Court rules contracting out is illegal

ALBANY — In a major decision with statewide implications, the Appellate Division of State Supreme Court in Albany ruled late last week that eliminating jobs and then contracting out that work is illegal. The Appellate Division ruled unanimously that the Public Employment Relations Board (PERB) was within its powers when it declared contracting out is a matter of mandatory negotiations.

According to CSEA Atty. Richard Burstein, the ruling came in the appeal of PERB’s ruling in favor of CSEA, by the Saratoga Springs City School District. The District had laid off more than 60 employees represented by CSEA in September, 1977, and the employees were then hired by the contractor named to provide the same service.

Burstein, who represented CSEA in the case, said the court decision not only upholds PERB in the Saratoga Springs School District case, but also affects contracting out throughout New York State, including two recent contracts awarded by Nassau County for janitorial and security services. Nassau County Local 830 has filed an Improper Employer Practice with PERB on the contracting out. CSEA Region IV is taking two immediate actions following the court decision:

• A letter is being sent to the school board, the superintendent of schools and the contractor asking for the reinstatement of the employees with all benefits, including pay, insurance and pensions, restored.

• Regional Director John Corcoran and Field Representative William Lochner are attempting to arrange a meeting with the school officials and the contractor.

CSEA fighting job cuts

WHITE PLAINS — The planned closing of three city schools plus a projected tight budget has led to the announced firing of 60 or more non-teaching school district employees at the end of the current school year. But the employees, represented by CSEA, hope that a series of public demonstrations will gain support for retaining the jobs, and that a thorough analysis of the proposed budget will show it may not be as tight as projected.

Members of the White Plains School CSEA Unit demonstrated on May 14 outside Mamaroneck Avenue School during a meeting of the School Board. Other public demonstrations are also expected prior to adoption of the next budget. Additionally, the proposed new budget is being carefully checked by CSEA and AFSCME experts prior to testifying at a public hearing in early June relative to the budget.

A union spokesman said the closing of the three schools accounts for only about one-third of the jobs being terminated, and that budgetary cutbacks make up a high percentage of the terminations. “We expect our analysis will show that the proposed budget can and should be revamped to provide for retention of these employees,” the union spokesperson said.

Lobby day is scheduled for June 5 at Capitol

ALBANY — The Statewide Legislative and Political Action Committee of CSEA has planned a statewide membership lobby to be held in Albany Tuesday, June 5, at 12 noon.

According to Bernard Ryan, CSEA Political Action Coordinator, the purpose of the Lobby Day will be to have members meet with their legislators and demonstrate membership support of various bills before the Legislature including OSHA, Agency Shop, Pension Supplementation, Unemployment Insurance, and Reclassification of Court Employees.

All CSEA Regional Presidents and Regional Political Action Committee chairpersons have been notified and are expected to coordinate activities with the Statewide Political Action Office in Albany.

Free bus transportation and lunches will be available to CSEA members who participate. Complete information regarding bus locations and departure times can be obtained from any regional headquarters.

Initial plans call for rally buses and other vehicles to arrive in Albany between 9:30 and 11 a.m. Each group will be met by a Lobby Day representative with appropriate literature and information regarding specific bills of interest to public employees before the noon rally.

NEW CHAIRPERSON — Genevieve Clark, from Roswell Park Memorial Institute, Buffalo, has been named chairperson of CSEA’s Statewide Election Procedures Committee. Ms. Clark, who served on the Committee several years, serves on CSEA’s Institutional Services negotiating team also. She succeeds Bernard Schmall, who resigned recently for health reasons.
CSEA appealing decision

Local 350 nominations

NEW YORK CITY — Members of Department of Labor CSEA Local 350 interested in running for offices in the local are urged to submit their resumes as soon as possible, newly appointed Nominations Committee Chairman John Gianguercio urged. Gianguercio said nominations should be sent to his home, 72-50 Manse Street, Forest Hills, N.Y. 11375.

He said members wishing to run for office should submit their resumes as soon as possible because the official election timetable calls for his committee to make its nominating report on June 8.

Among the offices of the local, names can be submitted for: President; first, second, and third vice presidents; treasurer; and recording secretary.

Those wishing additional information can contact Gianguercio at work, 461-6900.

Local 350 represents employees of the State Department of Labor in approximately 140 locations in New York City, Long Island and parts of Westchester County.

Elections Timetable

Statewide Officers and State Executive Committee

The following dates are to be used as a guideline for the 1979 CSEA Election. To the extent possible, each date will be complied with unless intervening circumstances beyond the control of CSEA make compliance with the exact date impractical.

- June 8 — Report of Nominating Committee
- June 22 — Deadline for Declination of Nomination
- July 9 — Final day for Nominations to Fill Declinations
- July 9 — Final day for Petitions to be Filed
- July 13 — Request to each candidate for spelling of name as it will appear on Ballot. To be sent by certified mail, return receipt requested. Deadline for changes is July 20, 1979.
- July 13 — Drawing for Position on Ballot — 10:30 a.m., CSEA Headquarters Conference Room. Candidates (or proxies) may attend as observers.
- July 13 — Mailing of printed copies of Rules and Regulations for the Election to all candidates and local presidents.
- July 25 — Publication of Names of all candidates in the Official CSEA Newspaper
- August 6 — Ballots delivered to Post Office for Mailing
- August 16 — Replacement ballots may be requested as of this date if Original Ballot has not been delivered
- August 30 — Return of ballots — 6:00 p.m. Deadline
- August 31 — Ballots to be removed from envelopes to prepare for counting. Ballots which cannot be machine-counted will be counted manually during this period
- September 7 — Return of Replacement Ballots — 6:00 p.m. Deadline
- September 7 — Ballots to be Counted. Candidates to be notified by telegram by September 11
- September 7 — Official Results Announced
- September 17 — End of Protest Period (10 days after Official Results are announced)

NOTE: Those eligible to vote shall be dues paying members in good standing as of June 15, 1979.

School cook now janitor

CENTRAL ISLIP — The Suffolk Educational Local 870 has won for a cook the right to take a higher-paying post as custodian in the Central Islip School District.

CSEA had claimed sex discrimination when the district refused to give the post to Diane Mullins, who has held up 50 lunches a day as head cook at the Mulvey School for the last 15 years.

The district had rejected her request for appointment to the higher-paying job on the ground that she was "not qualified to do heavy work," according to CSEA Field Representative Jim Walters.

CSEA denied her complaint, and an advisory arbitration award supported Mullins. In a compromise settlement, the school board agreed to appoint Mullins to the custodial worker job immediately with seniority and accrued vacation benefits from September, 1977, when she should have been appointed, and the difference in salary that she would have earned since last December.

Her new job pays about $2,500 a year better.

Backing her cause were Frank Marshall, a custodian who is head of the CSEA unit, and Walter Weeks, President of the Suffolk Educational Local.

Names wanted

ALBANY — A complete listing of grievance representatives in CSEA State Division Locals is being compiled by John M. Carey, CSEA’s Director of Member Services, for filing under terms of the new CSEA-State contracts.

In a letter to State Division Local presidents, Mr. Carey explained that the contracts in the Administrative, Institutional and Operational bargaining units require submission of the names of CSEA grievance representatives on a quarterly basis to assure organization leave.

Mr. Carey is asking the Local Presidents for a complete list of present grievance representatives in the Locals for transmission to the Governor’s Office of Employee Relations which certifies organization leave payment.
Sex discrimination in the workplace has historically been used to divide workers and undermine the terms and conditions of their employment. Our union has been especially conscious of this fact since at least half of our members are women. Up until this year we made slow progress but the time has come to reaffirm our commitment to women.

To insure full sexual equality with regard to job opportunities, salaries and working conditions and to promote generations of public workers, CSEA vigorously supported the Equal Pay Act and the Civil Rights Act. Over 1400 delegates unanimously endorsed passage of the Equal Rights Amendment.

As the old saying goes, 'What have you done for us lately?'

In an effort to take a leading role in the struggle of all working women to overcome the obstacles created by restrictive employment practices, we established the Ad Hoc Women's Committee in March 1978. The aims and goals of this committee, reflecting our union's traditional concern with the rights of women, are as follows: to contribute to contract negotiation, to ensure promotional opportunities to eliminate women from the 'clerical ghetto'; to help women in employment, training, counseling and education programs; to research the needs and desires of women within the Civil Service System; and to safeguard the rights of all women in public employment.

These are not easy goals but we are making progress. A significant breakthrough occurred this year in our contract bargaining with N.Y. State. In the Administrative Unit (80% women) we negotiated for and got some very definite concessions. For the first time the state recognized that many titles in this unit were actually paraprofessional titles and should be treated accordingly. We also have paved the way out of the 'clerical ghetto' with the establishment of 'Bridge jobs'.

Promotion within the unit itself, however, was our major concern and we will be meeting jointly on this subject for the next three years. We hope to improve the situation drastically but it will take a strong commitment from our leaderships, both in our locals and on our negotiating team.

We stand beside our sisters in the union and reaffirm their grass roots efforts. As has been proven many times in the past, none of us can do it all alone.

William L. McGowan
CSEA President

TV advertising

The television phase of the largest advertising program in the history of CSEA culminated last week with CSEA/AFSCME television commercials on channels in the five major media markets of the state. According to CSEA Director of Communications Gary Fryer, tv commercials are appearing in the Albany, Syracuse, Rochester, Buffalo and New York City areas. CSEA kicked off its image-building advertising campaign last January with radio commercials and newspaper advertisements in the same market areas. The tv commercials are usually spotted around area news programs.

May and June represent two months that are very important to the 658 non-city school districts in New York State. It is during this time period proposed school budgets are either approved or rejected by district taxpayers.

State law has provided for taxpayer approval of budget votes since 1912 in non-city school districts. However, as early as 1665 citizens have been able to vote on school revenues. Although the laws have changed some, the basic concept remains constant: School District taxpayers have the right to accept or reject a school budget.

Ten years ago the defeat of a school budget was an unusual phenomenon. Times have changed drastically. While ten years ago only 31% of the budgets were defeated, that percentage has risen to 33% in 1978. Not only has the number of budgets defeated risen, the number of contingency budgets adopted has risen to approximately 57%.

The Legislative Commission on Expenditure Review conducted a program audit. School District Budget Voting and Contingency Budgeting, which produced some interesting statistics. For example, the Legislative Commission on Expenditure Review (LCER) found in their study a 'moderate' correlation between higher voter participation and negative budget voting for upstate school districts. The audit also revealed an increase in voter participation for the three-year period 1975-1978. Again, this is particularly true for upstate. Although it was found that voter participation was increasing, only 30% of the eligible voters statewide actually participated in school budget elections.

Downstate school districts suffer more budget defeats than upstate districts. However, the downstate elections were more closely contested than their upstate counterparts.

The LCER study also noted that timing of the budget vote seemed to affect turnout. The greatest voter participation was noticed in May and again during August and early September. Naturally, the low point would be during the early to mid-summer months.

There are several reasons why the number of budgets defeated each year is on the increase. The most obvious is the high cost of education coupled with an anticipated property tax increase. The school budget is one of the few places a taxpayer can voice his discontent over taxes and be heard. The school district voter may also voice his opposition to a school board policy by defeating the budget. Competition for a seat on the board may also be a deterrent in passing a budget.

My next article will deal with the contingency budget and how it can ultimately affect you.

SCHENECTADY — Arbitrator Louis R. Salkever has modified his directive in the recent parking lot dispute between the CSEA and the City of Schenectady administration because of the failure of the City of Schenectady to 'negotiate without delay' a resolution to the problem.

Because of the failure of the City of Schenectady to comply to the Arbiter's original decision and its failure to offer any plan to implement the Arbitrator's award of January 25, 1979, Salkever has directed the dispute be resolved as follows:

1. The City will provide at least sixty (60) free parking spaces for City Hall employees at the Jay Street parking facility.

2. These spaces will be reserved for City Hall employees Monday through Friday, from 7:30 a.m. until 5:30 p.m.

3. The City will issue parking permits to the employees for this purpose.

4. The City will prominently display a sign advising the general public of the reservation of parking spaces, that violators will be towed away and that there is to be no overnight parking by the general public Sunday through Thursday nights.

On the ballot

MINEOLA — In addition to the names of candidates for Nassau County CSEA Local 820 offices announced in the last edition of The Public Sector, Jerome Donahue has become a candidate for first vice president by virtue of collecting the necessary number of signatures on petitions to qualify as a candidate. Ballots for the Local election are being mailed May 24.

President's Message

CSEA opposes all sex discrimination on the job

In an effort to take a leading role in the struggle of all working women to overcome the obstacles created by restrictive employment practices, we established the Ad Hoc Women's Committee in March 1978. The aims and goals of this committee, reflecting our union's traditional concern with the rights of women, are as follows: to contribute to contract negotiation, to ensure promotional opportunities to eliminate women from the 'clerical ghetto'; to help women in employment, training, counseling and education programs; to research the needs and desires of women within the Civil Service System; and to safeguard the rights of all women in public employment.

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CSEA President

Arbitrator hits city on parking

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15 members to graduate

ALBANY — Nearly half the 33 graduating students from the Capital District Labor Studies Program this year are members of CSEA, according to an announcement by Robin Gerber, Labor Studies Coordinator for the NYS School of Industrial and Labor Relations, Cornell University.

The Capital District Labor Studies is a two-year credit and certificate program offered jointly in Albany by the New York State School of Industrial and Labor Relations, Cornell University and the State University of New York at Albany. The program is supported by organized labor.

Students attend classes one night a week for 12 weeks completing a required 12-course sequence over a two-year period. Graduates earn 18 college credits from Cornell University and are awarded the Certificate in Labor Studies.

This year's graduation will be held at Michael's Banquet House on June 14, 1979. The keynote speaker is Victor Gotbaum, Executive Director of D.C. 37-AFSCME.

Of the 33 graduating students, the following 15 are members of CSEA: Joy Bryk, Local 670; Joseph Cassidy, Local 842; Dolores Farrell, Local 653; Ronald Galinski, Local 670; Jary Anne Lubinski, Local 688; Patrick Martenis, Local 664; C. Allen Mead, Local 664; Anthony Muscatello, Local 664; George Pielo, Local 670; Joseph Scalzo, Local 670; Sidney Sherman, Local 664; Alan Siegel, Local 664; Grace Tremblay, Shenendehowa Unit; Daniel Wood, Local 674; and John Zimmerman, Local 670.

KEEP CSEA INFORMED ON MAILING ADDRESS

In the event that you change your mailing address, please fill out the below form and send to:

CSEA, Inc., P.O. Box 125, Capitol Station, Albany, New York, 12224.

This form is also available from local presidents for CSEA members, but is reproduced here for convenience. It is to be used only by those CSEA members or agency shop payors who are currently employed as civil service workers or by those retirees who are paying full active membership dues.

Change of Address for "The Public Sector"

My present label reads exactly as shown here:

Name ____________________________

Street ____________________________

City ____________________________

State ____________ Zip ____________

Local Number ____________________

Agency where employed __________________

My social security no. __________________

Keep CSEA informed on mailing address.

Ready To Retire?

Protect your future with Retiree membership in CSEA.

- Take an active role in CSEA Retirees' legislative campaigns for pension cost-of-living increases
- Share in activities of the CSEA retiree chapter nearest you
- Continue present CSEA's life insurance policies at the low group rate
- Become eligible for CSEA's "Senior Security 55" life insurance policy for members only
- Acquire low hospital cash-to-you protection for CSEA retirees and spouses
- Send coupon below for additional information on benefits of retiree membership in CSEA

Mall safety problems persist

ALBANY — Since moving into the Empire State Plaza in Albany in late 1975, the employees of the New York State Department of Laboratories and Research have been beset by health and safety hazards. Many have been correctable, and some the improvements since the Plaza opened have been taken to heart by the CSEA health and safety committee for the Plaza.

In its early stages, the committee became aware of the fact that fire engines owned by the City of Albany could not fit into the mall to fight a fire and pushed for the State to purchase mini-engines which would be housed in the mall. At subsequent meetings, problems such as confusion over which stairwells were to be used in an emergency escape from the buildings, clogs in an air duct supplying fresh air to the building, fire extinguishers, fire blankets, stretchers, safety goggles, gas masks were discussed.

Both the State and the CSEA recognized the need for training in safety measures and thus began a series of demonstrations, drills, films and bulletins, all paid for by CSEA-negotiated funds. The lacking equipment was provided or made available to employees on request.

On the whole, Mr. Stroebel says that there have been significant improvements since the original meeting between the committee and the State began, but there is still cause for concern. "The employees need confidence and assurance when they come in in the morning that if they are not negligent, they will walk out at night in the same state. And in too many cases, they do not have this confidence and assurance," he said.

The committee feels that some employees are not adequately trained to handle and dispose of toxic chemicals and infectious disease cultures, to handle specific emergency situations or to protect themselves when doing certain tasks. It recommends that a brief safety manual be given to each employee, especially those who are new, to instruct them in these areas. The State, however, has told the committee that a budget is needed to cover all this material and that they do not have the funds to have one printed. "We feel that the manual would suffice if a copy of a more detailed book were made available to employees on a loan basis when they feel more information is needed," commented Mr. Stroebel.

"Without this protection, training serious accidents can occur."

The CSEA has also begun to press for a broader immunization program, which, in addition to covering employees who work right in the labs, would include those whose jobs bring them in contact with materials used in the labs. Mailroom employees who handle packages of contaminants, which often spill or open, and maintenance men who often enter the labs to do repair work are not immunized in any way.

One of the reasons for this, according to Dr. Robert Huffacker, director of Labs and Research, is that the State follows guidelines from the National Center for Disease Control, which dictate that immunizations be given only to those who work directly with diseases. Also the State fears that employees may become ill from the shots and does not want the responsibility for this, according to minutes from a meeting between the two groups. "We just can't overlook that these employees are exposed."

We want all employees to be tested for diseases and properly immunized," said Mr. Stroebel.

A dry air condition in carpentry and maintenance rooms is another matter of concern. Originally intended for use in winter, the rooms were constructed to be cool and dry, but due to a shortage of space they had to be used for work areas. This condition, according to Mr. Stroebel, is causing nose and throat irritations for the employees. "Because of the way the rooms were built, there is a limit to changes we can make. And the State has recognized the problem and will look further into it," said a spokesperson for the Office of General Services.

Other complaints are about a lingering odor of ammonia in a main hallway after the animal cages are cleaned, swarms of flies and bugs let into the lab area in the summer when the doors to the loading dock are left open and water freezing on cars parked in garages above certain rooms leaking through the ceilings. They are "minor, but annoying" conditions, said Mr. Stroebel. "This facility cost the State nearly a hundred million dollars. It's ultra-modern, supposedly the most modern facility in the world. And yet it has such problems."

Health Department has health problems

ALBANY — Not everyone of the New York State Department of Public Health is free from health and safety hazards.

The lack of an evacuation plan for some of the department's employees, poor ventilation in some of the rooms and overcrowding in offices located in the Empire State Plaza are just some of the problems brought to the attention of a Civil Service Employees Assn. safety committee recently by health Department CSEA Local President Allen Mead.

The major cause of concern is the lack of an evacuation plan for employees on the lower levels. According to Mr. Mead, when the employees moved into the mall in April of 1975 the state administration told the CSEA they were working on a plan but has not unveiled it. Permanent fire marshals and wardens to conduct regular fire drills and to assist in an emergency exit. He says that to date the CSEA has not received an established list of names and that 75 percent of the employees do not know who to call for an emergency. He pointed out that there is one stairway which is to be used in a fire exit and one which should be used, but regular drills to emphasize this and marshals to direct the employees out, could be serious problems in an emergency," he commented. In addition, he says, fire phones which are placed in most corridors are not hooked up to fire stations.

Workrooms, where paint and other chemicals are used, are air-tight, because they were originally intended to be storage rooms. The air is hot and dry at all times, and combined with fumes from the chemicals is extremely irritating to employees. Mr. Mead recently brought a representative from the Office of Employee relations on a tour of the rooms and is waiting for a report and possible solutions to the problem.

Eliminating storage space has caused an overcrowded condition, with the result that boxes and equipment are left standing in the hallways. The condition, says Mr. Mead, poses a problem for traffic flow under normal circumstances and could be more hazardous in an emergency. He also expressed concern that employees could be injured by anyone of the piled boxes fall.

In many of the rooms there are not enough electrical outlets and employees often have to plug several cords into one outlet. According to Mr. Mead, capital police have warned him that this is a fire hazard and told them to unplug.

As in other areas of the mall, rooms which are under the parking garage are subject to leaking water from snow melting off cars in the winter.

The CSEA will request safety officers be appointed and meetings held on a regular basis until these conditions are corrected.

State laboratory workers facing tuberculosis hazard

ALBANY — The Civil Service Employees Assn. is fighting to keep the cases open for several employees of the New York State Department of Laboratories and Research, who were positively tested for the presence of tuberculosis antibodies late in 1978, because it believes that, although it has been determined that none of the victims has an active case of TB, there is a possibility that it could develop in the future.

Ernst Stroebel, President of the Labs and Research Local of the CSEA and chairman of a safety committee for the Empire State Plaza, where some of the employees work, said that cases are currently before a Worker's Compensation hearing board and that the State Insurance Fund wants to close them after this step. "Health department officials say that the chances of reactivation are remote, but as long as there is a possibility we want to be sure that the employees are protected," he said.

Original reports in November revealed that 16 employees had been affected, but since that time, says Mr. Stroebel, the number has nearly doubled, with levels of antibodies varying from one individual to another. Most of the employees are lab workers who clean glassware and it is believed that this is where they came in contact with the disease. Officials are confused, however, because at least two of the employees are clerical and the problem showed up at facilities in the Plaza and at New Scotland Avenue.

According to Russell Hansen, coordinator of the TB control program in the NYS Bureau of Disease Control, all the affected employees are taking isoniazid, a drug which is given to prevent, as well as treat, TB. They are also being tested every six months.

A microbiologist consultant from the Department of Health, Education and Welfare was called in to inspect the two facilities and has made suggestions to the Department of Health as to how the disease could have been transmitted and recommendations for preventing the situation in the future.
ALBANY — The Civil Service Employees Assn. continued its organized lobbying effort to gain passage of a number of key bills, with special emphasis on a permanent agency shop proposal and extension of agency shop into the local government areas, last week when representatives from CSEA's Regions III and IV met with their area legislators at the Capitol.

Region I and II representatives have already visited their legislators, and this week it's Region V's turn to bring grassroots members and leaders into Albany for visits with State Legislators. The concentrated lobbying program will conclude next week when representatives from both Regions I and IV visit.

The personal visit format is being followed up by letter writing campaigns from the membership across the state to reinforce the union's position regarding the various bills.

The regional lobbying efforts are being coordinated by CSEA Legislative and Political Action Director Bernard Ryan, other staff members of the union's legislative office, and members of the statewide political and legislative committee.

CSEA is seeking positive action of its bills prior to the end of the current legislative session, and the visitation programs and letter writing campaigns are designed to show legislators how important the bills are to CSEA's membership.
Laid off workers rehired

SCHENECTADY — The Capital Region of the Civil Service Employees Association reports that most of the employees of Glenside hospital, an acute care facility in Schenectady County, which was closed down in October of 1978, have been offered full or part-time employment in other areas of the county or remain on preferred lists.

According to Donald McCarthy, CSEA Field Representative in the Capital Region, almost all the maintenance workers, clerical staff and full and part time nurses have been running on a deficit budget and were transferred to the county run Glendale Nursing Home, or county offices. Those who could not accept part time positions remain on preferred lists until full time positions open. Also on preferred lists are the more specialized medical personnel such as laboratory workers and technicians for whom positions are not readily available.

CSEA has been monitoring the situation and will assist employees who have questions or complaints.

The Schenectady County Board of Representatives closed the hospital, which specializes in heart and lung diseases, in October because it had been running on a deficit budget and was costing taxpayers too much money. The Board turned down a request from CSEA and the hospital board of managers to operate the facility for one more year in an attempt to alleviate the deficit. Maintaining that Glenside offered more specialized and higher quality care than other area hospitals, the two groups wanted to hire more doctors and attract more patients.

Mr. McCarthy says that the Board has told CSEA that it is considering reopening the hospital as an acute care nursing home or selling it to a private firm which has submitted a bid. "We are waiting for this decision and will attempt to aid employees in gaining reemployment in either case, said Mr. McCarthy. CSEA, he says, will meet with the board when any changes occur.

6% pay raise in Erie County

White collar workers of the Erie County Water Authority represented by Erie County Local 815 will receive raises of 6 percent effective May 1, 1979 and another 6 percent April 1, 1980. Both raises are on step. They will also be paid double time and a half on holidays, and longevity raises have been increased from 8 cents per hour to 16 cents.

Cashiers and assistant cashiers have been upgraded and all workers in the bargaining unit will benefit from many contract language improvements.

With chief negotiator CSEA Field Representative Bob Young on the negotiating team were Unit President Ralph Wiest, Tom Collins, Charles Derner, Bev Kurtz, Grif Smith and Roseanne Wolozy.

Imposed contract?

BROOKHAVEN — An expected imposed contract on three Brookhaven Town CSEA units following a legislative hearing next week has not yet been announced, but may come sometime this week.

Nearly 600 CSEA members representing state, county and educational chapters rallied in support of the Brookhaven employees and packed the legislative hearing room. A CSEA radio advertising campaign has also been continued.

The campaign charged that the town budget contained a hidden $3 million to $4 million more than enough to provide employees with at least a 7% guidelines pay increase. The town had offered 5% and 6% in a two-year package during negotiations, but the amount was rejected by the union.

CSEA also campaigned against growing subcontracting of work, especially in the Highway Department, and a growing practice of hiring so-called "temporary" employees without full fringe benefits and retaining them permanently.

MORE THAN 600 members turned out to demonstrate support for three CSEA Brookhaven units which recently underwent legislative hearings in a contract dispute. Entire families turned out to show that rising inflation hurts everyone.

Local 830 alleges CETA violation

MINEOLA — Nassau County CSEA Local 830 is filing a complaint with the federal government on alleged abuse of the Comprehensive Employment and Training Act (CETA) by Nassau County. Local 830 President Nicholas Abbatielo reported.

Abbatielo said the county has used CETA money to hire 100 persons as recreational aides for the county parks.

He said those aides are being used to replace 88 employees represented by CSEA who were laid off earlier this year — a violation of CETA regulations.

"They're being used as drivers, cashiers, mechanics and grounds keepers," Abbatielo said.

He also said the 100 CETA employees at three parks had been CETA employees in other capacities who had already used up their maximum of 78 weeks of CETA funding.

Working on the complaint was Local 830 member Nicholas Dellisanii, who consulted with CSEA CETA Committee Chairman Robert Maletta prior to filing the complaint.

Staff changes

BUFFALO — CSEA Regional Director Lee Frank has announced the following personnel changes in Region 6, effective immediately.

Buffalo Regional Organizer Michael Painter will become the new regional representative in the Jamestown area. Rochester Field Representative Vincent Scari will replace Painter in Buffalo, and Buffalo Research Assistant Mark Higgins will serve as field representative in the Rochester area.

Laundry danger solved

VALHALLA — The dangerous and unhealthy situation facing some members of the Westchester County Unit of CSEA Local 860 appears to be on the road to being solved, Unit President Raymond J. O'Connor reports.

The laundry workers at the Westchester County Medical Center have been injured by surgical instruments and hypodermic needles which were dumped in laundry bags, O'Connor said.

He met with the supervisor of the laundry, the supervisor of nursing and the head of housekeeping at the medical center on May 10 to work out the problem. Also attending the meeting was Jack Whalen, unit grievance chairman.

O'Connor said the medical center agreed to supply hand metal detectors to laundry personnel to alert them to hazards in the laundry bags.

Other changes will include the use of water soluble bags for contaminated laundry and spot checks by management to locate the sources of the abuse, O'Connor said.

He said the medical center management suspects one source could be the operating rooms.

O'Connor was expected to meet with operating room personnel on May 21 to discuss the problem.

Calendar of EVENTS

**MAY**

24 — Westchester County Unit shop steward meetings, 12:30 p.m., 7:30 p.m., 196 Maple Ave., White Plains.

24-26 — CSEA Armory Committee meeting and elections, Long Island.

26—28 — NYC Local 018 workshop, Concord Hotel, Kemptah Lake.

25 — Westchester County legislative breakfast, 10 a.m., White Plains Hotel, White Plains.

**JUNE**

6 — Westchester County Local 860 Executive Committee meeting, 8 p.m., 196 Maple Ave., White Plains.

8 — Capital District CSEA Armories meeting, dinner, election, Guildford Range.


12 — Westchester County Unit membership meeting, 6 p.m., 196 Maple Avenue, White Plains.

13-15 — County Workshop, Kutcher's Country Club, Monticello.

15-17 — Region V Spring Workshop, Holiday Inn, Watertown.

23 — Saratoga County Local 846 installation dinner, 6:30 p.m., Elks Club, Saratoga Springs.

22-23 — Western Region No. 6 Conference, hosted by Chautauqua County Local 805, Holiday Inn, Jamestown.

**JULY**

20-22 — Region IV Summer Workshop, Sagamore Hotel, Lake George.
### CSEA Program Bills

**Week of May 14, 1979**

<table>
<thead>
<tr>
<th>CSEA Program Bill Number</th>
<th>Summary of Provisions</th>
<th>Bill Number, Sponsors</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-79-1</td>
<td>Agency Shop—Agency shop would become permanent and mandatory.</td>
<td>A-6748 Barbaro</td>
<td>S-4466 Rules, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-3</td>
<td>Two-for-one—The fine for striking would be reduced from two day’s pay for each day struck to one day’s pay for each day struck.</td>
<td>A-4167 Barbaro, Greco, Johnson, et al</td>
<td>S-4452 Rules, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-4</td>
<td>Injunctive Notice—Unions and employees would be required to receive notice and have an opportunity to be heard before a temporary restraining order could be issued against a strike.</td>
<td>A-4168 Connor, Johnson, Marchessini, et al</td>
<td>A-4169 Connor, Greco, Barbaro, S-4454 Rules, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-7</td>
<td>Triborough—A public employer would be required to continue an expired contract until a new agreement is reached.</td>
<td>A-4418 Greco, et al</td>
<td>S-4444 Rules, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-8</td>
<td>Redline Daily Rate of Pay—Strikers assessed a two-for-one penalty would be fined based on net take-home pay, not on gross pay.</td>
<td>A-4416 DelToro, Greco, Finnaner, Barbaro, et al</td>
<td>S-4455 Rules, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-9</td>
<td>Alternative Disciplinary Procedures—Unions, including subdivision employers, would be allowed to negotiate disciplinary procedures.</td>
<td>A-4418 Greco</td>
<td>S-3221 Flynn, Civil Service Comm.</td>
</tr>
<tr>
<td>P-79-11</td>
<td>Permanent Cost of Living—Starting in 1980, retirees would receive an increase in the retirement allowance based on increases in the cost of living for the previous year.</td>
<td>A-4418 Greco</td>
<td>S-3221 Flynn, Civil Service Comm.</td>
</tr>
<tr>
<td>P-79-14</td>
<td>Division of Youth Transfer—Division of Youth employees transferred to a non-profit corporation would not lose benefits of State service.</td>
<td>A-2519 Budget</td>
<td>S-1719 Budget, Wears &amp; Means Comm. Finance Comm.</td>
</tr>
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### CSEA Program Bills

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<tr>
<td>P-79-27</td>
<td>Office of Court Administration—Unified Court System employees would be transferred as of April 1, 1979, and would receive permanent status in their competitive class if they have performed the duties of their positions for one year prior to the effective date of this law.</td>
<td>A-4194 Connor</td>
<td>S-4142 Holson, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-28</td>
<td>Employer Improper Practice—An employee organization would not be determined to be guilty of violating the no-strike provision when the strike was caused, in whole or in part, by an improper employer practice.</td>
<td>A-4170 Greco</td>
<td>S-4145 Rules, Governmental Employees Comm. Civil Service Comm.</td>
</tr>
<tr>
<td>P-79-19</td>
<td>State University Unclassified Service—The power to remove the University employees from classified service would be returned to the Civil Service Commission from the State University Chancellor.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-20</td>
<td>University of Buffalo Buy-Back—Public employees working at the University of Buffalo before it was acquired by the State would be allowed to purchase retirement credits for the time they were employed by the University.</td>
<td>S-Pending</td>
<td>S-Pending</td>
</tr>
<tr>
<td>P-79-21</td>
<td>Veterans Buy-Back—World War II veterans would be allowed to purchase up to three years of credit toward retirement.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-22</td>
<td>Veterans Buy-Back—Korean War veterans would be allowed to purchase up to three years credit toward retirement.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-23</td>
<td>Sanitarians—Sanitarians working for public and private employers would be certified by the Department of Education.</td>
<td>A-4204 Hochbrueckner</td>
<td>S-808 Johnson, Civil Service Comm.</td>
</tr>
<tr>
<td>P-79-24</td>
<td>Suffolk County Retirement—The Suffolk County contract allowing employees to elect 25-year retirement would be implemented.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-25</td>
<td>Pension Advisory Board—Power to invest pension funds would be vested in a board of trustees with meaningful public employee representation.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-26</td>
<td>Correction Officers—Correction officers employed by Westchester County would be eligible to elect participation in a 25-year retirement plan.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-27</td>
<td>Showing of Interest—The procedure for verifying a showing of interest in a representation determination would be changed.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-18</td>
<td>Court Employees Contract—The collective bargaining agreement for employees of the Unified Court System would be implemented.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
</tr>
<tr>
<td>P-79-17</td>
<td>Employee Impropriety—An employee organization would not be determined to be guilty of violating the no-strike provision when the strike was caused, in whole or in part, by an improper employer practice.</td>
<td>A-3893 Greco</td>
<td>S-2766 Schermerhorn, Governmental Employees Comm.</td>
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**OFFICERS INSTALLED** — Cathy Green, right, President, and Aileen Ronayne, second from right. First Vice President, of the White Collar CSEA Unit of the Town of Babylon are sworn into office by Suffolk County CSEA Local President Bill Lewis, left. Watching are other officers also sworn in, from left, Estelle Yesowitch, Secretary; Marjorie Engles, Third Vice President; Jeanne McCarthy, Second Vice President; Doris Petke, Treasurer; and Marie Dawson, Sgt. at Arms. The ceremony was held May 7 in conjunction with a celebration to mark the recent signing of a new contract covering unit members.

[Photo by Tony Jerome]
Editor, The Public Sector:
The leadership of the State Employees Federated Appeal for 1979 which was conducted last fall would like to take this opportunity to thank over 19,000 state employees in the Albany/Saratoga area for contributing over $94,000 to this local campaign for human services. Commissioner James C. O'Shea, N.Y.S. Office of General Services, Commissioner Gordon M. Richardson, N.Y.S. Department of Education and Joseph McDermott, President of Region IV, CSEA, were the leadership for the last campaign.

In the agencies, departments, commissions and authorities of state government in the capital area, members and officers of CSEA played very significant roles in running the various SEFA solicitations in many agencies. The State Employees Federated Appeal in the Albany/Saratoga area is conducted on behalf of 69 human care agencies affiliated with the United Way of Northeastern New York or the Albany Area Health Council.

Commissioner Ambach will assume the leadership role in the SEFA campaign for 1980 with the assistance of another commissioner and representation of organized labor.

Once again, a sincere thank you from the thousands of recipients of the services provided through the SEFA agencies.

Sincerely,
United Way of Northeastern New York, Inc. 877 Madison Avenue Albany

PERB reinstates State auditor
BUFFALO — Basing his decision in part on Common Law, a PERB arbitrator has reinstated a sales tax auditor suspended by the state following his arrest on drug charges.

Arbitrator Eric W. Lawson, Sr., rejected the state's argument that notoriety resulting from media reporting of the arrest would hinder the auditor's work. CSEA Associate Regional Attorney Ronald L. Jaros argued that the suspended auditor did not seek such publicity.

Ruling that the state failed to substantiate its need for the suspension, Mr. Lawson said that Anglo Saxos justice requires that a person be judged innocent unless proven guilty.

He ordered that the auditor be reinstated and be reimbursed for pay losses, except for deductions for unemployment insurance, other earnings and a period of delay in the proceedings not attributable to the state.

The individual was suspended November 24, 1978 and returned to the payroll April 3, 1979.

Committee wants members
SYRACUSE — Central Region V President James Moore has issued a call for additional members to serve on the regional educational committee which, with regional professional staff, will seek to expand steward training programs.

As formulated at the May 12, 1979 regional executive board meeting, Mr. Moore said, "needed are persons with training, experience or just plain dedication" to help train stewards. First, he said, committee members will themselves be trained at a seminar to be held on June 4, 1979 at a location to be determined.

The regional board also is urging members in the region to write their state senators and assemblymen in favor of a permanent agency shop law, which would guarantee that all workers benefitting from union representation would share the cost of that representation.

Named to the new nominating committee: Bob Vincent, Upstate; Susan McDermott, President of Region IV, Syracuse; Nancy Morrison, Syracuse City Local 013; Bob Greene, Utica Psychiatric Center 425; Sharon Keessler, Broome County 804; Bruce Nolan, Cayuga County 806; Mary Nelan, Cazenovia 809; Marsha Goff, Jefferson County 823; and Francis De Lemo, Ft. Schuyler Local 014.

STATE OPEN COMPETITIVE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical Physician III</td>
<td>$38,171, No. 27-829</td>
</tr>
<tr>
<td>Medical Specialist III</td>
<td>$49,374, No. 27-828</td>
</tr>
<tr>
<td>Chief of Service—Mental Health</td>
<td>$40,374, No. 27-826</td>
</tr>
<tr>
<td>Chief of Service—Mental Retardation and Developmental Disabilities</td>
<td>$40,374, No. 27-827</td>
</tr>
<tr>
<td>Recreation Therapist</td>
<td>$11,250, No. 27-798</td>
</tr>
<tr>
<td>Recreation Therapist (Spanish)</td>
<td>$11,250, No. 27-798</td>
</tr>
<tr>
<td>Recreation Therapist (Arts)</td>
<td>$11,250, No. 27-798</td>
</tr>
<tr>
<td>Recreation Therapist (Dance)</td>
<td>$11,250, No. 27-799</td>
</tr>
<tr>
<td>Recreation Therapist (Music)</td>
<td>$11,250, No. 27-799</td>
</tr>
</tbody>
</table>

You can also contact your local Manpower Services Office for examination information.

Page 10 THE PUBLIC SECTOR, Wednesday, May 23, 1979
BUSINESS AGENT CARMINE DIBATTISTA, left, of the Westchester County Unit of Local 860, finds out what's new from John Smith, shop steward for the county's Department of Public Works Buildings.

However, his duties as business agent are much different than the work he did in 1976 when he started as a chief shop steward. The evolution of his duties over the last three years had a lot to do with the change in his title.

He became chief shop steward in May 1976 at the request of the then-unit president, Michael Morella. One of DiBattista's first acts was to replace the union representative system which had 18 reps covering the approximately 100 buildings and worksites of the county.

By Sept. 1, 1976, 90 shop stewards were in place. Today there are more than 120 shop stewards, and by the end of the year, DiBattista hopes to have 200 trained shop stewards on the job.

The original group of shop stewards received training in October 1976 in a four-class program organized by DiBattista.

Among those taking part in the sessions were DiBattista; Region III President James Lennon; unit grievance chairman Jack Whalen; Morella; CSEA staffers, Dr. Edward Diamond, Thomas Lapposello, Ronald Mazzola, Joseph O'Connor, and Don Patrick; CSEA Regional Attorney Arthur Grae; and Prof. Joel Douglas, State School of Industrial and Labor Relations — Cornell.

DiBattista explained that the shop stewards served two important functions, including:

- A communication system was established to allow for information to reach the membership and for information to reach the unit leadership.
- Trained representatives of the unit were available to help protect the rights of the membership.

During his first two years as chief shop steward, DiBattista handled almost all grievances through the third step. The unit won 99 of the 102 grievances during 1976 and 1977.

He also pointed out that through the shop steward system the number of formal grievances was held down because many potential problems were handled verbally before reaching the first step.

He held many shop steward meetings as a means to impart information to the membership, to educate the shop stewards, and to receive feedback from the membership.

However, the nature of his job has changed. DiBattista's duties expanded under Morella and under the present unit president, Raymond J. O'Connor.

DiBattista still handles grievances for members in the Sheriff's Department and in the Corrections Department. Whalen now handles other grievances.

The newer duties now include:
- Representing members and groups of members before the county's Reclassification Appeals Board.
- Coordinating legal assistance for arbitrations and disciplinaries.
- Liaison for members needing the help of the Employee Assistance Program.
- Coordinating legal assistance for improved Employer Practices with the regional attorneys.
- Representing members at higher levels of CSEA. He was the contact with CSEA headquarters last fall when research provided by the union on the county's budget proposal helped save a number of members from layoffs.

DiBattista joined CSEA in 1968 when he was hired as a health inspector by Westchester County.

He became active in union activities in 1971 and was a union representative, handling grievances, from 1971 to 1975.

He also is a member of the statewide Legislative and Political Action Committee and is Region III acting political action chairman. He has been a member of the statewide Board of Directors.

DiBattista is running unopposed for second vice president of Local 860, having served as its third and fourth vice president.

DiBattista, 33, was born near Naples, Italy; came to the United States in 1952; and has lived most of his life in Yonkers.
How to investigate violations of CETA

If you feel that CETA regulations are being violated in your area, you should immediately notify CSEA so that a proper investigation can be made and action taken to correct the situation.

The telephone numbers of CSEA's Regional headquarters are periodically listed in The Public Sector. If you have reason to believe that an investigation should be undertaken, notify your CSEA regional office.

CSEA has a new standing CETA Committee, with a CSEA staff advisor, research specialist, and attorney assigned to work with it, to monitor CSEA throughout New York State.

In filing a CETA complaint with the union, provide as much descriptive detail as possible about the local situation, such as:

a) The number of employees involved.
b) Locations where violations are occurring — in which department(s) or which employer (if the employer is not the prime sponsor).
c) The title and wages for the CETA employees compared with the job titles and wage rates for non-CETA employees performing similar work. If CETA jobs are called "trainee" jobs, but the work is the same as the work done by others who aren't trainees, say so in your description.
d) Job description, if available.

Sponsors filing for grants

Prime sponsors of CETA programs will shortly be filing their final grant applications to the appropriate Regional Administrator for Fiscal Year 1979. Those final applications are due by August 15, and FY 1979 grants to prime sponsors will be executed by October 1, 1979.

The primary basis upon which a unit of general local government may qualify as a prime sponsor of CETA programs is having a population of 100,000 or more. However, there are other factors considered and local governments or units of local governments having less than the 100,000 population may apply and, if meeting certain requirements, be eligible to hold prime sponsor status.

According to the Department of Labor, the following New York State general local government units qualify as prime sponsors by virtue of having a population of 100,000 or more:

Albany City, Buffalo City, New York City, Rochester City, Syracuse City, Town of Amherst, Town of Cheektowaga, Town of Tonawanda, Youngs City, Town of Babylon, Town of Brookhaven, Town of Huntington, Town of Islip, Town of Smithtown, Town of Hempstead, North Hempstead Township, Oyster Bay Township, Albany County, Brome County, Chautauqua County, Chemung County, Dutchess County, Erie County, Monroe County, Niagara County, Oneida County, Onondaga County, Orange County, Oswego County, Rensselaer County, Rockland County, Saratoga County, Schenectady County, St. Lawrence County, Steuben County, Ulster County, Westchester County.

New rules for CETA in effect

A little over a month ago, new Comprehensive Employment and Training Act (CETA) regulations — many of which CSEA had very actively pushed for — went into effect. Many previous loopholes through which employers were able to use CETA employees to the detriment of regular unionized workers were closed.

Also last month, new CETA average wage limitations went into effect, and that is causing problems that have caused CSEA's parent national organization, AFSCME, to issue an alert for union representatives to be on the watch for attempts by CETA employees to comply with the new wage limitations by undercutting prevailing area wage scales.

Now CETA prime sponsors must calculate an average wage using the wages for all CETA public service employment participants hired after April 1 of this year. The legislated nationwide average is now $7,200, which may be indexed up or down depending upon the area wage average.

Because, AFSCME says, many employers are already attempting to meet the average CETA wage limitations by undercutting prevailing wages, the international union is attempting to persuade the Federal Department of Labor to either eliminate the wage limitations or raise the average to a more realistic level.

Undercutting of prevailing wages must be prevented. AFSCME warns. The following are some of the ways employers might try to lower public service employment wages, and all can be challenged.

Job restructuring — i.e., breaking down existing jobs into jobs requiring fewer or simpler tasks and paying a lower wage for the restructured job.

Lowering the starting pay for an existing job.

Reclassifying CETA employees into new or existing classifications with lower pay schedules. For example, in some places, temporary jobs have lower pay rates than comparable jobs in other classifications.

Outstanding CETA participants to high wage worksites by a low-wage employer, such as a school district outstationing participants to city worksites. School district wages would be paid to the CETA participants.

Using work experience as a substitute. Work experience wages are not included in the computation for the average CETA wage.

Regardless of the particular method used by the employer — restructuring, reclassification etc., it should be presumed that payment of lower than prevailing rates is a violation of CETA. If the issue cannot be informally resolved a formal complaint should be filed. The employer's proposal may also be a violation of a collective bargaining agreement — such as failure to negotiate new job classifications. You can file both a grievance under a collective bargaining agreement and a complaint under the CETA grievance procedure.

The CETA amendments and new regulations contain new requirements about local level complaint procedures. Most important, complaints must be resolved within 60 days. Also, many kinds of CETA violations require an opportunity for a hearing before an impartial hearing officer.

KEEPING AN EYE ON CETA — The CSEA Committee to Oversee the Comprehensive Employment and Training Act meets periodically to discuss the ramifications of CETA upon CSEA members. Shown at a committee meeting are, from left, Paul Kamrass of New York City CSEA Local 410; CSEA Attorney Marge Karowe; CSEA Research Analyst Joseph Abbey; CSEA Collective Bargaining Specialist Paul Burch; Robert Gallor of Cortland County CSEA Local 812; and Committee Chairman Robert Malotta from St. John County CSEA Local 852.