CSEA supporting Special Olympics

ALBANY - CSEA President William L. McGowan has announced the union's endorsement of a campaign that the entire membership can get behind: raising funds to support the 1978 International Special Olympics.

The Special Olympics is an international program of sports training and athletic competition for the mentally retarded. Next August, the International Summer Games will be held at the State University at Brockport with 3,500 special athletes participating from all 50 states and 35 nations. CSEA is taking an active role in making the games a success.

"Special Olympics is a great program for the mentally retarded," President McGowan said in announcing the union's support for the games. "Thousands of CSEA members work day in and day out to help mentally handicapped individuals on and off the job. Now our union is going to roll up its sleeves and do a job for Special Olympics. It's a great program, a great cause and I know our members will show everyone the kind of people public employees are. We're going to make the Special Olympics a financial success."

Specifically, the union president directed CSEA staff to assist Special Olympics in bringing its program for fund raising to the members through advertising in the official union's newspaper. It's a unique program that provides benefits to those who give as well as those who receive.

Region 6 President Robert Latimer has already set up a special pilot program to boost the sales of Special Olympics film in that Region. He was instrumental in bringing about statewide support for the program.

The basic concept of the program is simple. Union members and their families will be asked to buy film and processing for holiday picture taking from the Film for Special Olympics Program. When the members buy the processing package, they get a fresh roll of Kodak film and a prepaid processing mailer. They use the film, drop it in the mailer and drop the mailer in a mailbox. They'll receive back professionally photo finished prints, slides or movies. The price of the service is far lower than most photo finishers charge and part of the price goes as a contribution to Special Olympics.

While a pilot program involving participation of coordinators within CSEA's Locals is underway in the Western Region, a special effort is being made in all other Regions to have members send for ordering coupons by directly writing: Film for Special Olympics, P.O. Box 8711, Rochester, N.Y. 14624.

Gradually the participation of CSEA's Locals will be sought across the state to form a "grass roots" network of coordinators to take film orders in an effort to increase sales and thus revenues for the Special Olympics.

More stories on the Special Olympics are on pages 6 and 7.

Demands exchanged, long process seen

ALBANY - The Civil Service Employees Assn. and the State of New York exchanged initial contract demands late last week, signaling the start of major bargaining talks on behalf of more than 100,000 state employees in the Administrative, Institutional and Operation Services bargaining units.

Bargaining sessions have already been scheduled for the remainder of this month and during December. Additional sessions will be set as the talks progress towards a hoped-for settlement prior to the expiration of the existing pacts on March 31, 1978. Talks have been suspended pending the outcome of a related court case for some 45,500 state employees in a fourth bargaining unit represented by CSEA, the Professional, Scientific and Technical unit.

By mutual agreement, both sides are adhering to a policy of observing a "news blackout" during negotiations. Details of initial demands and daily progress reports will not be issued as they tend to impede the bargaining process.

OPERATIONAL UNIT - Several members of the CSEA bargaining team listen to a discussion following exchanging of demands. Second from right is CSEA Collective Bargaining Specialist Nels Carlson.

INSTITUTIONAL UNIT - Framed by state negotiators, CSEA team member Genevieve Clark and union Collective Bargaining Specialist Robert Conoby, right, stare across the table after exchanging demands. To his left is CSEA team member Elaine Todd.

ADMINISTRATIVE UNIT - CSEA Collective Bargaining Specialist John Conoby, right, stares across the table after exchanging demands. To his left is CSEA team member Elaine Todd.
In my travels throughout the State, many members ask me what we are really getting out of our affiliation with AFSCME. It seems that we haven’t really spread the word as yet and I would like to spend some time talking to you about the benefits of the affiliation.

We are moving in many areas in an effort to make the affiliation work for our members. We will be getting involved in a legislative effort in Washington next year and we will then have input for the first time into legislation affecting our members. Significant areas of interest include social security legislation, CETA, counter-cycling, and potholing into the federal level which affect our pocketbook. It is my understanding of the Harvard Business Review that some of the best thinking goes on in New York State and it is by no means the only bastion of democratic capitalism. I find it refreshing to see a Harvard Business Review that is critical of the American trade union movement which, like other types of organizations, takes a critical look at the performance of the American labor movement.

My firm, American Income Life Insurance Company, is one of a very, very few fully union-organized insurance companies in America. I attribute the growth of our company largely to our successful dealings with the Organization of Professional Employees International Union, which represents our employees, and to the generally cordial relationship we enjoy with the AFL-CIO. In our case, I agree with Mr. Kristol’s observation that the unions are not "protosocialist institutions," but go further in stating that they are a "bastion of democratic capitalism, at least in the United States."

It is fortunate that our unions are not ideological in the sense that has prevailed in so much of Europe. This does not mean: contrary to Mr. Kristol, that our unions do not have any ideological base. As I view the American scene, it seems to me that some of the best thinking about the basic nature of our society has come out of movement which, like other organizations, seeks to develop a theoretical base upon which to stand. Nor are our unions anti-intellectual, although they tend to be pragmatic in their dealings with the society in which they dwell. If there is a Harvard Business Review, in any case, is good enough reason not to wish such baggage upon the labor movement which unjustly carries too much of the blame for what goes wrong with our society and areas where CSEA Local 1000 is the certified bargaining representative and if another AFL-CIO does not get an agreement, AFSCME would ask the AFL-CIO to invoke Article XX of the AFSCME Constitution. Article XX provides that no federation union should make an appeal to the Executive Council of the AFL-CIO. I think it is significant to note that to date we have been unsuccessful in two of our Article XX actions.

Had it not been for Article XX, we probably would have been involved in three of these State units in August of this year. The indirect protections of the Article saved us thousands of dollars in fighting off rival unions.

In the area of communications and public relations, we are about to embark on an advertising campaign to increase the recognition of public employees. Tax cut happy politicians have climbed on our backs again. Taxpayers have taken advantage of our opposition to religion essentially because taxpayers are not aware of the roles played by public employees. We know what we do for the taxpayers and citizens of New York and it’s about time we got our message across. On our own and later with some help from AFSCME, we will help restore pride and fighting spirit citizenship to public workers. This will be a significant effort and I think you’ll agree it’s a long overdue answer to the people who tell us that something is happening in our State AFL-CIO convention held a few months ago. Since we are now a part of the family of organized labor, I will not let an opportunity go by that allows us to express our high opinion of public workers; we are going to spread our message. Our Board of Directors recently participated in a training session in Washington and we will be sending two of our staff representatives to the AFL-CIO Labor Institutes and we have participated in their training session on arbitration.

Finally, in the area of negotiations, our research department is working with AFSCME’s research department to make sure that we have left no stone unturned in our presentation of demands for changes in our 1979 State contracts.

In summary let me say that I am very encouraged by the many ways AFSCME has agreed to assist us and I will do everything I can to make sure that every single member of CSEA benefits from the affiliation. If we all stick together and play on the same team, I am sure that our objectives will be reached.

William L. McGowan
President — CSEA

A refreshing point of view

Editor, The Public Sector:

As an entrepreneur, a capitalist and chairman of an enterprise employing over 200 people in this nation, I read Irving Kristol’s "Understanding the Trade Unionism" in the Wall Street Journal November 23 with both interest and concern.

My firm, American Income Life Insurance Company, is one of a very, very few fully union-organized insurance companies in America. I attribute the growth of our company largely to our successful dealing with the Organization of Professional Employees International Union, which represents our employees, and to the generally cordial relationship we enjoy with the AFL-CIO. I agree with Mr. Kristol’s observation that the unions are not "protosocialist institutions," but go further in stating that they are a "bastion of democratic capitalism, at least in the United States."

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William L. McGowan
President — CSEA

Editor’s Note: Although the above letter is lengthy, and not from a member of CSEA, we elected to print it because we believe it is most interesting. It is refreshing to see a member of management, private or public, defend unionism so intelligently and so strongly. If you appreciate, as we do, what Mr. Rapoport says, perhaps you’d like to let him know that. His address is P.O. Box 208, Waco, Texas 76703.
CSEA wins pay raises for employees on leave

BUFFALO — Persons who were on the State payroll as of April 1, 1977, but on leave of absence on or before October 1, 1977, or who left State service after April 1 but later returned, are eligible for a CSEA-negotiated pay raise effective that October 1, according to a grievance settlement reached last month and brought by the union on behalf of two individuals so affected.

Under the existing contracts between the CSEA and the State, 1977 raises came in two steps. Employees in full-time status as of March 31, 1977, received a basic annual salary increase of 5% or $500, whichever was greater. And, effective October 1 of that year, employees in "full-time employment status as of March 31, 1977" received a second raise of 4% or $400, whichever was greater.

Problems developed in some cases when persons eligible to receive the first raise took authorized leave of absence after April 1 and were still on leave as of October 1. The State withheld the second raise, and CSEA filed grievances seeking to recover the second raise.

Grievances were specifically filed on behalf of Carol Ali, an employee of SUNY at Buffalo, and Janice Watson of Lafayette, an employee of the State Department of Taxation and Finance CSEA. Pauline Rogers of the union's legal firm of Roemer and Featherstonhaugh represented the grievants.

The grievances were resolved last month when both were declared eligible for the second raise. However, payment is currently being withheld while the State investigates records to determine other individuals who might be similarly eligible. State workers who left service after April 1, 1977 but later returned are also eligible under the settlement.

CAROL ALLI, left, has a smile after reading a resolution to a grievance filed on her behalf which enables her to receive a $400 salary increase retroactive to October 1, 1977. She received the good news from Barbara J. Kauffman, right, grievance chairperson for CSEA.

The program will draw renewed interest with the allocations recently reached of 57% or $500, whichever was greater. Under the existing contracts for employees on leave after April 1, 1977 but later returned are also eligible under the settlement.

CSEA continues as watchdog of state's CETA program

WASHINGTON — Comprehensive Employment and Training Act (CETA) programs continue to be watched closely by the Civil Service Employees Assn. In order to monitor the Federal employment program, CSEA has a special CETA committee that functions on a statewide basis plus regional CETA committees which serve as watchdogs over local CETA programs and problems.

The program will draw renewed interest with the allocations recently reached of 57% or $500, whichever was greater. Under the existing contracts for employees on leave after April 1, 1977 but later returned are also eligible under the settlement.

CSEA Atty. Pauline Rogers of the CSEA Counsel Pauline Rogers at the hospital, Al Cangiano, filed a grievance which was extended to all 78 employees affected.

CSEA Counsel Pauline Rogers argued successfully that the state violated the CSEA contract when it attempted to downgrade the employee when he was on leave of absence.

When the state abolished the CSEA unit and reassigned the employees, it was on behalf of Carol Ali, an employee of SUNY at Buffalo, and Janice Watson of Lafayette, an employee of the State Department of Taxation and Finance CSEA.

CSEA won a pay raise for employees on leave.

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CSEA won a pay raise for employees on leave.
Handicapped placement program

A special state recruitment and placement program for the handi capped ended its first year with 195 placements made.

The program, administered by the Career Opportunities Division, State Department of Civil Service, was launched in September 1977 following enactment by the Legislature of Section 55-b of the Civil Service Law.

‘The Public Sector’ is now eight weeks old, long enough in the life of a publication to notice a trend developing. Where, we wonder, are those thoughtfully opinionated writers we had more than half-expected to flood our mailbag with letters to the editor.

True, there have been a number of good, even excellent, letters published in these pages, nothing at all like what we had hoped for. Granted, also, some letters we have received have not been edited, but only because they were in poor taste, or otherwise unsuitable to print in this or any other similar publication. Those writers probably understand that. If not, they should.

The ‘Letters to the Editor’ section, ideally, should be a forum to express opinions of interest to others. While we desire thoughtful expressions, there is ample room for dissent, for differing opinions. We will defend your right to express your opinion, and give you the space to do so, provided it falls within the bounds of propriety. That’s an editorial judgment we must make in each individual case.

We only wish we had more of a selection of letters to make such judgments from.

(R.A.C.)

Keeping eye on Conewango

Highway maintenance personnel understand and accept the fact that their usual working conditions are not luxurious. But on the other hand they do not and should not be expected to accept conditions such as those described on page 12 of this issue.

The overall conditions at the Conewango Valley maintenance facility of the Department of Transportation are dreadful. But DOT has taken bids on a new heating system, and has also promised to correct many of the other shortcomings of the facility. We intend to watch the situation, and hope it is corrected before the usually harsh winter of Western New York sets in once again.

The Conewango Valley facility might be the worst of the scores of maintenance facilities around the state. We hope it is, that it is not anywhere near typical. But we should find out, because we expect to hear from other outposts if there are any of a similar state of unacceptability. In fact, we encourage it. (R.A.C.)

Where are your letters?

In our Opinion

‘Special’ praise

CSEA, some of whose members have the day-to-day responsibility of caring for many of the state’s mentally retarded persons, is a natural for becoming involved in the 1979 International Special Olympic Games.

The games, which will be held at State University college, Brockport, N.Y., in August, provide athletic competition for mentally retarded children and adults. Details of the Special Olympics are on pages 6 and 7.

Special Olympics is one of the most worthwhile activities one can become involved in. The purchasing of the ‘Film for Special Olympics’ is an easy way for an individual to provide support for the program. We endorse the efforts of CSEA in helping to make the world a little brighter for those in need. (G.A.)
Military leave policy now set

ALBANY — A standard definition of military leave with pay for public employees on ordered military duty has been set at 30 calendar days, and not 30 work days as pushed for by the Civil Service Employees Assn.

CSEA recently asked for a standard interpretation of the period allowed for military leave with pay because the payment practice varied from department to department. Citing what it said were two previous attorney general opinions supporting the union’s position, CSEA asked the Civil Service Commission to establish the policy that employees should be charged with military leave only for those days on military duty that coincide with the individual’s state work days and hours. The union argued that charging military leave to employees even for weekends, pass days or days not normally scheduled to work means that employees reach the 30-day limit much quicker annually.

Under Section 242 of the Military Law, public employees must be paid while on ordered military duty, up to 30 days in any one calendar year. That 30-day period was interpreted in different ways from department to department.

The Civil Service Commission asked the State Attorney General’s office for a legal determination.

New nurse unit

ALBANY — A new Nurse Unit was opened recently to serve State employees in the Governor Nelson A. Rockefeller Empire State Plaza. The unit is in the Northwest Concourse near Agency Building 4. Employees at the southeastern end of the Plaza are served by a Nurse Unit in the Southeast Gallery, near the Tower Building.

The units are among 23 throughout the State, staffed by 35 nurses and operated by the Employee Health Service, State Department of Civil Service.

The units provide a wide range of health care services which extend beyond the treatment of cuts and bruises. These services include immediate emergency care, treatments and follow-up care as requested by personal physicians, health counseling and guidance.

Sick members of school unit stay at home

MIDDLE ISLAND — Both shifts of the 250-member Middle Island School District Unit of the Civil Service Employees Assn. called in sick earlier this month, ill, they said, over the lack of progress in contract negotiations.

The job action by the non-instructional employees spurred the State Public Employment Relations Board to appoint a super-conciliator, Earl Zaddis, and brought both sides back to the bargaining table the day after the November 8th sickout.

The action was not authorized by the union, but Irwin Scharfeld, CSEA fieldman, said the he could understand that members would become ill if the school district Superintendent Marvin W. Rocklein and the school negotiators have been acting.

The employees at the 8,000-pupil Suffolk County School have been working without a contract since July. Scharfeld said that Rocklein had taken an unbendable position in negotiations offering the employees only a 2 and one-half per cent raise. The Middle Island unit of the 4,000-member Suffolk Education Chapter took a strike authorization vote earlier last month and Walter Weeks, president of the Suffolk Educational Chapter, has vowed to “support the members with the full resources and manpower of the Education chapter.”

The sick out by the custodial, cafeteria and clerical workers disrupted the school lunch program, telephone communication, heating and lighting and clean up.

Joseph Rindos, president of the Middle Island CSEA unit, said that the employees were seeking a minimum of 6 per cent raise. A 5.5 per cent recommended by a PERB appointed factfinder was turned down by both sides last month.

Your civil service rights

“Your Civil Service Rights” is a periodic column prepared by Joseph Watkins, special consultant to the Civil Service Employees Association on Civil Service matters and policy. Questions and comments concerning this column may be directed to Mr. Watkins, Civil Service Employees Association, 51 Elk Street, Albany, N.Y. 12224.

Jurisdictional classification

The Constitution of the State of New York provides that appointments and promotions be made by competitive examination as far as practicable.

This means that whenever a legislative body creates a position it is immediately in the competitive class of Civil Service until certain legal steps are taken to place the position either in the unclassified service or the exempt, non-competitive or labor class.

In the State service, this requires an operating department to submit reasons for removing the position from the competitive class to the State Civil Service Commission. If the Commission approves the request, it forwards a resolution to the Governor. The Governor can either approve or disapprove the resolution. If the Governor approves the resolution, he forwards it to the Secretary of State.

In the municipalities, the local Civil Service agency must publicize in the local press, its intention to place a position outside of the competitive class, then a public hearing is held, a resolution indicating the proposed change is forwarded to the State Civil Service Commission. The State Commission can either approve or disapprove the resolution. If they approve the resolution, it is forwarded to the Secretary of State.

In all cases the change in the classification of the position is not legally in effect until the resolution making the change is filed with the Secretary of State.

If your position is in the competitive class and you have obtained tenure in your position after successfully passing the examination and probationary period, any subsequent change in the jurisdictional classification of your position to the exempt, non-competitive or labor class will not affect you. You will retain your competitive class rights as long as you remain in that position.

On the other hand, if you are now in the non-competitive, exempt or labor class and your position is placed in the competitive class you will lose all competitive rights the day the appropriate resolution is filed with the Secretary of State. This is true regardless of the length of time you have served in that position.

If you have been legally appointed to a position in either the non-competitive, exempt or labor class, you cannot lose your position by a change in the jurisdictional classification to the competitive class.
History of progress

1963
Kennedy Foundation and American Association for the Mentally Retarded establish Special Olympics for mentally retarded children and adults.

1965
Special Olympics is opened on campus of UCLA with 2,500 participants.

1967
ABC television broadcasts segment covering Special Olympics World on Wide of Sports.

1971
400,000 children now active in Special Olympics worldwide.

1974
First International Special Olympics Games take place in Chicago. The婺特许3,200 special athletes.

1976
First international Special Olympics Games take place in Chicago. The特许3,200 special athletes.

1977
First International Special Olympics Games held in 1975.

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Equal opportunity for all

Variety of events set for August

The events at the 1979 International Special Olympics International Games, held on August 11-19, at State University at Brockport, New York, will be:

TRACK AND FIELD: 50-meter dash, 100-meter dash, 200-meter dash, 400-meter dash, mile run, half mile, mile relay, stern long jump, standing long jump, high jump, and long jump.

SWIMMING: 50-meter freestyle, 100-meter freestyle, 25-meter backstroke, 25-meter butterfly, 100-meter relay, 400-meter relay, 25-meter and 50-meter medley relays.

Gymnastics: Free exercise, tumbling and balance beam.

Wheelchair events: 25-meter dash, 100-meter dash, and 100-meter relay.

Also bowling, basketball, floor hockey, pole hockey, basketball, frisbee-disc, and Nordic skiing and wheelchair activities.

Sports:

Special Olympics is an international program of physical fitness, sports training and athletic competition for mentally retarded children and adults.

It is unique because competitors at all ability levels may advance all the way to the International Games. All but bowling are offered as demonstration sports in national Summer Special Olympics.

The program is operated by Special Olympics, Inc., a non-profit organization in Washington, D.C. State and country organizations hold year-round Special Olympics events.

Mentally retarded individuals 4 years of age or older are eligible to participate in Special Olympics. There is no upper age limit.

Generally, participants have IQ scores below 70.

Special Olympics offers 14 sports: track and field, swimming, diving, gymnastics, ice-skating, basketball, volleyball, floor hockey, pole hockey, bowling, frisbee-disc, Alpine and Nordic skiing and wheelchair activities.

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Ballots due on Dec. 11

ALBANY - Ballots were mailed out Nov. 17 to all CSEA members who are Judicial Department employees, for the selection of the Judicial Department representative on the Statewide Civil Service Employees Asn. Board of Directors.

The deadline for return of ballots to the Latham, N.Y. Post Office is 6 p.m. on Dec. 11, 1978.

Ballots will be counted by the Statewide Election Procedures Committee on Dec. 12 at a.m. in CSEA headquarters at 33 Elk St., Albany.

The three candidates for the post, in ballot order, are: Nancy J. Roark; Francis Griffin; and Julia M. Filipponi. The candidates will be permitted to attend the ballot-count as observers.

If a Judicial Department member has not received a ballot by Nov. 27, one may be obtained by telephoning Kathy Barnes at (518) 434-0191.

The election was ordered by the Board of Directors at its Oct. 22 meeting at the Concord Hotel in Kiamesha Lake, to fill the vacancy left by the resignation of Ethel Ross. The term of office will run through June 30, 1979.

NEW YORK STATE ELIGIBLE LIST
Senior Architect (Season No. 29-777)
Test Held September 27, 1978
1. Webster, Raymond E., Latham
2. Wilson, James H., Latham
3. Fisher, Eric C., Schenectady
4. Halvorsen, Ray, B., N.Y.
5. Andrews, Raymond J., Rensselaer
6. Kondracki, Joseph F., L.
7. Wotterton, Paul W., Loudonville
8. Calhoun, Thomas J., Amsterdam

CSEA supports UCS hearings

We encourage letters from readers pertaining to items which have appeared in THE PUBLIC SECTOR or which are of interest to public employees. Letters must contain the name, address and telephone number of the writer for verification purposes. Telephone numbers will not be printed, and names may be withheld upon request. Send all letters to THE PUBLIC SECTOR, Clarity Publishers, 90 Hampden Street, Albany, N.Y. 12208.

Editor, The Public Sector:

I read with interest your article, “Proposition 13 On Ballot in Suffolk,” in the October 11 issue. My wife and I are senior citizens, 83 years old. I am a veteran of World War II. We have been living in Nassau County for over 40 years and I feel I have a right to refute your article.

I think that the public should have the right to decide how much tax we should pay. As far as the “no-tax-nut” is concerned, I agree with you. We all know we have to pay taxes, but why can’t we be taxed according to our income? I can’t believe a union publication would support a system which might cause a senior citizen to lose his home. My wife and I worked over 50 years for a small business. We did not retire rich, but we were able to pay off our mortgage and acquire a small bank account. In addition to real estate, we have a small rental income, but it is not enough to pay our taxes, which amount to $2,000 a year, and everyday expenses. In order to pay these high school and property taxes, we have to cut down on our food bills. Also, we are to take care of our health properly because Medicare and Medicaid do not pay the entire bills and we cannot afford to pay them.

Hans Westing
North Merrick, N.Y.

Some Prop. 13-style votes fail

WASHINGTON, D.C.

American voters did not rush headlong onto the Proposition 13 bandwagon on election day earlier this month, according to an analysis compiled by AFSCME.

In the four states where a Proposition 13-type vote was held, the populous states of Michigan and Oregon rejected it. Only in the sparsely populated western states of Idaho and Nevada did the meat tax approach to tax cutting win voter approval.

The Michigan proposal would have cut assessments in half and would have limited property taxes to 2.5 percent of assessed value. The Oregon proposal would have limited property taxes to 1.5 percent of valuation.

The Nevada vote must be reaffirmed, however, because an initiative measure in a referendum in 1980 before it becomes law. The proposal must be modified by the state legislature because of conflict with the state constitution.

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Other tax and revenue measures passed or defeated in Referendums earlier this month were:
- Arizona: Limit state revenue to seven percent of personal income, preserving the present relationship of revenue to income. Passed.
- Hawaii: Limit spending to growth in the state’s economy, within a reasonable, controllable legislative flexibility. Passed.
- Colorado: Limit increases in spending to increases in the Consumer Price Index. Defeated.
- Michigan: Limit state taxes as a percentage of personal income, a situation which has existed for five years. Passed. Voucher proposal, to change the financing of public education. Defeated.
- Nebraska: Limit increases in local government spending to five percent. Defeated.

In an affidavit presented to the Appellate Division, Stephen J. Wiley an attorney with Reynolds and Featherstonhaugh, the union’s law firm, wrote that CSEA’s support of the OCA appeal was “to inform the court of the inequitable effect which the final judgment herein has on some of the units represented by CSEA, as well as to demonstrate to the court the nature of Judge Bartlett’s authority.”

At deadline, result of arguments in matters, scheduled for November 17, were not known.

AFL & CIO’s Article 20 decision determined by date of affiliation

WASHINGTON — When the AFL-CIO Executive Council ruled recently to overturn an earlier impartial umpire’s decision that the Public Employees Federation illegally raid- ed CSEA earlier this year when it challenged CSEA’s representation rights of 6,000 state employees in the PS&T bargaining unit, the decision was brief. Just one paragraph long, it is in its entirety.

“Judgment of the impartial umpire finding a violation by the Public Employees Federation (SEIU & AF of Sections 2 and 20 in this case) reversed. The Article XX protections stated in the Executive Council policy decision of February 1972 are limited to independent union-affiliated with an AFL-CIO union at a time when the independent has a current established bargaining or work relationship. Those protections did not apply to an independent that
The following testimony was delivered on Thursday, November 16, at a meeting of the Codes and Legislation Committee of the Public Health Council, which is considering a revision of the State Sanitary Code. The testimony was given by Timothy Mullens, Civil Service Employees Assn. Research Analyst on behalf of CSEA and its members.

NEW YORK CITY — The CSEA, in behalf of its members employed in the various county public health agencies throughout the State of New York, protest the adoption of the proposed changes to the Sanitary Code.

The proposed changes are regressive and will ultimately deteriorate the quality of public health service rendered in municipalities in the State of New York.

The present code provides a rough table of organization and various levels of positions in various specialties of public health. This has been a guide and a bible for local health administrators, budget officers and county administrators in establishing the structure of the health department to render the service to the county in the public health field. To our dismay, the present proposal moves in an opposite direction and reduces the number of levels of positions in various specialties and does not provide any type of standard other than the creation of a second level position in a particular field of endeavor.

In addition, the Sanitary Code does not exist in a vacuum. It must be responsive and reactive to current social and economic trends in the country.

The Civil Service Employees Assn. listed the following specific objections to proposed changes in revising the State Sanitary Code:

1. The proposed change states that persons working in the field on the date the revisions become effective should be construed to meet entry level qualifications. Yet, many of these persons have obtained higher level qualifications by way of continued education and qualification by civil service examination. We therefore suggest that this section be revised so that they will be able to retain the level of the position they have acquired after so many years.

2. All trainee positions have been eliminated. This has been a positive way of bringing new persons in the public health field. The reintroduction of the trainee position will do much to ameliorate possible objections for the U.S. Equal Employment Opportunity Commission of discrimination in hiring practices. We also strongly urge the re-establishment of the training courses required for each level of position. The only mention of a trainee course in the new code proposal is for the position of Public Health Sanitarian. This is particularly important when you review the qualifications being established for certain of the positions in the proposed code.

3. The Environmental Health Technician proposed qualifications have an Associate Degree from a college. This degree can be in any field as the qualifications are now written. Consequently, it would be possible for a person possessing an Associate degree in English to receive this position. It is then placed in the position and required to perform the duties of the position without any prescribed course of training. We do not know how this is possible. The qualifications also attempt to equate an Associate degree in any field with 80 credit hours with a minimum of 12 credit hours in the physical and biological sciences. We do not see that these are equivalent qualifications since the Associate degree could be in a non-scientific field for which scientific qualifications are required in the ultimate.

4. Public Health Engineer. The proposal here is to equate a Baccalaureate degree with a professional license. The State Education Law establishes the qualifications for the professional engineering license. These qualifications require that in addition to the graduation of the Baccalaureate degree in engineering, the person have four years of work satisfactory to the Board of Examiners. In addition, before the person acquires the license, he must pass a comprehensive engineering examination. It is obvious, therefore, that these two qualifications are not equal.

5. The proposal states that Physical Therapists “assist patients” in attaining maximum function. We object to this statement of the duties of Physical Therapist since they provide direct medical service to the patients in obtaining maximum function and therefore urge this revision.

6. In the Public Health Educator proposal, under entry level qualifications the “B” alternative speaks of “health related field.” This is loose terminology and will lead to considerable confusion inasmuch as the proposal is to have each one of the 57 different agencies interpret this. We therefore, must strongly, urge that this is clarified to precisely what is meant by “health related field.”

The adoption of Proposition 13 in California has had and will have a chain reaction throughout the United States. Budget and county administrators will seek to eliminate positions not mandated since in many fields of occupations in the Sanitary Code will now be limited if this amendment is adopted. Then, such officials will only authorize two levels of positions. The creating dead end positions in the public health field will be totally destructive of employee morale and would further increase the probability of lowered public health service in the counties.

The problem of public health is not a county problem solely but is a state problem and it is only the state through its Sanitary Code that can prescribe and enforce proper standards of staffing of local health departments to assure a high level of statewide health services. The proposed standards will be counter-productive in this regard.

The proposed standards state that a local civil service agency can develop additional titles and classifications for positions above the entry at the first supervisory level. We must point out that there are 57 different and separate county civil service agencies in the State of New York. Each acting on its own will create a Tower of Babel and no effort has been made to establish different positions that do not reside with the local civil service commission. The legislative body has authorized the creation of additional positions, the adoption by the local civil service agency of additional titles is meaningless.

Employees often seek to transfer from one agency to another or from a local agency to the State service. One of the conditions legally affecting such a transfer is the requirement for the position in both agency should be similar. With a wide disparity of title structures and qualifications that will be standards of staffing by each agency acting on its own, the possible mobility of present employees will be eliminated. This will further enhance the dead end situation which is so destructive of employees’ morale.

The proposed changes in the code are in violation of Title 7 of the Civil Rights Act of 1964. They are not based on any job analysis of the positions. It can be held that they have an adverse impact on the hiring and promotion of minorities since many trainee positions have been eliminated and since there are no alternative requirements to a mandated college degree or other educational qualifications. They do not provide for any mobility of employees and present little or no promotion possibilities. There have been a number of actions brought by the Attorney General of the United States against the State and local civil service agencies in relation to examinations and hiring practices based upon these defects in existence in the procedure. These are lengthy and costly litigations.

The adoption of the present code will open the door for many more such cases, particularly in the field of public health.

If the objective of the proposed changes is to eliminate the responsibility of the Public Health Council in reviewing the qualifications of applicants for various levels of positions and if it is the desire to transfer this function to local civil service agencies, we do not object to this objective. However, we must point out that a central council reviewing all applications is more capable of a uniform standard than delegating the function to 57 different agencies.

We must come back to our first statement. We strongly protest the adoption of these revisions inasmuch as they are detrimental to the development of strong public health programs in the State of New York and will destroy the morale of the persons employed therein.
Dolan on Blue Cross board

ALBANY — Joseph Dolan, Executive Director of the Civil Service Employees Assn., has been elected to a one-year term on the board of directors of Blue Cross of Northeastern New York, Inc., announced Albany Blue Cross Board Chairman Robert A. Quinn. He will serve as a public representative on the Blue Cross governing body.

Mr. Dolan has served as a member of the Albany County Legislature representing the 14th county district, since 1970. A graduate of Siena College, he is chairman of the finance committee of the Siena College Alumni Association.

Mr. Dolan has studied at Albany Law School and received his master’s degrees in political economics from the Graduate School of Public Affairs at the State University of New York at Albany.

Mr. Dolan serves on several other boards, including the advisory board of St. Anne’s Institute and the board of directors of the Bishop’s Memorial Foundation of the Albany Diocese. He is also a member of the University Club, the YMCA, and the Ancient Order of Hibernians in America.

State starts management study

A special, year-long study of State management positions is being conducted by the Division of Classification and Compensation, State Department of Civil Service.

Goals of the study are:
- To review and evaluate compensation plans used in other states and in the private sector, and possibly to recommend alternative plans which could be adopted by New York State.
- To produce a "master” or "primary" standard for classifying managerial positions. This standard will be a detailed document which provides the characteristics of managerial positions, identifies classification factors which exist in such positions, and provides criteria for evaluating specific positions. Use of the standard will make it easier to review classification requests and save time in classifying managerial positions. To prepare the master standard, job factors common to managerial titles will be identified, described and evaluated as to their relative importance and overall relevance to classification and pay.

At the same time, job specifications for titles which cover only one or two positions in State service will be analyzed and brought up to date. Most one- or two-position titles are believed to be managerial in nature. The study is scheduled for completion next August. It is funded under a grant from the federal Inter-American Personnel Act.

State open competitive job calendar

The following jobs are open. Requirements vary. Apply with the state Civil Service Department.

FILING ENDS DECEMBER 11
Boiler Inspector $11,250 No. 24-844
Senior Social Services Program Specialist $18,301 No. 24-559
Assistant Tax Valuation Engineer $14,850 No. 24-865
Senior Tax Valuation Engineer $18,301 No. 24-865
Electronic Computer Operator $8,950 No. 24-871
Upholstery and Bedding Inspector I $12,783 No. 24-873
Upholstery and Bedding Inspector II $14,850 No. 27-826
Assistant Signal Engineer $12,783 No. 27-826
Investment Officer $20,266 No. 27-828
Teacher's Retirement System Information Reg. $14,075 No. 20-221
Senior Chemical Engineer $18,301 No. 27-832
Senior Electronics Laboratory Engineer $18,301 No. 27-833
Principal Economist (Regulatory Economics) $14,850 No. 26-870
Industrial Superintendent $19,283 No. 26-875
Assistant Industrial Superintendent $16,469 No. 26-876

You may contact the following offices of the New York State Department of Civil Service for examination information:
State Office Building Campus, First Floor, Building I, Albany, New York 12239 (518) 457-6216.
Job Calendar, 3rd Floor, 55th Floor, New York City 10036 (718) 488-4256.
Suite 750, Genesis Building, West Genesee Street, Buffalo, New York 14207 (716) 842-4250.

OPEN CONTINUOUS STATE JOB CALENDAR

<table>
<thead>
<tr>
<th>Title</th>
<th>Salary Exam. No.</th>
<th>Salary (varies with location)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharmacist</td>
<td>20-129</td>
<td>$14,389-$15,562</td>
</tr>
<tr>
<td>Assistant Sanitary Engineer</td>
<td>20-122</td>
<td>$14,142</td>
</tr>
<tr>
<td>Sanitary Supervisor</td>
<td>20-123</td>
<td>$17,442</td>
</tr>
<tr>
<td>Clinical Physician I</td>
<td>20-118</td>
<td>$27,942</td>
</tr>
<tr>
<td>Clinical Physician II</td>
<td>20-119</td>
<td>$31,055</td>
</tr>
<tr>
<td>Physician's Assistant</td>
<td>20-117</td>
<td>$31,055</td>
</tr>
<tr>
<td>Attorney</td>
<td>20-113</td>
<td>$31,055</td>
</tr>
<tr>
<td>Assistant Attorney</td>
<td>20-108</td>
<td>$21,723</td>
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<tr>
<td>Junior Engineer</td>
<td>20-109</td>
<td>$11,904</td>
</tr>
<tr>
<td>(Bachelor's Degree)</td>
<td>20-108</td>
<td>$12,890</td>
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<tr>
<td>Junior Engineer</td>
<td>20-109</td>
<td>$12,900</td>
</tr>
<tr>
<td>(Master's Degree)</td>
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<td>$14,075</td>
</tr>
<tr>
<td>Dental Hygienist</td>
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<td>Licensed Practical Nurse</td>
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<td>Nutrition Services Consultant</td>
<td>20-103</td>
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Layoffs proposed in Westchester

WHITE PLAINS — The proposed massive layoff of Westchester County employees was unveiled last week in County Executive Alfred DeBello’s proposed 1979 budget.

The budget calls for the elimination of 185 permanently filled positions, beginning Jan. 1, 1979, with an undetermined number of additional layoffs following later in the year.

The Westchester County Board of Legislators has until the end of November to restore the positions. As of Dec. 1, 1978, the legislators only can cut the proposed budget, Raymond J. O’Connor, president of the Westchester County Unit of CSEA Local 880.

He said the 185 layoffs would save the taxpayers $1.5 million. “If the legislators can find one-and-one-half million dollars in fat in the budget, they can save the 185 layoffs,” he said.

The proposed budget of $320 million includes a three percent tax cut. “DeBello is catering to the Proposition 13 crowd,” O’Connor said.

In addition to the layoffs, the proposed budget only allows for half of the $4.7 million needed to pay the five percent raise which went into effect Sept. 1, 1978. O’Connor said the additional funds would come from each department reducing services and laying off additional employees.

O’Connor said the 6,000 members of the unit are being informed of the times and locations of the legislators’ budget hearings and are organizing speakers and pickets for each of the meetings. Other actions are being considered.

He said the proposed layoffs are a violation of a verbal understanding between the unit and the county in that there would be no layoffs in exchange for the unit accepting an approximate 10.5 percent pay increase over three years.

The hardest hit department would be Social Services with 50 proposed layoffs, including the elimination of the Casework Assistant Unit. Its 22 employees are mostly minorities and women, O’Connor said.

Other hard-hit departments would be the Parks Department, 25 layoffs; Public Works, 17 Department, 22, and Hospital, 15.

The passage of school budgets is becoming a more difficult task each year. If a budget is defeated, the school board must attempt to make cuts in order to put together a budget that will meet state aid approval.

Unfortunately, you, as a non-instructional employee, stand a good chance of becoming the “cut.”

When this happens, the layoff procedure comes into effect.

This article will be devoted to the question of layoff rights as they pertain to competitive class employees. However, please bear in mind that I am speaking in generalities. There are variables in all cases that could change the entire picture.

When a job is abolished, suspension is made from the abolished position. All permanent, temporary, and contingent permanent employees must be let go before a permanent employee in the abolished title is suspended. Although probationary employees possess superior retention rights to those in the contingent permanent, temporary, and provisional, they must also be suspended before the permanent employee.

The order of suspension can be very complex. Simply, permanent employees are suspended in the inverse order of their original permanent appointment. However, determining what constitutes permanent service is an integral part of the order of suspension.

Permanent service starts on the date of the incumbent’s original appointment on a permanent basis. A resignation followed by a reinstatement more than one (1) year after the resignation is considered a break in service. Therefore, the prior service is not considered in figuring the length of permanent service. Temporary or provisional service occurring before the original appointment does not count. As stated earlier, computation of permanent service is of great importance. Each case should be evaluated on its merits taking into consideration the many exceptions to the aforementioned general rules.

If two or more permanent employees in a specific title are suspended, denoted or displaced at the same time, the order will be determined by their respective retention standing. In the case of several employees receiving original appointments on the same day, retention rights will be determined by their rank on the eligible lists from which they were appointed.

Vertical bumping occurs when an employee in a specific title which has a direct line of promotion, displaces an employee in the next lower occupied title. You can only displace the employee with the least seniority. If the layoff involves more than one position in the title, the most senior of the suspended employees will be able to displace the first. However, if an employee refuses to displace a junior incumbent, the employee will be laid off. The junior incumbent is not displaced from being displaced by others, more senior employees.

This article is not intended to answer all your questions about layoffs. Hopefully, it has given you some idea as to the complexities of layoff procedures. If you are faced with a possible layoff you should contact your Regional Office immediately. We can only offer you your rights if we are made aware of the problem.

CSEA’s legislative scorecard impressive

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CSEA’s legislative scorecard impressive
Conewango Valley
Another Valley Forge winter?

In the southern area of Western New York State, in Cattaraugus County near the border with Chautauqua County, winter usually comes early, stays long and is often very harsh. The area usually receives more snow than Buffalo, 70 miles to the north. This is a story about that area as it heads into winter 1978-79. More importantly, it is a story, a true one, about 22 working men who've been through these winters before and who are now hoping that promises by their employer will be kept in time to beat the fury of a typical Conewango Valley winter that is surely coming their way.

By ALEXANDER MROZEK

CONEWANGO VALLEY — One of the trucks parks inside the garage with its diesel engine barely eight feet away from the furnace, an oil-fired conversion, formerly a wood-burner.

On winter nights 115 watt heaters are plugged into the garage's overloaded 60 amp service in order to keep the engine oil warm enough for the motor to start in the morning.

A bare light bulb, approximately over the engine, provides the sole light by which mechanics provide the truck's maintenance.

That is when they can get there after climbing over the sander at the back, the plow at the front or the wings at the sides in the narrow bay, which also serves as storage space for drums, tools and other equipment.

In the next bay stands a wood burning pot bellied stove, from another era (but making a comeback here as elsewhere), this one, with metal highway signs on two sides serving as fire shields and protecting the uninsulated side walls from flying sparks and overheating of the wood burner.

On the other side of the wall stands the stack, a one time culvert pipe held together and in position with homemade wooden brackets.

Another light bulb is strategically placed over the engine of another truck parked here.

The mechanic who services this truck, and the other workers, must also climb over a salt spreader, around plows and the wings.

Both bays are entered by way of large sliding doors, and which come the winter winds through "daylight" of up to three inches. That keeps the temperature low enough to prevent thawing of the ice and snow encrusted trucks.

This story is not about Siberia. This story is about that area as it heads into winter 1978-79. More importantly, it is a story, a true one, about 22 working men who've been through these winters before and who are now hoping that promises by their employer will be kept in time to beat the fury of a typical Conewango Valley winter that is surely coming their way.

Last year, it was fortunate that a few were there when the fuse box caught fire.

Most of the time there is no one there. Five or six trucks sit outside in the also inadequately lighted yard. There are daily gasoline losses. Even large tires have disappeared.

Recently the Department of Transportation sought new bids on heating throughout entire building.

Photos by Hugo Unger

© CRAMPED OFFICE AND LUNCHROOM combination space can accommodate only about half the 22 men assigned to the facility.

@—WOOD BURNING STOVE means splitting fire wood, and DOT employee Fred Dye points out, is typical of wiring throughout entire building.

THE PUBLIC SECTOR, Wednesday, November 22, 1978