units in the Central Region met to discuss topics to be considered at CSEA's annual meeting in late October.

The turnout for the four-hour session, held at midweek, was the largest in some time. Central Region President James Moore called the attendance "very encouraging" and advised those in attendance to reserve judgment on the issues discussed until they had the facts and information to cast informed votes as delegates to the union's annual meeting.
The great exams blunder

Complaints pouring in about promotional tests

By Deborah Cassidy

ALBANY — What has been termed the "great exams snafu of September 30" unfolds more as details concerning problems with the administration of promotional civil service exams pour into the Research Department of the Civil Service Employees Assn. "There's no doubt that many employees have been harmed by these circumstances. We intend to find out what problems are most prevalent, what damage has been done and what can be done to correct it," said Timothy Mullens, research analyst.

The CSEA first became aware of the problems when it began receiving complaints in the various Region offices. Most common were charges that the monitors were inefficient, many avoidable distractions existed and there was a lack of test booklets. A meeting between the Research Department and the CSEA law firm, Roemer and Featherstonhaugh, resulted in a decision to acquire more information through the publication of a questionnaire in the Public Sector."

As the responses continue to pour in, the Research Department has not yet made a formal compilation of the results, but has allowed the "Public Sector" to review them. So far responses have been received from all parts of the state for exams in the clerical series, laundry supervisor, art designer, technical engineering and others. One of the major complaints centers around the inefficiency of proctors, with exam takers charging them with being unable to answer questions about the tests, not giving adequate directions and not knowing which materials to pass out to whom. Several of the respondents said they were not even sure if they had been given the right exams. Some even lodged complaints about being asked to go to another room and entering and leaving rooms during the tests. Due to a lack of monitors, test takers were permitted to go to the rest rooms unsupervised, which could lead to cheating, or were just not allowed to go at all. Some found it pretty uncomfortable and distracting after eight hours," said one employee.

The starting of exams anywhere from one-half hour to two hours late was another of the complaints listed. The late start in most cases could be blamed on rooms not being ready, materials missing and the need to fill out required forms. Complainants felt that these delays were unnecessary and inconvenient, but were even more irritated to find that it meant they were not able to take all the exams they had been scheduled for.

Poor surroundings was a frequent complaint, with exam takers stating that the rooms were overcrowded, seating was uncomfortable and outside distractions, such as teams practicing at schools, noise and talking in the halls, were present.

Those taking mathematical tests found that the rooms were overcrowded, seating was uncomfortable and outside distractions, such as teams practicing at schools, noise and talking in the halls, were present. Some people complained that directions to their exam rooms were not posted in the buildings and that they wasted valuable time searching for them.

CSEA blamed the Civil Service Department for poor planning and met with officials to discuss what steps were necessary to get the money for more monitors, said Mr. Mullens. "The entire situation was one in which confusion and羁 the department is

Union was right on hospital

Predictions by the Civil Service Employees Assn. that Erie County could operate its new hospital efficiently and economically received confirmation in the initial report submitted by the hospital's financial director showing revenues running $1.25 to $1.5 million ahead of budget. Projections and expenditures in line with them. Additional efficiencies and economies were predicted as patient loads increase, according to the hospital's acting director.

CSEA had claimed in its long fight with the hospital's financial director showing revenues running $1.25 to $1.5 million ahead of budget that the hospital's financial director showing revenues running $1.25 to $1.5 million ahead of budget the county Medical Center that the ultra modern facility would attract new patients and doctors and thus increase revenues.

Howard Barth, the hospital's financial director, who instituted numerous accounting and billing reforms also proposed by CSEA, reported to the hospital's advisory committee that the average daily load was 490 in-patients, or 40 more than projected in the budget. Depending on the Blue Cross and Medicaid reimbursement rates set by the state, Mr. Barth said this would mean "We could be more than $1.25 to $1.5 million ahead of what we budgeted," if the current patient load continues.

CSEA last December launched a concerted effort which included studies of the hospital's books and proposals to reduce deficits at the predecessor E. J. Meyer Memorial Hospital, an outmoded facility, since closed.

Endling community support "to keep public control of the publicly financed" facility, CSEA was successful in preventing the turnover of the center to Buffalo General Hospital, as proposed by the county executive with the concurrence of a majority of the county legislature.

Ms. King heads M-H reps.

ALBANY — Ms. Dorothy King, President of Creedmoor Psychiatric Center Local 606 of the Civil Service Employees Assn., has been elected chairperson of the Mental Hygiene representatives on the CSEA Board of Directors.

The 16 mental hygiene board members represent more than 60,000 union members throughout the state. Ms. King, a dental assistant at Creedmoor, is serving her third term on the board.

She is also currently second vice-president of CSEA's Metropolitan Region II, and past secretary of the region.

Her colleagues elected her to the top position at their meeting in Albany last month. She will serve a one-year term. Past chairman of the mental hygiene group was James Moore, president of CSEA's Central Region.
 Restraining order halts examinations

ALBANY - The Civil Service Employees Assn. has obtained a restraining order to prevent the Department of Civil Service from holding an open competitive oral examination later this month for two positions within the Division of Substance Abuse Services.

According to Edward T. Stork, an attorney with Roemer & Featherstonhaugh, CSEA's law firm, oral exams scheduled for two titles, Outreach and Referral Specialist, III and Outreach and Referral Specialist IV, are in violation of a stipulation of agreement entered into between the union and the Department of Civil Service in July. At that time, the Department had agreed to provide tests for two titles, Supervisor of Multi-Purpose Outreach Unit and Assistant Director of Multi-Purpose Outreach Program, which had been held provisionally by two employees beyond see: time limits.

Late in July, the Department revisied the two job titles to Outreach and Referral Specialists III and IV. CSEA is alleging that the Department violated the stipulation by changing the job titles for the purpose of limiting the scope of candidates that would qualify to take the exam, thereby insuring the provisional titleholders, the Supervisor of the Multi-Purpose Outreach Unit and the Assistant Director of the Multi-Purpose Outreach Program, of having less competition and, more chance to retain their titles. In addition, CSEA is charging that the exams should be promoted, instead of open competitive, to allow state employees the opportunity for career advancement.

The restraining order obtained by CSEA will prevent the Department of Civil Service from holding the exams for Outreach and Referral Specialist, III and IV pending further order of the court or a final resolution of the proceeding. The matter will be heard on Nov. 10 before a Supreme Court justice.

A FAMILIAR VOICE heard at every delegate meeting of CSEA is that of Abe Libow, a very active delegate from CSEA New York City Local 810, shown here in a quieter moment with his wife during the union's 86th annual meeting last week.

Putnam ratifies a new agreement

PUTNAM - Town of Putnam laborers, drivers, motorized equipment operators and mechanics, all represented by the Civil Service Employees Assn., have ratified a new 2-year agreement, which becomes effective January 1, 1978.

The new contract calls for pay raises ranging from 32-cents to 64-cents an hour; a 15-year longevity step of five percent of base salary; and provisions for double time on Sundays and holidays. In addition, town workers covered by the CSEA agreement will receive steel safety shoes as of January 1, and five sets of working uniforms as of January 1, 1980.

Region vice presidents move up

ALBANY - Due to the resignation of E. Jack Dougherty as first vice president of the Capital Region of the Civil Service Employees Assn., in September, the next two ranking vice presidents have been moved up and a new third vice president will be elected.

In accordance with the Regional Constitution, Region president Joseph McDermott appointed second vice president Timothy McNernery to the office of first vice president, and third vice president Eileen Salisbury to the office of second vice president.

Challenges Tompkins County on pension plan

ITHACA - The Civil Service Employees Assn. last week sharply challenged proposed pension benefit figures of the insurance carrier that Tompkins County says would provide that coverage if the county is successful in relinquishing control of the county hospital to a private operator.

CSEA special consultant Joseph Watkins addressed a hearing of the Tompkins County Comprehensive Health Planning Council Review Committee and called the carrier's proposal "a sham" filled with "many critical omissions." The County had attempted to turn over control of the new hospital to a private contractor earlier this year, but CSEA employees were successful in a petition drive which forced the issue on the November 7 ballots as a referendum.

Watkins challenged the hospital's Governance Board to "put it in writing." He noted that the Governing Board said on October 17 they would provide "a plan which could provide current hospital employees pension benefits which are at least equal to the State Retirement Plan all at a lower cost."

CSEA president said Watkins, "This is a gross misrepresentation. We challenge the Governance Board to have the carrier provide a simple statement as follows: 'We hereby guarantee to provide a retirement plan for all future employees of the hospital under the same conditions as the State Retirement Plan and continue the present benefits of current employees as contained in the State Retirement Plan at a cost of..."
S300 SCHOLARSHIP AWARD — The 1978 CSEA Hazel Nelson Scholarship Award of $300 is presented to Sara Rubino, a freshman at the State University College at Brockport, by George Webster, right, president of Civil Service Employees Assn. Local 601. Sara's father, Richard Rubino, left, a plant management employee at Brockport, watches proudly. The annual scholarship award honors the founder of the CSEA Local at the State University College at Brockport.

STATE OPEN COMPETITIVE JOB CALENDAR

The following jobs are open. Requirements vary. Apply with the state Civil Service Department, 2 World Trade Center, Manhattan, State Office Building Campus, Albany, or 11 West Genesee St., Buffalo.

FILING ENDS NOV. 6

Assistant Criminal Justice Program Analyst $11,250 No. 24-726
Canal Structure Operator $7,997 No. 24-833
Canal Maintenance Shop Supervisor $12,583 No. 24-831
Canal Maintenance Shop Supervisor I $11,250 No. 24-830
Criminal Justice Program Analyst $14,075 No. 24-727
Senior Criminal Justice Program Analyst $18,301 No. 24-728
Senior Criminal Justice Program Analyst (Juvenile Delinquency) $18,301 No. 24-729
Research Analyst (Criminal Justice) $14,075 No. 24-743
Senior Research Analyst (Criminal Justice) $18,301 No. 24-744
Senior Compensation Claims Clerk $7,997 No. 24-745
Senior Training Technician (Wastewater Treatment) $14,075 No. 24-752
Program Research Specialist III (Correctional Services) $18,301 No. 24-841
Program Research Specialist (Correctional Services) $18,301 No. 24-841
Thruway Maintenance Specialist $14,975 No. 24-841
Assistant Architect $15,894 No. 24-821
Senior Architect $18,301 No. 24-822
Assistant Heating and Ventilating Engineer $14,850 No. 24-827
Assistant Mechanical Construction Engineer $14,850 No. 24-828
Building Light Tender $7,152 No. 24-829
Health Care Fiscal Analyst $11,250 No. 24-834
Health Care Fiscal Analyst Trainee $10,824 No. 24-833
Body Repair Inspector $11,250 No. 24-836
Senior Body Repair Inspector $13,304 No. 24-837
Program Research Specialist IV (Aging) $22,523 No. 24-840
Program Research Specialist III (Youth Services) $18,301 No. 24-847
Research Analyst (Transportation) $14,975 No. 24-850
Parkway Maintenance Supervisor I $14,444 No. 24-853
Parkway Maintenance Supervisor II $11,250 No. 24-854
Section Maintenance Supervisor I $12,041 No. 24-855
Division Maintenance Supervisor I $12,041 No. 24-855
Social Work Supervisor I $17,365 No. 24-860
Social Work Supervisor III $20,366 No. 24-861
Program Research — Specialist II

(Housing & Community Development) $14,275 No. 24-851
Program Research — Specialist III

(Housing & Community Development) $18,501 No. 24-852

FILING ENDS NOV. 20

Associate Criminal Justice Program Analyst $22,623 No. 27-788
Associate Criminal Justice Program Analyst (Juvenile Delinquency) $22,623 No. 27-788
Business Service Ombudsman $22,623 No. 27-788
Principal Criminal Justice Program Analyst $25,095 No. 27-788
Principal Criminal Justice Program Analyst (Juvenile Delinquency) $22,623 No. 27-788
Associate Research Analyst (Criminal Justice) $23,095 No. 27-789
Principal Criminal Justice Program Analyst (Police) $25,095 No. 27-788
Senior Hydrualic Engineer $18,301 No. 27-805
Assistant Hydraulic Engineer $14,850 No. 27-804
Assistant Pharmacy Consultant $14,075 No. 27-829
Pharmacy Consultant $16,958 No. 27-830

OPEN CONTINUOUS STATE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary</th>
<th>Exam No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacist (salary varies with location)</td>
<td>$14,388-$15,562</td>
<td>20-129</td>
</tr>
<tr>
<td>Assistant Sanitary Engineer</td>
<td>$14,142</td>
<td>20-122</td>
</tr>
<tr>
<td>Senior Sanitary Engineer</td>
<td>$17,429</td>
<td>20-123</td>
</tr>
<tr>
<td>Clinical Physician I</td>
<td>$27,942</td>
<td>20-119</td>
</tr>
<tr>
<td>Clinical Physician II</td>
<td>$33,250</td>
<td>20-119</td>
</tr>
<tr>
<td>Assistant Physician</td>
<td>$25,161</td>
<td>20-117</td>
</tr>
<tr>
<td>Assistant Attorney</td>
<td>$14,850</td>
<td>20-113</td>
</tr>
<tr>
<td>Attorney Trainee</td>
<td>$11,723</td>
<td>20-113</td>
</tr>
<tr>
<td>Junior Engineer</td>
<td>$11,904</td>
<td>20-109</td>
</tr>
<tr>
<td>Assistant Computer Programmer (Scientific)</td>
<td>$22,623</td>
<td>20-223</td>
</tr>
<tr>
<td>Mobility Instructor</td>
<td>$11,904</td>
<td>20-224</td>
</tr>
<tr>
<td>Instructor of the Blind</td>
<td>$11,250</td>
<td>20-225</td>
</tr>
<tr>
<td>Health Services Nurse</td>
<td>$11,250-$12,025</td>
<td>20-226</td>
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</tbody>
</table>

(salary varies with location)

Senior Heating and Ventilating Engineer $18,301 No. 24-227
Senior Sanitary Engineer (Design) $18,301 No. 24-228
Senior Building Electrical Engineer $18,301 No. 24-229
Senior Building Structural Engineer $18,301 No. 24-230
Senior Mechanical Construction Engineer $18,301 No. 24-231
Senior Plumbing Engineer $18,301 No. 24-232
Senior Stationary Engineer $7,616 No. 24-233
Electrical/Telecommunications Technician $8,454-$10,369 No. 24-334

(salary varies with location)

Medical Record Administrator $11,904 No. 24-348
Food Service Worker $6,148 No. 24-352
Mental Health Therapy Aide Trainee $7,204 No. 24-354
Mental Health Therapy Aide Trainee $7,204 No. 24-354

(salary varies with specialty)

Associate Actuary (Casualty) $18,301 No. 24-416
Principal Actuary (Casualty) $22,623 No. 24-417
Supervising Actuary (Casualty) $26,516 No. 24-418
Assistant Actuary $10,714 No. 25-566
Nurse I $10,624 No. 25-564
Nurse II $11,904 No. 25-565
Nurse II (Psychiatric) $11,904 No. 25-566
Nurse II (Rehabilitation) $11,904 No. 25-567
Medical Specialist I $33,705 No. 25-568
Medical Specialist II $33,705 No. 25-569
Psychiatrist I $27,942 No. 25-570
Psychiatrist II $33,705 No. 25-571
Senior Physical Therapist (Spanish Speaking) $12,670 No. 25-572
Dietician $10,714 No. 25-573
Dietician Trainee $10,118 No. 25-574
Senior Occupational Therapist $12,670 No. 25-575
Occupational Therapist $11,337 No. 25-576

(Other than English)

Physical Therapist Spanish Speaking $11,337 No. 25-577
Physical Therapist (Spanish Speaking) $11,337 No. 25-578
Senior Physical Therapist Spanish Speaking $12,670 No. 25-579
Speech Pathologist $12,670 No. 25-580
Audiologist $12,670 No. 25-581
Assistant Speech Pathologist $11,250 No. 25-582
Assistant Audiologist $11,337 No. 25-583
Dietician Trainee $10,118 No. 25-584
Dietician $11,337 No. 25-585
Supervising Dietician $12,670 No. 25-586
Stenographer $8,650 No. 25-587
Transportation $10,714 No. 25-588
Senior Occupational Therapist $12,670 No. 25-589
Senior Occupational Therapist (Spanish Speaking) $12,670 No. 25-590

You can also contact your local Manpower Services Office for examination information.
Tragic case of Nancy Vial revived; survivor denied death benefit claim

ATTICA — On August 5, 1977, a 49-year old cook at the Attica Correctional Facility, Mrs. Nancy Vial, was brutally murdered while on duty at the facility. An inmate at the Attica facility was subsequently charged with the strangulation murder of Mrs. Vial and is presently standing trial on that charge.

Now the tragedy of her death has been underscored and revived by the denial of a $50,000 death benefit claim under the Public Safety Officers' Benefits Act filed on behalf of Mrs. Vial's 22-year-old son, James Wayne Vial.

Her death and the subsequent denial of the death benefit claim may not ultimately be in vain, for the case has generated what may result in a joint effort by the Civil Service Employees Asso., of which Mrs. Vial was a member at the time of her death, and the State Department of Correctional Services to introduce legislation to amend the Public Safety Officers Benefit Program to clarify the eligibility of persons employed in correctional facilities in other than a safe officer capacity.

The denial of the death benefit claim was based on the fact that Mrs. Vial's job description as a cook contains no specific reference to any security functions. Actually, under current standards, no "civilian" (non-security) employee of the Department of Correctional Services contain references to security functions. Therefore, even though they face daily risk through exposure to dangerous inmates and conditions, institutional teachers, food service workers, maintenance personnel, clerical and administrative personnel, and others, are not covered.

CASE NUMBER: 77-319. This claim determination by the Law Enforcement Assistance Administration of the United States Department of Justice is signed by four reviewing representatives between August 14, 1978 and September 9, 1978. This determination denies the claim to Mrs. Vial's eligible survivor, but admits that the deceased was, in fact, exposed to risk on the job. "Although Mrs. Vial was exposed to risk in her occupation, she did not have the authority to act as a law enforcement officer," the report determines.

Union calls for changes

The Civil Service Employees Asso., which represented Mrs. Vial at the time of her death, and which has been pushing hard to obtain death benefit claims for her eligible survivors, has reacted strongly to the denial of a $50,000 death benefit claim under the Public Safety Officers' Benefits Act.

CSEA Western Region President Robert Lattimer said he is "appalled" by the denial, even though in doing so the claim's officer noted that Mrs. Vial was exposed to risk in the performance of her job. Mr. Lattimer calls the determination "gross injustice" and that it is "painfully evident that this situation can and should be corrected forthwith."

Rich Becker, President of CSEA Attica Local 152, has been deeply involved in the case since the murder occurred in August, 1977. Mr. Becker, upon learning of the claim denial, wrote to department Commissioner Richard Honsig to ask for "the elevation of non-uniform employees to collateral responsibility employees and more money is the answer, let's get on with it."

Better security — get on with it

The tragic, senseless murder of Mrs. Nancy Vial while performing her duties as a cook at the Attica Correctional Facility on August 5, 1977 horrified us all.

Her death at the hands of an inmate magnifies and supports the contention long maintained by CSEA that non-uniformed employees working within the confines of correctional facilities are afforded grossly inadequate protection daily. Assaults, attempted assaults and acts of intimidation are a way of life for employees throughout the state's prison system.

The risks and dangers these people confront must be recognized and addressed once and for all. Adequate security must be provided. And the employees must be compensated for the risks they work under. They are required to work among, and often help maintain control of, the inmate population. This facet of their employment should be immediately included in their job description.

The exclusion of that description is primarily what caused the denial of an otherwise legitimate death benefit claim by an eligible survivor of Mrs. Vial.

The main concern, however, is not for the survivor. It is for the victim. Immediate steps to provide adequate security for non-uniformed personnel at all times must be taken so that these potential victims of violence never reach that potential. If new legislation and more money is the answer, let's get on with it.