'Refuse out-of-title work'

ALBANY — CSEA President William L. McGowan last week instructed union members to refuse any demands by state supervisory personnel to perform work normally performed by members of AFSCME District Council 82. At press time were in the second week of a job action against the State.

Several thousand state employees represented by CSEA are employed in the 33 correctional facilities around the State which are the prime target of the Council 82 job action.

In a dispatch to the union's leadership, President McGowan instructed CSEA's members to exercise their rights under the union's contracts with the State to refuse out-of-title work assignments despite management pressure. He said the union will defend any members who exercise their rights under the contract.

CSEA has received reports that supervisors at some of the state facilities have attempted to pressure union members into performing functions normally performed by the striking members of D.C. 82. In addition to instructing union leaders to refuse such pressure, Mr. McGowan sent a letter to Meyer Frucher, Director of the Governor's Office of Employee Relations, demanding an immediate halt to management efforts to pressure CSEA members to do the work of the striking AFSCME members.

Previously, top CSEA leaders met with representatives of the Department of Corrections, the Office of Mental Health and the Office of Mental Retardation to express concern that the safety of workers be protected during the crisis.

ALBANY — The election for CSEA statewide officers and the State Executive Committee has been rescheduled to be held in August, the CSEA Board of Directors, 49-24, on April 26 in Albany.

Under the new schedule, some of the key dates are:

May 14 — Selection of Nominating Committee.
June 8 — Report of Nominating Committee.
July 9 — Final day for petitions to be filed.
Aug. 6 — Ballots delivered to post office.
Aug. 30 — Deadline for return of ballots.

September 7 — Official results announced.
September 17 — End of protest period.

The 1979 election changes were necessary as a result of the CSEA delegate action which prohibited retired members and employees in bargaining units represented by another union from holding elected office. A number of retired members and PS&T unit members formerly represent ered by CSEA were candidates for elected offices, and new nominating committees must, in many cases, be named and new candidates selected.

The board also voted to permit local officers which did not have PS&T or retiree candidates or committee members to hold their elections as previously scheduled. Education locals also were voted to be exempt from the above schedule.

In other action, the board voted to allow PS&T and retirees now holding elected office on the state, regional or local level to remain in office until successors are elected. However, PS&T and retirees who were appointed to committees other than board committees forfeited that appointment as of April 21.

New membership qualifications approved

ALBANY — CSEA delegates have approved, by a more than two-thirds majority, major changes in the union's Constitution and By-Laws which now prohibit retired members or employees in any bargaining unit represented by another union from holding elected office within CSEA.

The important changes, which had been approved initially at a special meeting on April 4, were approved for a second time at a subsequent special delegates meeting April 21, also in Albany. The changes became effective immediately, however CSEA Chief Counsel James W. Roemer told the delegates that any person currently holding elected union office who would otherwise be ineligible as a result of the changes, will be permitted to finish out the current term of office.

By a 1406 to 888 weighted voting total, delegates approved changes in the Constitution to redefine categories of membership. Only full members can vote in union elections and hold elected office, and the change now limits full membership to actively employed public workers in units for which no other union is recognized.

Retired people or other employees who previously could pay full dues and become eligible for elected office no longer may do so.

A new category of "Associate Member" was created, with annual dues of $2.00, to enable employees of other units to hold limited membership in CSEA for the purpose of participating in CSEA insurance programs and "such other rights and privileges approved by the Board of Directors." And the "Retired Member" category was modified as to limited membership status as well.

Because a large number of retired members and PS&T unit members no longer represented by CSEA were candidates for office in the 1979 election of statewide officers and members of the State Executive Committee (Board of Directors), the dates of the election have had to be altered to allow for the nomination of new states of candidates by a new nominating committee. (See related story).

For more on the April 21 special delegates meeting, turn to pages 6 and 7.

Vote count delayed

ALBANY — The counting of ratification ballots from CSEA members in the three major state bargaining units relative to tentative 3-year agreements between CSEA and the State was ordered postponed indefinitely last week by CSEA President William L. McGowan.

Ballots were to have been counted last Friday, April 27, but President McGowan ordered the postponement for an indefinite period due to the job action by AFSCME District Council 82 members against the State, which was in its second week at Public Sector press time.

Members of the Administrative, Institutional and Operational bargaining units have been voting by mail ballots on the tentative pacts which would become effective retroactive to April 1 if approved. President McGowan notified the state last week the union would not count the tentative ballots as originally scheduled so as to avoid any influence on the labor dispute involving Council 82, which also involves their tentative agreement with the State.

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Meany urges CSEA support

WASHINGTON — AFL-CIO President George Meany has taken a direct interest in the 9th Judicial District court employees election between CSEA and an independent organization. Last month, Mr. Meany wrote a letter to all 9th Judicial District employees, urging them to vote for CSEA/AFSCME Local 1000. His letter follows:

"In a few days you'll be voting to choose the organization that will represent you in collective bargaining, determining your wages, hours and working conditions for years to come. That's not an unimportant decision. "A few months ago the New York Civil Service Employees Association (CSEA) affiliated with the American Federation of State, County and Municipal Employees, part of the AFL-CIO. As a result, you are now part of the AFL-CIO family and have the full resources of a great national union, one million strong, to back up the officers and staff of your New York organization. CSEA/AFSCME Local 1000 represents the overwhelming majority of all state employees in New York.

"The alternative on the ballot will be an independent association with limited resources and without statewide or national resources. That organization is not part of the AFL-CIO today and can not affiliate with the AFL-CIO family of organized workers.

"I urge you to vote for CSEA/AFSCME Local 1000 to represent you."

Labor program aide dies

FARMINGDALE — Sanford “San” Lenz, labor program coordinator and professor at the State School of Industrial and Labor Relations — Cornell University, died unexpectedly on April 12. Lenz, 52, arranged many programs for labor unions, including CSEA. He was responsible, for instance, for shop steward training programs in Nassau County and Westchester County in 1978, Ray O’Connor said.

Many CSEA members attended Lenz’s funeral on April 16. Lenz, an electrical engineer, was a member of the International Brotherhood of Electrical Workers.

Serving coffee not her cup of tea

FISHKILL — When stenographer Judy Jaeger was asked to serve coffee, she found it was not her cup of tea.

As a result, the member of East Hudson Parkway Authority CSEA Local 051 filed a grievance, claiming that waitress-duty at monthly Authority board meetings was not found in her job description. Local 051 President Chuck Zoffer had Ms. Jaeger file her grievance on March 9, and on April 3 the step-3 decision was rendered. “When assigned to assist at future Board meetings, you will not be required to serve food or beverages or clean up dinnerware,” wrote Ray Radzivila, the Parkway’s executive director.

Letter to the Editor

Editor: The Public Sector:

I am an Assistant Stationary Engineer for the State of N.Y. working at the Middletown Psychiatric Center’s Powerplant. Since my employment here for almost 2 years now, I have continually heard about the attempt made about 2 years ago for an upgrading of all powerplant employees throughout the State. I’ve been told it’s been at least 15 years since there’s been any upgrading for such employees, while many other departments have received upgrades during these 15 years. Powerplants are very necessary for the operation of any state facility or institution, and it takes a team effort of many qualified, competent and knowledgeable employees to operate such powerplants efficiently and safely. 24 hours a day, 365 days each year. The grades of our powerplant employees are unjustifiably low.

Evidently the state governing authorities have not considered our plea for “just a little more livable wage”. I wonder if the CSEA would take up our plea, and help us to obtain this upgrading we’ve been waiting so long to receive?

Your C.S.E.A. Union Brother,
John T. Normoyle
Middletown

Calendar of EVENTS

MAY
4 — Local 860 White Plains Schools annual diner-dance honoring recent retirees. 7:30 p.m. to 12:30 a.m. Pocantico County Club, Anderson Hill Road, Purchase.
12 — Cortland County Local 812 retirees party. 7:30 p.m. American Legion, Homer.
24-26 — CSEA Armory Committee meeting and elections, Long Island.
JUNE
8 — Capital District CSEA Armories meeting, dinner, election, Guilderland Range.
Seasonal employees at issue

Await dumping report

LAKE PLACID — The Civil Service Employees Assn. is becoming involved in the controversial issue of the rights of seasonal employees to protection under Article 33 of the contract.

In a recent case at Whiteface Ski Center in Lake Placid, a seasonal employee, who worked for approximately five and a half months each year, returning every season for 20 years, was fired on charges of misconduct, without a hearing. When the CSEA filed a grievance on behalf of the employee the personnel office at the ski center rejected it saying that seasonal employees are not protected under the contract.

A provision in the State contract calls for protection of employees after two years of continuous service in the labor class. The CSEA is maintaining, according to Capital Region Field Representative Charles Scott, that such an employee does provide continuous service if he returns year after year. “The temporary break in service during the summer months should be overlooked,” said Mr. Scott. “So many years of service simply should not be disregarded.” He noted that there are some seasonal employees who do not return to work each year. “There is a distinction between the two classes of workers and the State must recognize this.”

Nels Carlson, a collective bargaining specialist for the CSEA, commented that there is a need to bring this issue to the forefront. “We have identified this problem at the ski center and it must exist in other areas,” he said.

On the advice of its legal counsel the CSEA has taken this case to arbitration.

Union files IP against Seneca

WATERLOO — The Civil Service Employees Assn. has announced that an Improper Practice charge has been filed against the County of Seneca on behalf of more than 140 employees in the Seneca County Unit of CSEA Local 850.

According to Jack Miller, CSEA Field Representative, the union alleges that Seneca County has engaged in an improper practice by ignoring ground rules negotiated and duly signed by both parties November 30, 1978.

The union contends the rules called for continuation of the present contract agreement until a successor agreement was reached. And, under terms of the existing contract, the county is obligated to incremental payments as outlined in Section 3 of the agreement. The County maintains it will not pay any increment in 1979.

“There is no question in our mind that the Seneca County Board of Supervisors is making an improper practice by issuing a work order without considering the ground rules negotiated and agreed upon,” Miller said.

“We bargained in good faith with the County and mutually agreed, in writing, that the present contract would run until a successor contract was negotiated,” Miller continued. “In our opinion, the County has violated that agreed upon contract. Under the law (Taylor Law) our only course of action is to file an ‘IP’ and request the Public Employment Relations Board to decide,” Miller said.

Negotiations between CSEA and Seneca County have been underway since November of 1978.

Major lobbying for legislation begins in Albany

ALBANY — A major lobbying effort by CSEA in support of new agency shop legislation was expected to start on May 1. CSEA Legislative and Political Action Director Bernard Ryan reported.

CSEA members from Long Island Region I and the union’s Legislative and Political Action Committee were expected to be in Albany that day to speak with all the members of the State Legislature from Region I.

The agency shop legislation, if passed, would continue the agency shop fee for state employees and would extend it to local government subdivisions.

Gov. Hugh L. Carey is on record in support of the agency shop for state and local governments.

Ryan said the lobbying effort will continue with all CSEA regions participating as follows: May 2, Region II; May 15, Regions III and IV; May 22, Region V; and May 29 or 30, Regions VI and I and the Political Action Committee.

Book audit proposed

HAUPPAUGE — A Suffolk County Legislator and former fund trustee has called for an investigation of the CSEA/Suffolk County Welfare Fund and Suffolk County CSEA Local 852 President William Lewis, who just recently became a fund trustee himself, says he believes the books should be audited to clear the air.

Lewis reported the fund came under fire April 20 when County Legislator John Foley, a former fund trustee, called for an investigation of the fund by County District Attorney Patrick Henry.

Lewis told The Public Sector he believes the books should be audited to clear the air because “That money belongs to the members of Local 852 and should be used for their benefit.”

The fund is provided with $225 for each of the County’s 6,500 employees and provides Local 852 members with optical, dental, drug, hearing and legal benefits, Lewis said.

He said the fund is administered by eight trustees, split between the County and the Local. Lewis recently became a trustee of the fund and he was appointed to attend his first meeting April 25.

Nels Carlson, a collective bargaining specialist for the CSEA, commented that there is a need to bring this issue to the forefront. “We have identified this problem at the ski center and it must exist in other areas,” he said.

On the advice of its legal counsel the CSEA has taken this case to arbitration.
Restaurants in Olympics aid

BUFFALO — Two Buffalo restaurants have purchased film from the CSEA Film for Funds program and are reselling it at their places of business to help finance the Special Olympics for the mentally retarded and handicapped, to be held August 9-13 in Brockport, it has been announced by Dominic Savarino, CSEA Co-chairman for the Buffalo area.

Participation in the union’s fund raising drive are Louis Pillitieri who owns Chef’s Restaurant at 291 Seneca Street, and Peter Figliotti, owner of the Saratoga Restaurant at 2694 Delaware Avenue.

Savarino said that each sale of the top brand film and included processing nets the fund drive $1.05 despite the fact that prices are comparable to those at normal retail outlets.

He said about $6 million is needed to take care of more than 9000 participants and their escorts from 37 countries and all 50 states of the union. The money will cover housing, food and transportation, including sightseeing to such attractions as Niagara Falls. CSEA undertook a goal of $100,000 for the union’s 14 county Western Region and Savarino said he expects the union’s five other regions be active in fund raising too.

WASHINGTON — Congressional investigators probing abuses nationwide in propagating facilities for the mentally ill will have the assistance of “an army of whistle blowers” from employees of state and local mental health departments, AFSCME President Jerry Wurf has pledged.

But the union urged the congressional investigators to “do more than retell the familiar horror stories about nursing home abuses” and demanded that Congress “overhaul the entire structure of public policies that keep dumping the mentally ill into firetraps and flophouses.”

Wurf made the offer of assistance in letters to Rep. Claude Pepper (D-Fla.), chairman of the House Select Committee on Aging, which will begin hearings this week on proprietary facilities for the mentally ill following a recent outbreak of nursing home fires, and to other key congressional leaders.

Wurf promised the union will “unleash an army of whistle-blowers from state and local governments around the country if that’s what it takes to expose national policies that keep dumping the mentally ill into hellholes.”

“At a time when taxpayers are demanding a halt to government waste, Congress should re-examine programs such as Medicaid and Supplemental Security Income which squander millions of dollars on profit-making nursing homes, boarding houses, and other proprietary facilities for the mentally ill and disabled,” Wurf said.

In addition, Wurf said, the investigators should examine the performance of the federal community mental health center program which, the union charged, has failed to develop adequate facilities to meet the needs of discharged mental patients and other people who need out-patient care.

Cortland County retirees honored

CORTLAND — Fourteen members of Cortland County CSEA Local 812 will be honored at a retirees dinner scheduled for 7 p.m., Saturday, May 12, at the Homer American Legion, Homer.

According to Robert W. Gailor, Jr., President of Local 812, the fourteen retirees represent 210 years of dedicated service to Cortland County and include eight members from the County Unit, two from the Sheriff’s Unit, three from the Cortland Enlarged City School District, and one member from the McGraw School Unit.

Reservations for the dinner may be made by contacting Peggy Coombs, Cortland County Clerk’s Office, Cortland.
SEMINAR INSTRUCTOR was Professor Jim Sherman, who specializes in labor relations studies at Southern Florida University.

ALBANY — An educational program dealing with the many aspects of arbitration was conducted recently in Albany for collective bargaining specialists and field representatives of CSEA. The program was provided in part by AFSCME, of which CSEA as Local 1000 is the largest local.

CSEA staff representatives from Albany headquarters and from all of the union’s six regions participated in the training session. The program was another in a series of specialized training sessions for both members and staff of CSEA sponsored by AFSCME.

DISCUSSING THE PROGRAM are Collective Bargaining Specialist Patrick Monachino, left, and Thomas S. Whitney, CSEA Director of Employee Relations.

PONDERING A POINT is Collective Bargaining Specialist John Conoby.

Far left, FIELD REPRESENTATIVE Ronald Mazzola of CSEA Region III participates in the program.

Below. AMONG THE STAFF participating was Collective Bargaining Specialist Robert Guild.

Below. DANNY JINKS, a CBS from CSEA Region VI, was among staff members attending.

New CETA regulations curb most wage supplementation

ALBANY — New regulations to administer the Comprehensive Employment and Training Act (CETA), which went into effect on April 1, should eliminate a number of potential employer abuses under the former regulations.

One key abuse — wage supplementation — will no longer be allowable for most CETA-funded positions. Wage supplementation is the practice of using CETA funds to pay part of someone’s salary.

Under the new regulations, most CETA positions must be limited to entry-level positions, and the salaries cannot exceed $10,000, according to Paul Burch, CSEA collective bargaining specialist.

In the past, a number of public employers had used up to $10,000 in CETA funds to pay part of the salary of persons in supervisory positions. This practice served to deny CSEA members promotional opportunities and also served to divert CETA funds from the persons the CETA Law was designed to aid — the under educated and under employed.

CETA employees now on wave supplementation will be allowed to complete their maximum 78-week tenure, Burch said.

The new CETA regulations also contain three changes CSEA, among others, had endorsed, including:

• Requiring a CETA hiring freeze when a hiring freeze for regular employees is in effect.
• Allowing CETA funds to be used for agency shop fees and union dues.
• Requiring principal labor organizations to be members of CETA planning councils.

Among the other changes in the CETA regulations were a number of changes favored by CSEA, including:

— Entry level defined as the lowest job level as defined by career ladder or past practice.
— Time limits of 60 days for prime sponsors and 120 days for the federal government to respond to complaints were established.
— An independent monitoring unit to see that CETA is not abused was established.
— A 45-day waiting period for responses to CETA plans was established.
— Wider distribution of CETA employer plans to labor organizations.

One major area which the CETA regulations did not fully eliminate the potential for abuse was Projects of up to 18 months.

The Projects allow wage supplementation of up to $2,000 on a CETA salary of $10,000, allow non-entry level positions to be funded and permits renewals of up to 18 months.

THE PUBLIC SECTOR, Wednesday, May 2, 1979
Constitutional change made by close vote

ALBANY — CSEA delegates approved, by a more than two-thirds margin, significant changes in the union's Constitution and By-Laws at a special meeting here on April 21.

Delegates approved by the required two-thirds majority changes which had been approved overwhelmingly at an earlier special meeting on April 4 in Albany. Changes in the union's Constitution require approval at two delegates meetings, the second time by not less than a two-thirds majority.

With 428 delegates and 11 official alternates in attendance, comprising 2,026 total weighted votes, delegates approved key changes in Article III of the Constitution by a 1,496-686 margin. That represented a relatively narrow 10-vote margin over the 1,396 votes necessary to achieve the two-thirds margin of support.

The adjacent photos illustrate some of the intense activities as they occurred during the April 21 delegates session.

Associate membership approved

ALBANY — Delegates voted overwhelmingly to establish a new section to the CSEA By-Laws to provide an annual dues structure for Associate membership status within CSEA. Delegates approved Associate membership dues at $26.00 annually by adding a new section.

Associate membership, a new category within CSEA, is open to "persons who are employed in the Civil Services of the State of New York or any political subdivision thereof or any public authority, public benefit corporation or similar autonomous public agency for which CSEA is not the duly recognized or certified collective bargaining agent.

Associate members are eligible to participate in CSEA-sponsored insurance programs to the extent allowed by the programs, but cannot vote in union affairs nor seek or hold elected union office.

Expulsion procedure revised

ALBANY — CSEA delegates made it easier and quicker for the union to expel from membership those persons whose dues are unreasonably in arrears, in action taken at the April 21 special delegates meeting.

By a nearly unanimous margin, delegates approved deleting Section 1 of Article V of the By-Laws which had made it difficult to expel persons who failed to pay their dues on a regular basis.

That section had, in effect, required the union to wait a minimum of three months before expelling a member. Delegates instead approved a new section that allowed the individual in writing that the board would recommend expulsion of a member for not paying dues.

State Division changes

ALBANY — Among Constitutional changes approved by the delegates was one which allows the union to set the number of state division representatives to be elected to the Board of Directors. Delegates approved allowing the Board of Directors to establish for the 1979 election, a date other than January 1 for the purpose of determining the number of additional Board representatives.

Under the Constitution, state division membership on the Board of Directors is determined, in part, by the number of union members within each State Department. In addition to the number of members from each State Department, there must be at least 500 members as of January 1 in the year of the election to elect an additional representative for each 1,500 members or major fraction thereof.

The 1979 election of statewide officers and members of the state division (State Executive Committee) of the Board of Directors has already begun, but in early April April 21 approved allowing the Board of Directors to, establish for the 1979 election, a date other than January 1 for the purpose of determining membership by Department for setting the number of additional state division representatives. The Board will also determine new dates for continuing the 1979 election from the ‘hold’ position.

The change was necessary because the recent loss of 45,500 PS&T employees significantly altered the number of CSEA members in certain State Departments, thereby changing the number of additional state division representatives allowed.

THE PUBLIC SECTOR, Wednesday, May 2, 1979
**Nassau Co. HMO meets federal qualifications**

**MINEOLA —** Nassau's first Federally qualified Health Maintenance Organization (HMO), "The Nassau Plan for Health Care, Inc.," received its incorporation papers on April 20th, Board Chairman Ed Logan announced in Mineola. Logan, Nassau County CSEA Local 630 Second Vice President, was its administrative assistant from 1970 to 1977, when he was appointed Chapter representative to the group formed to study the feasibility of an HMO.

Speaking for the Plan's Board of Directors, Logan said "Nassau's union members need this HMO. Ours will provide Federally qualified health care in a cost-effective way." The Plan is on target for its scheduled opening on June 1, 1981. Several mid-county sites are being considered for a permanent location. The office now is at 33 Willis Ave., Mineola (248-6120).

In neighboring Suffolk, Logan said, the county CSEA Local and the state CSEA Locals there have been giving strong support to their federally qualified HMO. Many Nassau Chapter members also believe that a similarly set up HMO will provide them and their family with better health care than the traditional group health insurance.

An HMO is an organized system of health care which provides comprehensive prevention and treatment services, on a prepaid basis, to voluntarily enrolled members.

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**Retiree Newsletter watch**

Retiree legislation introduced

Our CSEA retiree legislation for 1979 has been introduced, numbered and printed, and I wish to summarize our bills at this time, with further elaboration to follow as soon as it is possible for our printers and mailers to get our Retiree Newsletter on its way.

The "1971 BILL" (S. 3361-A. 4509), introduced by Senator John Flynn and Assemblyman Frank Barbaro, would extend the present cost-of-living supplement cut-off date of March 31, 1969 to December 31, 1971. Percentages of supplementation range as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1971</td>
<td>17% 1964-1965</td>
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<tr>
<td>1970</td>
<td>18% 1965-1966</td>
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<tr>
<td>1960-1959</td>
<td>27% 1960-1957</td>
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Fiscally, this represents an additional cost of $5.8 million to the State and $6.3 million to participating employers (local governments). This added cost is reasonable and affordable and, it appears that this bill has a very good chance this year.

The "JUNE 30, 1977 BILL" (S. 4158 - A. 6618) introduced by Committee on Rules, would extend a cost-of-living adjustment to an unprecedented number of retirees, namely, all who retired up through June 30, 1977, providing for all previous percentage benefits to be made permanent. Also, beginning in 1980, all eligible retirees would receive an increase based on the rise of the cost-of-living indicated by the consumer price index for the previous year. The bill's fiscal note reports an additional annual cost of $314.6 million to the State, plus $345 million to participating employers. It obviously will require a super effort on the part of its supporters to be passed, but CSEA is committed to support this bill all the way.

The "SURVIVOR'S BENEFIT BILL" (S. 3221 - A. 4416) introduced by Senator Flynn and Assemblyman Stephen Greco, would provide a death benefit to the beneficiary of a state retiree who retired before October 1, 1966, is still living and is one of the small group of state retirees who have been denied such a benefit of $2000. The actuaries estimate the cost as $1 million, decreasing as these older retirees continue to pass away. We think it would be insensitive of any legislator to fail to give his or her support to this small benefit for our oldest state retirees.

There are other bills, not written by CSEA but which are favorable to retirees and other older citizens, which will be pointed out in this column next time. Whom to write to in support of our bills? The newsletter will spell out such details, and you are asked to write your letters of support no later than the week of May 13.

On March 31, 1979 the Newburgh Evening News reported on a meeting in Goshen, N.Y. at which Dr. Joseph G. Metz, Executive Director of the Permanent Commission on Public Employee Pension and Retirement Systems, spoke. Dr. Metz is quoted as saying that after 30 years, a typical public employee gets more in retirement, after tax dollars, than he or she did while working. This is an obvious reference to some of the horror stories that came out of the New York City civil service system several years ago. The unfairness is that Dr. Metz implies this abuse to be generally the case by his use of the words "a typical public employee."

He is further quoted as saying: "Public employees don't pay state and local income taxes. This mis-statement is damaging whether he actually said that or was incorrectly reported in the news story. It is not true, of course. Dr. Metz may have had in mind the fact that retired public employees in this state are exempt from state income tax, which is true.

Let's look at these 'too generous' state pensions for a year as recent as 1977. In that year as of March 31, 14,394 retired in the

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**For Better Health Care.** Ed Logan, left, second vice president, Nassau CSEA Local 330, shows sign with name of their newly incorporated HMO — "The Nassau Plan for Health Care, Inc." to two board members, Tony Costabile, center, and Cliff Stewart. After two years of hard work, Chairman Logan and colleagues expect their federally-qualified Health Maintenance Organization to begin providing union members and other county residents with comprehensive medical services on June 1, 1981.

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**Thomas Gilmartin**

CSEA Retiree Coordinator
### COMPETITIVE PROMOTIONAL EXAMS

(State Employees Only)

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam No.</th>
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<td>$9,481 No. 36-455</td>
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<td>Institution Retail Stores Manager II</td>
<td>$11,250 No. 36-456</td>
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<tr>
<td>Computer Programmer Trainee</td>
<td>$10,191 No. 36-758</td>
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<td>Associate Computer Programmer</td>
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<td>Associate Computer Systems Analyst</td>
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<tr>
<td>Computer Programmer/Analyst Trainee</td>
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<tr>
<td>Principal Editorial Clerk</td>
<td>$9,481 No. 36-754</td>
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<tr>
<td>Head Salary Determination Analyst</td>
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<tr>
<td>Chief Salary Determination Analyst</td>
<td>$18,301 No. 36-751</td>
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<tr>
<td>Principal Salary Determination Analyst</td>
<td>$11,250 No. 36-767</td>
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<tr>
<td>Substance Abuse Auditors Auditor III</td>
<td>$18,301 No. 36-755</td>
</tr>
<tr>
<td>Senior Editorial Clerk (Commerce)</td>
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<tr>
<td>Senior Editorial Clerk</td>
<td>$7,565 No. 36-741</td>
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<tr>
<td>Principal Printing Clerk</td>
<td>$9,481 No. 36-747</td>
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<tr>
<td>Senior Staff Representative, Division of Human Rights</td>
<td>$16,075 No. 36-769</td>
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<tr>
<td>Senior Associate Computer Programmer Coordinator</td>
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<tr>
<td>Associate Manpower Programs Coordinator</td>
<td>$36,654 No. 36-766</td>
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<tr>
<td>Associate Manpower Programs Specialist</td>
<td>$18,301 No. 36-765</td>
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<tr>
<td>Chief of Manpower Programs Grant</td>
<td>$19,450 No. 36-770</td>
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<tr>
<td>Control and Fiscal Audit</td>
<td>$52,623 No. 36-771</td>
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<tr>
<td>Senior Editorial Clerk (Mental Health)</td>
<td>$7,565 No. 36-776</td>
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<tr>
<td>Senior Resources and Reimbursement Agent</td>
<td>$16,075 No. 36-777</td>
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<tr>
<td>Senior Resource and Reimbursement Agent (Mental Health Deficiencies)</td>
<td>$16,075 No. 36-778</td>
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<tr>
<td>Computer Programmer Technician I</td>
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<tr>
<td>Principal Printing Clerk (Taxation and Finance)</td>
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</tr>
<tr>
<td>Bridge Maintenance Supervisor II</td>
<td>$14,942 No. 36-760</td>
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</table>

For more information about these and other state jobs, contact the State Civil Service Department, Albany State Office Building Campus, 1 George Street, Buffalo, or 2 World Trade Center, New York City.

### STATE OPEN COMPETITIVE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam No.</th>
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</thead>
<tbody>
<tr>
<td>FILING ENDS MAY 14, 1979</td>
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<tr>
<td>Medical Technologist</td>
<td>$11,250 No. 37-295</td>
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<tr>
<td>Veterinarian I (Animal Industry)</td>
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<tr>
<td>Veterinary Technician</td>
<td>$18,301 No. 37-292</td>
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<tr>
<td>Supervisor for Traffic Signal Operators, Assistant</td>
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<tr>
<td>Traffic Signal Coordinator</td>
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You can also contact your local Manpower Service Office for examination information.

### OPEN CONTINUOUS STATE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam No.</th>
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</thead>
<tbody>
<tr>
<td>Pharmacist (salary varies with location)</td>
<td>$14,388-$15,562</td>
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<tr>
<td>Assistant Sanitary Engineer</td>
<td>$16,040-$16,992</td>
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<tr>
<td>Senior Sanitary Engineer</td>
<td>$18,301-$19,242</td>
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<tr>
<td>Clinical Physician I</td>
<td>$27,942-$28,841</td>
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<td>Clinical Physician II</td>
<td>$31,055-$32,365</td>
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<td>Assistant Clinical Physician</td>
<td>$10,191-$11,250</td>
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<td>Attorney</td>
<td>$14,850-$15,750</td>
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<td>Assistant Attorney</td>
<td>$12,297-$13,250</td>
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<tr>
<td>Attorney Trainee</td>
<td>$12,734-$13,684</td>
</tr>
<tr>
<td>Junior Engineer</td>
<td>$12,000-$12,959</td>
</tr>
</tbody>
</table>

For more information about these and other state jobs, contact the State Civil Service Department, Albany State Office Building Campus, 1 George Street, Buffalo, or 2 World Trade Center, New York City.

Waiting to speak — As Sgt. at Arms James Hull, left, shouts for recognition, CSEA delegates Pat Crandall, President of SUNY Cortland Local 605; and Raymond Cassidy, President of Westchester County Local 860, await their turn to address the nearly 700 delegates meeting in special session April 21 in Albany.

Page 10 THE PUBLIC SECTOR, Wednesday, May 2, 1979
tation garage at Waterford suspended him without pay. The offense: trying to tape record the supervisor’s reply to a request for contractually-guaranteed time off to process a fellow employee’s grievance.

The suspension came 12 days prior to the CSEA’s tenth anniversary with the DOT, at which time he would have vested his pension rights. CSEA Attorney Marjorie E. Karowe is representing Mr. Mendleson on several fronts stemming from his suspension, including a disciplinary proceeding before Arbitrator Eli Taub, in which Mr. Mendleson took the stand for the first time on April 23. But she believes the real issue is a deep-seated anti-union disposition on the part of the DOT supervisor who suspended Mr. Mendleson, Kenneth H. Smith.

This disposition, or “animus,” as the attorney calls it, is the reason behind Ms. Karowe’s filing of an Improper Practice charge against the department. Hearings on the charge have been postponed several times already, but are now set to be heard some time in May by Public Employment Relations Board officer Bonnie Kirkland.

“We are trying to bring into the open a management pattern of concerted, sustained harassment which very few employees ever could have withstood,” Ms. Karowe said.

Mr. Mendleson, a Motor Equipment Mechanic at the shop, had never had a problem with management until Mr. Smith was assigned as supervisor of the garage in 1975. Since then, Mr. Mendleson has received no fewer than 15 “counseling letters,” advising him of alleged wrongdoings on his part.

In addition, he went through the experience of being ordered by DOT management to report for a psychiatric examination. Ever cheerful, Mr. Mendleson showed up at the doctor’s office as directed and, after the examination, was told by the psychiatrist that the DOT had obviously sent him “the wrong man.”

Ms. Karowe notes that the only other person ever ordered by the DOT to report for a psychiatric examination was also a CSEA unit president.

Nels Carlson, CSEA’s Collective Bargaining Specialist for Mr. Mendleson’s Operational bargaining unit, agrees that the DOT has been harsh in its persecution of the CSEA leader.

“Our contract specifies that you cannot be suspended without pay unless you are a clear and present danger to yourself, your colleagues or the department’s property,” he said. “All Peter did was to bring a tape recorder into work with him.”

Mr. Smith also gave Mr. Mendleson an ‘unsatisfactory’ performance rating for 1977. Dressed in a three-piece suit for his appeal of that rating at a 10 a.m. hearing in Albany last summer, Mr. Mendleson was at work at 8 a.m. Mr. Smith ordered him to do some repairs underneath a truck. Obviously, he was not dressed for the work — and was promptly charged with insubordination.

The union has filed an “Article 78” (court) proceeding on the unsatisfactory performance rating. That proceeding should also begin in late May or early June.

“We’re not giving up on this,” Ms. Karowe said, “It’s a matter of principle to us, as well as being a clear case of a violation of a person’s contractual and statutory rights.

Here was an employee who stood up for his rights and the rights of his fellow employees,” she continued. “And he did this in the face of a tremendous, unprecedented harassment by his supervisor. There is no doubt in my mind that a pattern of deliberate, sustained anti-union animus can be proved.”

Since his suspension in November, Mr. Mendleson has also been ineligible for unemployment insurance, because the DOT objected to his receiving it. CSEA strongly resents this tactic, and feels that it adds to the validity of the Improper Practice charge. But hearings on unemployment insurance have been made moot by the current disciplinary proceedings, because a union victory would give Mr. Mendleson not only reinstatement to his job, but full back pay and benefits from the date of his suspension.

Meanwhile, Mr. Mendleson has been without pay and without unemployment insurance... for six months now. He is also ineligible for food stamps. The reason: he owns more than $1,500 worth of property.

Despite the fact that his story makes him sound like a contestant on ‘Queen for a Day,’ Peter Mendleson remains optimistic as he boards into CSEA headquarters and spends a few minutes there daily to photocopy voluminous notes for his legal battles. “Look at the bright side,” he said recently. “At least I get to see my wife and kids a lot.” Mr. Mendleson, his wife and two daughters are residents of Ballston Spa.

He also maintains an intense interest in his ex-colleagues at the Waterford shop, where Ozzie Cooper has taken over for him as CSEA president.

One of the curious facts that has come out of the Mendleson case is that the state has, as of February, spent more money in its prosecution of the man than his entire $13,000 salary would have cost for a year. ‘It’s just an extreme case of the state not wanting to admit they made a mistake,'” Mr. Carlson said. “No matter what the cost. The sad part is, there’s a human cost here, too.”

In a development that the union sees as related, it was rumored at press time that Mr. Smith, the supervisor, had been nominated for the 1979 Murray Nathan Award — which is given for excellence in management.

“It’s true, it’s obviously a ploy by management to get their case to look stronger,” Mr. Carlson said. “Either that, or it’s a belated April Fool’s Day joke.”

Local 860 raises bomb scare issue

WHITE PLAINS — A grievance filed by the Westchester County Unit of CSEA Local 860 appears to have prompted the County to reevaluate its bomb threat procedures.

Unit Health and Safety Chairman James L. Verboys said: “The county has been reevaluating its bomb threat procedures and it appears to be updating the procedure... The County has elected to go through its department heads and has not met with the union.”

The grievance is still pending “until procedures are established and implemented,” Verboys said.

The grievance asked the county to clarify its bomb-threat procedures and to initiate training for personnel in bomb-search procedures. Unit President Raymond J. O’Connor said: “If a bomb threat came tomorrow, it still would be disorganized. Employees would not know what to do.”

He said the biggest problem was communication between department heads and employees. Also, a fire warden system is operating only in a few of the county’s buildings, he said. He stressed the importance of educating employees to procedures.

The grievance was prompted after bomb threats to county buildings of March 1 and 2, in which the county allegedly failed to react properly, O’Connor said.

TO THE DELIGHT OF BOTH PARTIES, North Hempstead Town Supervisor Michael J. Tully, Jr. affixes his signature to a new two-year contract with the Town’s employees as Civil Service Employees Association Unit President Edward Ochenkowski looks on. The contract provides for the regular increment payment, plus 3.5 per cent increase plus $250 for each year.

James L. Verboys
Asbestos in Westchester

'We’ve got a potential time bomb on our hands'

The danger of cancer-causing asbestos poisoning the atmosphere of a work site is becoming one of the biggest health concerns in the United States. The Westchester County Unit of CSEA Local 860 believes some of its members are facing the most serious health problem. Associate Editor Gerald Alperstein visited White Plains and Valhalla on April 17 to investigate the alleged unhealthy conditions.

WESTCHESTER COUNTY UNIT GRIEVANCE
CHAIRMAN Jack Whalen points out one of the pipes in the basement of the Westchester County Medical Center in Valhalla where asbestos is exposed. The lockers are used by kitchen personnel.

County hospital site of asbestos hazard

WHITE PLAINS — Some employees of Westchester County are being exposed to asbestos at their work sites. Other employees of the county possibly are being exposed to the deadly, cancer-causing substance.

The County Unit of Westchester County CSEA Local 860 has started taking steps to eliminate such hazards and potential hazards.

A meeting of the joint (the Unit and the County) Health and Safety Committee will be held to make recommendations regarding a grievance on the subject.

Unit President Raymond J. O'Connor, in the grievance, asked for "immediate precautions to guard against exposure to asbestos and asbestos type fibers . . . " and to investigate other county work sites for asbestos.

In addition to the relief asked in the grievance, O'Connor said employees and past employees of the exposed work sites also should be monitored.

The tests also revealed that a material sprayed on support beams at 85 Court Street, White Plains, the building which houses the County Social Services Department, contains asbestos type fibers.

Asbestos has been shown to be a cause of cancer and of asbestosis, a lung disease.

The American Academy of Occupational Medicine reported that asbestos is a cause of tumors in the lungs and in the abdomen.

Robert H. Dreisbach, M.D., Ph.D., in the Handbook of Poisoning, wrote: "The word asbestos is used for any mineral that breaks down into fibers. The most commonly used form, chrysotile, is a fibrous serpentine, a magnesium silicate containing 40% silica."

The Annals New York Academy of Sciences reported: "Chrysotile represents approximately 95% of the total asbestos produced, contact with this type of asbestos furnishes the chief cause of asbestos... cancer... especially in the U.S.A."

The Handbook reported: "The occurrence of asbestosis, a fibrotic disease of the lungs, has been recognized for centuries. This disease occurs most commonly in the cloth-making industry, which utilizes the chrysotile form of the mineral. Recently, lung tumors have been found in a large percentage of patients with asbestosis."

The American Journal of the Medical Sciences reported studies of cancer death rates 50 percent among asbestosis patients.

In addition, data reported by the Annals shows a 20-year waiting period between production of asbestos and asbestosis-related lung cancer.

The Journal concluded: "Evidence is impressive that asbestos exposure, often delayed in effect, will in the future be responsible for an important amount of pulmonary disease, especially chest tumors. In addition, new evidence points to asbestos exposure as significantly associated with abdominal tumors as well."

Asbestosis, which follows asbestos fibers lodging in lungs, causes coughing, shortness of breath, decreased chest expansion and decreased breathing capacity, the handbook said.

The Annals reported the incidence of asbestosis-related diseases is highest among workers exposed to asbestos.

The management position caused the Unit to send samples of the suspected materials to an independent laboratory in March. On March 28, the Unit received the results from the laboratory. The materials did contain asbestos or asbestos type fibers.

A grievance was filed on April 9. The County responded April 16 by letter to O'Connor stating the joint committee would schedule a meeting.

Verboys said: "We don't know how serious a problem we really have."

Unit Grievance Chairman Jack Whalen said: "We've found the tip, and we want to see if there is an iceberg."

Deadly asbestos causes cancer, lung disease

Asbestos has been shown to be a cause of cancer and of asbestosis, a lung disease.

The Journal listed the uses of asbestos as: Heating insulation, electric wire insulation, brake linings, pipe and furnace fittings, clothing, blankets, vinyl tile, air filtration, paint filler, shingles, boards and pump packing.